

chapter C-42

TIMBER-DRIVING COMPANIES ACT

TABLE OF CONTENTS

DIVISION I	
FORMATION OF THE COMPANY.....	1
DIVISION II	
BY-LAWS.....	12
DIVISION III	
BOOKS TO BE KEPT.....	28
DIVISION IV	
LOANS, SHARES, CALLS AND SUBSCRIPTIONS.....	29
DIVISION V	
RECOVERY OF CALLS.....	37
DIVISION VI	
EXPROPRIATION.....	41
DIVISION VII	
TAKING POSSESSION OF CERTAIN WORKS ESTABLISHED BY OTHER PARTIES.....	42
DIVISION VIII	
TOLLS.....	47
DIVISION IX	
DUTIES RESPECTING WORKS.....	56
DIVISION X	
PENAL PROVISIONS.....	58
DIVISION XI	
AMALGAMATION OF COMPANIES.....	64
DIVISION XII	
MISCELLANEOUS.....	65

FORM

FORM 1

MEMORANDUM OF ASSOCIATION

REPEAL SCHEDULE

DIVISION I

FORMATION OF THE COMPANY

1. Any number of persons, not less than five, may form themselves into a company under the provisions of this Act for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber or pulpwood down any river or stream in Québec and for the purpose of blasting rocks or dredging or removing shoals or other impediments, or otherwise of improving the navigation of such streams for the said purpose.

R. S. 1964, c. 96, s. 1.

1.1. The name of a company shall be in conformity with section 9.1 of the Companies Act (chapter C-38).

1993, c. 48, s. 321.

2. No such company shall construct any such work over or upon, or otherwise interfere with or injure any private property or the property of the State, without first having obtained the consent of the owner or occupant thereof, or of the State, except as hereinafter provided.

R. S. 1964, c. 96, s. 2; 1999, c. 40, s. 72.

3. Each share in the company shall be \$20, and shall be deemed movable property, and shall be transferable upon the books of the company in the manner provided by a by-law to be made by the directors.

R. S. 1964, c. 96, s. 3.

4. No company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other company has been formed either under this or any other Act of the Legislature, without the consent of such other company.

When any works have been constructed by the Gouvernement du Québec upon any river or stream, no company shall be formed under the provisions of this Act to improve such river or stream without the consent of the Government.

In either case, such consent shall be formally expressed in writing and shall be registered together with the declaration mentioned in the following sections.

R. S. 1964, c. 96, s. 4; 1977, c. 5, s. 14.

5. In case any persons, having formed themselves into a company under this Act, have subscribed stock to an amount adequate in their judgment to the construction of the intended work, they shall sign a memorandum in duplicate according to form 1, and the company or one of its members, or the directors named in the said memorandum, shall then pay to the treasurer of the company six per cent upon the amount of the capital stock of the company mentioned in the said memorandum.

R. S. 1964, c. 96, s. 5.

6. The memorandum, together with a receipt from the treasurer of the company, for such instalment of 6%, and also the approval in writing of the Minister of Natural Resources and Wildlife mentioned in section 10, shall be transmitted to the enterprise registrar. The enterprise registrar shall deposit one copy of the memorandum and the receipt from the treasurer in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1), and give the second copy of the memorandum to the company.

R. S. 1964, c. 96, s. 6; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1993, c. 48, s. 322; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2002, c. 45, s. 283; 2006, c. 3, s. 35; 2010, c. 7, s. 282.

6.1. The Minister of Natural Resources and Wildlife shall refuse to approve the commencement of works by a company where the memorandum of the company contains a name that is not in conformity with any of paragraphs 1 to 6 of section 9.1 of the Companies Act (chapter C-38).

1993, c. 48, s. 323; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

7. Where any stockholder has not paid six per cent on the share or shares held by him, but some other person pays the same on his behalf, the person so paying may recover the amount as a debt in any court of competition jurisdiction, although not previously authorized to pay the money on behalf of such stockholder.

