

And the franchises granted in and by such by-laws are hereby declared to be exclusive within their respective limits, in the cases where the municipal corporations have declared them to be so, notwithstanding any lack of authority in such corporations.

Coming into
force.

7. This act shall come into force on the day of its sanction.

CHAP. 90

An Act respecting National Hydro-Electric Company Limited.

[Assented to 21st December, 1912]

Preamble.

WHEREAS National Hydro-Electric Company, Limited, a body politic and corporate, having its chief office and principal place of business in the city and district of Montreal has presented a petition praying for the passing of an act as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Company
authorized
to do busi-
ness in P. Q.

1. The National Hydro-Electric Company, Limited, hereinafter called "The Company", incorporated by letters patent dated the 9th December, 1910, annexed to this act as Schedule A and forming part thereof, is hereby authorized to do business in the Province of Quebec.

Business
that may be
carried on.

2. The company may carry on the business of an electric light, heat and power company and own, hold, lease and otherwise acquire water-powers and develop and operate the same.

Generation,
&c., of
electricity.

3. The company may generate, transmit, distribute, supply and sell electricity for the purposes of electric heating, lighting, traction and motive power, and for industrial and other purposes.

Borrowing of
money, &c.

4. The company may borrow money and issue bonds or debentures from time to time and pledge and sell the same upon such terms and conditions and at such prices as its board of directors may see fit, and such bonds or debentures may be secured by the conveyance to trustees of the whole or any part of the Company's property, present or future.

Places where
business

5. Subject to the provisions of section 6 of this act the company shall have the right to carry on business in the coun-

ties of l'Assomption, Terrebonne, Two-Mountains, Laval, may be
 Vaudreuil, Argenteuil, Soulanges, Labelle and Ottawa and be carried on.
 in the Island of Montreal, and Ile Bizard, and may enter upon
 and construct under and over roads, streets and highways in the
 said counties, all such pipes, poles lines conduits and other ins-
 tallations and constructions as may be necessary for the
 purpose of its business, provided that the company shall
 be responsible for all damages that it may occasion and replace
 the streets and public roads in their original state at its expense.

6. With the consent of the municipal council expressed by Generation,
 by-law, without the necessity of any other formality, and on the &c., of
 terms and conditions agreed upon between the council and the motive
 company, the company shall have the right to carry on power, &c.
 its business and to generate, transmit, distribute, supply and
 sell electricity for the purposes of heating, lighting, traction and
 motive power, and for industrial and other purposes, and to have
 access to and establish, construct and maintain under and over
 its public streets and roads, and in lanes, all pipes, poles, lines,
 conduits, and other installations and constructions as may be
 necessary for the purpose of its business. It may put up, deve- Developing,
 lop and operate water-powers outside of the limits of said Island &c., of water-
 of Montreal and build its transmission line or transmission lines, powers. ١١
 for the purpose of passing through the municipalities which
 it may traverse for the purposes of this act; provided the com-
 pany shall be responsible for all damages it may cause and
 provided:

- a. That in performing such works or installing its plant Proviso.
 or apparatus, it shall cause no unnecessary damage;
- b. That it shall take every possible care to see that the
 streets or public roads are left clear and that the use
 thereof is not interrupted;
- c. That it shall protect such works and accessories by all
 suitable means;
- d. That it shall repair any damages that may be caused by
 such works and by the installation of the accessories;
- e. That it shall repair the streets and public roads with all
 due diligence;
- f. That it shall be responsible as to neglect in that respect.

If the council refuses or neglects to give its consent or if the Powers of
 council and the company do not agree as to the terms and con- Que. Public
 ditions respecting the use of such power, the Quebec Public Util. Comm.
 Utilities Commission shall have jurisdiction to authorize or
 refuse such exercise in whole or in part, or to prescribe the terms
 and conditions incumbent on both the parties, subject, however,
 to the right of appeal granted by law from the decisions of the
 said commission.

Removal of
overhead
wires, &c.,
in Montreal.