R. S. 1964, c. 96, s. 7.

8. Before commencing the works it is contemplating, a company shall present a report to the Minister of Natural Resources and Wildlife and a copy thereof to every regional county municipality in whose territory the proposed works are to be situated.

R. S. 1964, c. 96, s. 8; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1996, c. 2, s. 572; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

9. The report shall contain:

- (1) a copy of the memorandum by which the company is constituted;
- (2) a description of the works to be undertaken, and an estimate of their cost;
- (3) an estimate, from the best available sources, of the quantity of different kinds of timber expected to come down the river yearly after the works have been completed;
- (4) a schedule of the tolls proposed to be collected.

R. S. 1964, c. 96, s. 9; 1999, c. 40, s. 72.

10. The company shall not commence any such works until the approval of the Minister of Natural Resources and Wildlife has been notified in writing, or until after the expiration of 30 days from the presentation of the aforesaid reports to every regional county municipality concerned, although the approval of the Minister of Natural Resources and Wildlife has been notified in writing before the expiration of that period.

R. S. 1964, c. 96, s. 10; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1996, c. 2, s. 573; 2003, c. 8, s. 6; 2006, c. 3, s. 35; I.N. 2016-01-01 (NCCP).

11. When the formalities mentioned in the preceding sections have been complied with, the company shall become a legal person, by the name designated in the instrument so deposited, and by such name it and its successors shall be capable of purchasing, holding and selling and transferring any lands and immovables whatsoever which may be useful and necessary for the purposes of the company; and every such work as aforesaid, and all the materials provided for constructing or repairing the same, shall be vested in such company and its successors.

R. S. 1964, c. 96, s. 11; 1993, c. 48, s. 324; 1999, c. 40, s. 72.

11.1. The remedy provided for in section 123.27.1 of the Companies Act (chapter C-38), adapted as required, may be addressed to the Minister in respect of the name of a company.

1993, c. 48, s. 325.

DIVISION II

BY-LAWS

12. Every such company may make, alter and amend by-laws for the purpose of regulating the safe and orderly transmission of timber over or through the works of the company, and the navigation therewith connected.

R. S. 1964, c. 96, s. 12.

13. Copies of such by-laws shall be annexed to the reports required to be made by the company by sections 8 and 9, and copies of all new by-laws and of all amended by-laws shall be annexed to the annual reports required by section 27.

R. S. 1964, c. 96, s. 13.

14. No such by-law or amended by-law shall have any force until one month after it has been annexed to such report, but if, at the end of one month, such by-law have not been disallowed by the Minister of Natural Resources and Wildlife, it shall have full force and be binding upon the company and upon all persons using the works.

R. S. 1964, c. 96, s. 14; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

15. No such by-law shall impose any penalty nor contain anything contrary to the true meaning and intention of this Act.

R. S. 1964, c. 96, s. 15.

16. The affairs, stock, property and business of every such company shall, for the first year, be managed and conducted by five directors, to be named in the memorandum executed according to form 1, and thereafter by five directors to be annually elected by the stockholders, on the second Monday of December, according to the provisions of a by-law to be passed by the directors for that purpose.

R. S. 1964, c. 96, s. 16.

17. Such by-law shall regulate:

(1) the manner of voting;

(2) the place and hour of meeting for the election of directors;

(3) any other matters, except the day of election, which the directors deem necessary to carry out the provisions of this section and of section 16.

R. S. 1964, c. 96, s. 17.

18. Such by-law shall be published for three successive weeks in the newspaper or one of the newspapers nearest to the place where the directors of the company usually meet for the transaction of business.

R. S. 1964, c. 96, s. 18.

19. The directors may alter, change or amend any such by-law, and such amended by-law shall be published in the manner above provided.

R. S. 1964, c. 96, s. 19.

20. If the annual election of directors do not take place at the time appointed, the company shall not thereby be dissolved, but the directors for the time being shall in that case continue to serve until another election of directors has been held.

R. S. 1964, c. 96, s. 20.

21. Another election, when necessary, shall be held within one month after the time appointed by law, and at a time which shall be provided for by by-law to be passed by the directors of the company for that purpose.

R. S. 1964, c. 96, s. 21.

22. At any election of directors, each stockholder shall be entitled to one vote for every share he holds in the company and upon which he is not in arrears on any call in respect thereof.

R. S. 1964, c. 96, s. 22.

23. Any stockholder not being in arrears shall be eligible as a director.

R. S. 1964, c. 96, s. 23.

24. A majority of the directors shall be a quorum for the transaction of business.

R. S. 1964, c. 96, s. 24.

25. The directors may elect one of their members to be the president, and may nominate and appoint such officers and employees as they deem necessary, and in their discretion may take security from such officers and employees respectively for the due performance of their duties, and that they will duly account for all moneys coming into their hands for the use of the company.

R. S. 1964, c. 96, s. 25; 1999, c. 40, s. 72.

26. If any vacancy occur amongst the directors during the year next following their appointment, such vacancy shall be filled for the remainder of the year by a person nominated by a majority of the remaining directors, unless it be otherwise provided by some by-law or regulation of the company.

R. S. 1964, c. 96, s. 26.

27. The directors of the company shall annually in the month of January report to the Minister of Natural Resources and Wildlife.

Such report shall be under the oath of the treasurer of the company, and shall specify:

- (1) the cost of the work;
- (2) the amount of all money expended;
- (3) the amount of the capital stock, and how much paid in;
- (4) the whole amount of tolls expended on such work;
- (5) the amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber;
- (6) the amount of dividends paid;
- (7) the amount expended for repairs; and

(8) the amount of debts due by the company, specifying the objects for which the debts respectively were incurred.

R. S. 1964, c. 96, s. 27; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

DIVISION III

BOOKS TO BE KEPT

28. The company shall keep regular books of account, in which shall be entered a correct statement of its assets, receipts and disbursements. Such books shall be at all times open to the inspection and examination of any stockholder or any person for that purpose appointed by the Minister of Natural Resources and Wildlife.

Every such inspector may take copies of or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and employees thereof, all such information as to such books, and the affairs of the company generally, as the inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable such inspector to ascertain whether the tolls levied upon such work are greater than this Act allows to be levied.

R. S. 1964, c. 96, s. 28; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1999, c. 40, s. 72; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

DIVISION IV

LOANS, SHARES, CALLS AND SUBSCRIPTIONS

29. At any time after the formation of any such company, if the directors are of opinion that it is desirable to alter, improve or extend the said work, or that the original capital subscribed will not be sufficient to complete the work contemplated, the said directors, under a resolution to be passed by them for that purpose, may:

(1) issue debentures, for sums not less than \$100 each, signed by the president and countersigned by the treasurer of the company, and not exceeding in the whole 1/4 of the paid up capital, or

(2) borrow a sufficient sum of money to complete the works, secured by hypothec on the works and tolls thereof;

(3) authorize the subscription for such number of additional shares as may be named in their resolution, a copy whereof, under the hand of the president and seal of the company, shall be engrossed at the head of the subscription list to be opened for subscribers to the additional shares so authorized.

R. S. 1964, c. 96, s. 29; 1992, c. 57, s. 519.

30. When such number of new shares has been subscribed as the directors deem desirable to give notice of in the register, the president shall transmit to the enterprise registrar the new list of subscribers and the enterprise registrar shall deposit it in the register. Such new list shall thenceforth be deemed to be part and parcel of the original instrument.

R. S. 1964, c. 96, s. 30; 1993, c. 48, s. 326; 1999, c. 40, s. 72; 2002, c. 45, s. 283.

31. All the subscribers to such list, and those who afterwards enter their names as subscribers thereon, with the consent of the directors signified by a resolution of the board, under the hand of the president and under the seal of the company, shall be subject to all the liabilities and entitled to all the rights, benefits, privileges and advantages of original subscribers, as well with respect to the first works undertaken as to any extension or alteration thereof as aforesaid, and such list and the subscriptions thereon shall thenceforth be deemed part and parcel of the original undertaking.

R. S. 1964, c. 96, s. 31; 1999, c. 40, s. 72.

32. Upon such additional shares calls shall be made and the amounts thereof recovered, in the same manner and under the same penalties as provided or authorized in respect of the original shares or stock of the company.

R. S. 1964, c. 96, s. 32.

33. The directors may call in and demand, from the stockholders of the company, all sums of money by them subscribed, at such time and in such payments or instalments not exceeding ten per cent each, as they deem proper, upon notice requiring such payment, published for four successive weeks in the newspaper or one of the newspapers nearest the place where the directors of the company usually meet for the transaction of business.

R. S. 1964, c. 96, s. 33.

34. Any shareholder neglecting or refusing to pay his proper share of any call for two months after the time appointed for the payment thereof shall forfeit his shares, which shall be confiscated for the benefit of the company.

R. S. 1964, c. 96, s. 34.

35. No advantage shall be taken of the forfeiture unless the stock be declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred.

R. S. 1964, c. 96, s. 35.

36. Such forfeiture shall relieve the shareholder so forfeiting from all actions or prosecutions whatsoever for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on such undertaking.

R. S. 1964, c. 96, s. 36.

DIVISION V

RECOVERY OF CALLS

37. The company may, in any court having jurisdiction to the amount demanded, sue for and recover from any stockholder in the company the amount of any call or calls of stock which such stockholder has neglected to pay, after public notice thereof for two weeks in one of the newspapers published nearest the place where the directors of the company usually meet for the transaction of business.

R. S. 1964, c. 96, s. 37.

38. In any such suit, it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the company, and that he is indebted to the company in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action has accrued to the company by virtue of this Act.

R. S. 1964, c. 96, s. 38.

39. On the trial or hearing of any such suit, it shall be sufficient for the company to prove that the defendant, at the time of making the call, was a holder of one share or more in the undertaking (as to which, when there has been no transfer of the shares, proof of subscription to the original agreement to take stock shall be sufficient evidence of the amount subscribed) and that such call was in fact made, and such notice thereof given as required; whereupon the company shall be entitled to recover the amount due upon such call, with interest thereon, unless it appear that due notice of such call was not given; and it shall not be necessary for the company to prove the appointment of the directors who made the call, or any other matter whatsoever.

R. S. 1964, c. 96, s. 39.

40. An affidavit of the treasurer shall be deemed sufficient proof of such notice, and a copy thereof shall be filed in the office of the clerk of the court where the trial takes place.

R. S. 1964, c. 96, s. 40; 1999, c. 40, s. 72; I.N. 2016-01-01 (NCCP).

DIVISION VI

EXPROPRIATION

41. If, upon demand made by the directors, the owner or occupant of the land over, through or upon which the company desires to construct any such work, or which would be flooded or otherwise interfered with, or upon which any power given by this Act to the company is intended to be exercised, neglects or refuses to agree upon the price or amount of damages to be paid for, or for passing through or using such land, or for flooding or otherwise interfering with the same, and for appropriating the same for the use of the company, or for the exercise of any such power as aforesaid, the company may proceed by way of expropriation.

R. S. 1964, c. 96, s. 41.

DIVISION VII

TAKING POSSESSION OF CERTAIN WORKS ESTABLISHED BY OTHER PARTIES

42. In case there be already established, by any person other than a company formed under this Act or some other Act of the Legislature, any slide, pier, boom or other work intended to facilitate the passage of timber down any water, for the improvement of which a company is formed under this Act, such company may expropriate the works.

R. S. 1964, c. 96, s. 42.

43. In case any such company purchases or takes possession of such works as aforesaid, and does not make or construct any other works, it shall not be requisite for the company to observe the formalities required by sections 8 and 9, excepting only that such company shall furnish the Minister of Natural Resources and Wildlife with the report and copy of report mentioned in the said sections.

R. S. 1964, c. 96, s. 43; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

44. Nothing in this Act shall authorize any company formed thereunder to take possession of or in anywise injure any mill-site upon which there are existing any mills or machinery, or any hydraulic works other than those intended to facilitate the passage of timber; and no company formed under this Act shall commence any work which interferes with or endangers any such occupied mill-site, without the assent in writing of the owner thereof previously obtained, or a decision of the Minister of Natural Resources and Wildlife, to the effect that the proposed works will not injure such mill-site, which assent or decision shall be entered in the land register.

R. S. 1964, c. 96, s. 44; 1973, c. 38, s. 102; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1993, c. 48, s. 327; 1994, c. 13, s. 16; 2000, c. 42, s. 143; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

45. Nothing in this Act shall authorize any company formed thereunder to obstruct any waters already navigable, or to collect any tolls other than those upon timber.

R. S. 1964, c. 96, s. 45.

46. If, by reason of any dam erected by a company formed under this Act, any fall or water-power be created, the company shall in nowise have any title or claim to the use of such water-power.

Nevertheless, if the owner or occupant of the land adjoining have made a claim for reparation of any injury caused by such dam, the increased value of his property by reason of the water-power so created may be taken into account.

R. S. 1964, c. 96, s. 46; 1999, c. 40, s. 72.

DIVISION VIII

TOLLS

47. The tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream; and the tolls in all future years shall be calculated upon the cost of the works and the quantity of different kinds of timber expected to pass down the stream, and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with sections 27 and 28.

The tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and collecting the tolls, the balance of the receipts may, as nearly as possible, be equal to and in no case shall exceed ten per cent of the capital expended and invested in the said works.

If, in any year, the receipts from tolls be such that, after defraying all the current expenses, there remain a clear profit of more than ten per cent of the capital expended, there shall nevertheless be divided amongst the shareholders no greater dividend than at the rate of ten per cent, and the remainder shall be carried over to the receipts of the following year.

R. S. 1964, c. 96, s. 47.

48. The tolls to be collected upon different kinds of timber shall be as follows, viz:

	cts
Red and white pine, tamarack, spruce and hemlock, square or waney board, per 6.75 m ³	0.050
Oak, elm or other hard wood, square or flatted or waney board, per 6.75 m ³	0.080
Saw-logs, 5.20 m or under in length, per 6.75 m ³	0.008
Red and white pine, tamarack, spruce and hemlock, round or flatted, over 5.10 m and under 9.10 m long, per 6.75 m ³	0.100
Red and white pine, tamarack, spruce and hemlock, round or flatted, 9.10 m and upwards in length, per 6.75 m ³	0.120
Sawed lumber, per 6.75 m ³	0.023
Staves, per 6.75 m ³	0.120
Cords of wood, shingle bolts and other lumber, per 6.75 m ³	0.028
Spars, per piece	0.030
Masts, per piece	0.050
Railway ties other than cedar, in 2.40 m or 4.80 m lengths, per length of 2.40 m	0.004
Cedar, round or flatted, 2.40 m long or under, per piece	0.003
Cedar, round or flatted, over 2.40 m and under 5.20 m long, per piece	0.006
Cedar, round or flatted, 5.20 m and under 7.60 m long, per piece	0.009
Cedar, round or flatted, 7.70 m and under 10.70 m long, per piece ...	0.002
Cedar, round or flatted, 10.70 m and upwards in length, per piece ...	0.003

R. S. 1964, c. 96, s. 48; 1984, c. 47, s. 213.

49. The annual account required to be rendered by every company shall contain a schedule of the tolls, calculated as aforesaid, which it is proposed to collect in the following year; and, if the president of the company be not notified, on or before 15 March in each year, that the schedule of tolls has been disallowed by an order of the Minister of Natural Resources and Wildlife, the president of the company shall cause the said schedule of tolls to be published for one month in some newspaper published in the place nearest to where such works are situate, and such tolls so published shall be the lawful tolls for that year.

If it appears to the Minister of Natural Resources and Wildlife that the proposed schedule of tolls has not been calculated according to the true intent and meaning of this Act, such Minister may, by an instrument under his hand, alter or vary the said schedule of tolls so as to make them correspond with the true meaning of this Act.

Such amended schedule of tolls shall be notified to the president of the company, and shall be published by him in the manner indicated in the first paragraph of this section.

The tolls so determined in such amended schedule shall be the lawful tolls for that year.

R. S. 1964, c. 96, s. 49; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 1996, c. 2, s. 574; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

50. Every such company may demand from the owner of any timber intended to be passed through any portion of the works of the company, or from the person in charge of the same, a written statement of the quantity of each kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass.

If no such written statement be given when required, or a false statement be given, the whole of such timber, or such part of it as has been omitted by a false statement, shall be liable to double toll.

R. S. 1964, c. 96, s. 50.

51. Every such company may demand and receive the lawful toll upon all timber which has come through or over any of the works of the company.

The company, by its employees, shall have free access to all such timber for the purpose of measuring or counting the same.

R. S. 1964, c. 96, s. 51; 1999, c. 40, s. 72.

52. If the just tolls be not paid on demand, the company may sue for the same in any court of competent jurisdiction, and recover from the owner of the timber the amount of the tolls and the costs of suit.

R. S. 1964, c. 96, s. 52.

53. If the owner of the timber object to the amount of tolls demanded, and tender a sum which he claims to be the true and just amount of the tolls, the company shall pay the costs of the suit unless the judgment obtained be for a greater amount than the sum so tendered.

R. S. 1964, c. 96, s. 53.

54. If timber have not come through or over the whole of the works of the company, but only through or over a part thereof, the owner of the timber shall only be liable to pay tolls for such sections of the whole works as he has made use of, if in the schedule of tolls the work be divided into sections, and, if not, then to pay in proportion to the distance such timber has come through the works.

R. S. 1964, c. 96, s. 54.

55. If the owner of any timber which has passed through any of the works of the company cannot be ascertained, or if there be reasonable grounds to believe that the tolls thereon have not been paid by the owner

or reputed owner or person in charge, any mayor or justice of the peace, having jurisdiction within the locality through or adjoining which runs the river or streams used for the driving of timber, or where the timber may be found, if within 32 km of any such works, shall, upon the oath of any director or employee of the company that the just tolls have not been paid or that there are reasonable grounds to believe that they have not been paid, issue a warrant for the seizure of such timber, or of so much thereof as will be sufficient to satisfy the tolls.

Such warrant shall be directed to any constable or to any person sworn in as special constable for that purpose, in the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls be not paid within 14 days from the date thereof, to sell the said timber, and, out of the proceeds, to pay to the company the just tolls together with the costs of the warrant and sale, restoring the surplus on demand to the owner.

R. S. 1964, c. 96, s. 55; 1984, c. 47, s. 213; 1999, c. 40, s. 72.

DIVISION IX

DUTIES RESPECTING WORKS

56. Every such company shall, within two years from the day of its constitution as a legal person, complete the works undertaken by it, and for the completion whereof it may be constituted, in default whereof it shall forfeit all the corporate and other powers and authority which it has in the meantime acquired; and all its powers as a legal person shall thenceforth cease and end unless further time be granted by a by-law of every regional county municipality in whose territory the works are situate.

If any company, formed under this Act, for the space of one year abandon any works completed by it, so that the same are not in sufficient repair and cannot be used for the purpose proposed in its charter, then its powers as a legal person shall cease and end.

When the powers of a company cease, it shall transmit a declaration to that effect to the enterprise registrar in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1).

R. S. 1964, c. 96, s. 56; 1993, c. 48, s. 328; 1996, c. 2, s. 575; 1999, c. 40, s. 72; 2002, c. 45, s. 283; 2010, c. 7, s. 282.

57. After any works constructed under this Act have been completed and tolls established, the company shall keep the same in good and sufficient repair.

If any such works have not been constructed according to the description given thereof in the report required by section 9, or have become insufficient or out of repair, any person interested in the driving of timber in such river or stream may notify to any employee of the company a notice of such insufficiency.

If, within a reasonable time after the notification of such notice, the necessary repairs have not been completed, such company shall be liable for any injury suffered by any person as a result of the continuance of such insufficiency; but no company formed under this Act shall be held liable for damages, so long as its works are in accordance with the description or specification thereof in the original instrument required to be registered, or in any description or specification subsequently approved of and registered, or shall be liable for any injury arising from the accidental destruction or deterioration of their works, but only for the injury which may arise from the wilful neglect of the company after notice notified to one of its employees as hereinbefore provided.

R. S. 1964, c. 96, s. 57; 1999, c. 40, s. 72; I.N. 2016-01-01 (NCCP).

DIVISION X

PENAL PROVISIONS

1992, c. 61, s. 217.

58. Every person who prevents an employee of any company from driving timber through any such works or from carrying out any regulation of the company for the greater safety and regularity of timber-driving, or resists an employee who requires access to any raft or other timber to ascertain the just tolls thereon, is liable to a fine of \$1 to \$10.

R. S. 1964, c. 96, s. 58; 1990, c. 4, s. 310.

59. *(Repealed).*

R. S. 1964, c. 96, s. 59; 1965 (1st sess.), c. 80, a. 1; 1990, c. 4, s. 311.

60. *(Repealed).*

R. S. 1964, c. 96, s. 60; 1990, c. 4, s. 311.

61. *(Repealed).*

R. S. 1964, c. 96, s. 61; 1969, c. 21, s. 35; 1990, c. 4, s. 311.

62. *(Repealed).*

R. S. 1964, c. 96, s. 62; 1990, c. 4, s. 312; 1992, c. 61, s. 218.

63. *(Repealed).*

R. S. 1964, c. 96, s. 63 (*part*); 1990, c. 4, s. 312; 1992, c. 61, s. 219.

DIVISION XI

AMALGAMATION OF COMPANIES

64. Any two companies formed for the construction of works on any streams contiguous to each other may amalgamate and form one consolidated company, on such terms as they think fit; and the name of such united companies to be then assumed shall thenceforth be the name thereof, and such new company may then exercise and enjoy all the rights and shall be subject to all the liabilities which the separate companies had and enjoyed or were subject or liable to before the union thereof.

The company resulting from the amalgamation shall transmit a declaration to that effect to the enterprise registrar in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1).

R. S. 1964, c. 96, s. 64; 1993, c. 48, s. 329; 1999, c. 40, s. 72; 2002, c. 45, s. 283; 2010, c. 7, s. 282.

DIVISION XII

MISCELLANEOUS

65. Whenever the Government finds it expedient for the public service, it may declare any company formed under this Act dissolved, and may declare all the works of any such company to be works of Québec, upon payment to such company of the then actual value of the works, to be decided by expropriation proceedings.

The Government shall draw up an act of dissolution and transmit it to the enterprise registrar, who shall deposit it in the register.

R. S. 1964, c. 96, s. 65; 1993, c. 48, s. 330; 2002, c. 45, s. 283.

66. Saving any special provision to the contrary, the Minister of Natural Resources and Wildlife shall have charge of the carrying out of this Act.

R. S. 1964, c. 96, s. 68; 1979, c. 81, s. 20; 1990, c. 64, s. 24; 1994, c. 13, s. 16; 2003, c. 8, s. 6; 2006, c. 3, s. 35.



The functions of the Minister of Natural Resources and Wildlife provided for in this Act are assigned to the Minister of Forests, Wildlife and Parks. Order in Council 420-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1906.

67. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

FORM

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 96 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed, except sections 66 and 67, effective from the coming into force of chapter C-42 of the Revised Statutes.