7. As the city of Montreal shall build underground conduits or parts thereof, in certain streets or parts of streets, or in public or private lanes, thoroughfares or other places the company shall:

- a. In that part of the city bounded as follows: To the southeast by the River St. Lawrence; to the southwest by Inspector Street; to the northwest by St. Antoine and Craig streets; to the northeast by Berri street tunnel; and in St. Catherine Street between Delorimier and Guy Streets, and in St. Lawrence Boulevard between Craig Street and Pine Avenue, remove such overhead wires and cables, poles and transmission lines, and replace them by transmission wires installed in the said underground conduits, the whole without indemnity if such conduits have been begun within five years from the coming into force of this act;
- b. In every other part of the city, the company shall remove such overhead wires and cables, poles and transmission lines and replace them by transmission wires, installed in the said underground conduits, at the same time that the wires of all other companies, persons or corporations, carrying on an electric business in the city of Montreal, are put underground, but in such case in consideration of a previous indemnity and upon like terms and conditions to those imposed upon all other persons, companies or corporations. Nevertheless, no indemnity shall be paid for the said wires, overhead cables, poles and transmission lines placed or installed since at least two years;

Cutting of
wires, &c.

The company's wires may be cut, whenever it may be deemed necessary for the purpose of extinguishing fires, by order of the officer in charge of the fire brigade. In such case the corporation shall not be entitled to any compensation from the city for the loss of such wires, but it shall not be responsible to its customers for any interruption or non-fulfilment of its contracts.

Stoppage of
electricity if
rents, &c.,
not paid.

8. If any person or incorporated company supplied by the company with electricity or other product, neglect to pay the rent, rate or charge due to the company at the time fixed for the payment thereof, the company or any person acting under its authority, on giving forty-eight hours previous notice, may stop the supply to the person in arrears as aforesaid, by such means as the company or its officers may see fit to use; and the company may recover the rent or charges due up to such time, in any competent court, notwithstanding any contract to furnish for a longer time.

9. The wires, pipes, lamps, meters, motors and other appliances and apparatus of every kind of the company shall not be subject to or liable for rent or any other privilege, nor be liable to be seized or attached in any way by the possessor or owner of the premises wherever the same may be, nor be liable in any way to any person for the debt of any other person to whom of for whose use or for the use of whose household or building the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person. Wires, &c.,
not liable for
rent, &c.

10. The company may expropriate immoveable properties or any part thereof and the right of way required for the installation of its transmission line or transmission lines, and further, the company may expropriate immoveable properties or any part thereof and riparian rights for the establishment of its factories and dependencies and for the construction and maintenance of drains, canals, sluices, bridges, pipes, dams, flumes and other works incidental thereto. Expropri-
ation of im-
moveables,
&c.

11. The expropriation as well as the procedure respecting the taking immediate possession of the lands and right of way required, shall be in accordance with the provisions of the Revised Statutes 1909 concerning Railways. Procedure.

12. The company shall be subject to the jurisdiction of the Quebec Public Utilities Commission. Que. Public
Util. Comm.

13. This act shall come in to force on the day of its sanction. Coming into
force.

SCHEDULE A

Letters Patent, incorporating NATIONAL HYDRO-ELECTRIC COMPANY, LIMITED, dated 9th December 1910, recorded 10th December 1910, THOMAS MULVEY. Dep. Registrar General of Canada.

CANADA.

By the Honorable CHARLES MURPHY, Secretary of State of Canada.

To all to whom these presents shall come, or whom the same may in any wise concern.

GREETING:

WHEREAS, in and by the 1st part of chapter 79 of the Revised Statutes of Canada, 1906, and known as "The Companies Act", it is amongst other things, in effect enacted,

that the Secretary of State may, by Letters Patent, under his Seal of office, grant a charter to any number of persons, not less than five, who, having complied, with the requirements of the act, apply therefor, constituting such persons, and others who thereafter become shareholders in the company thereby created, a body corporate and politic for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways or of telegraph or telephones lines, or the business of banking and the issue of paper money, or the business of insurance, or the business of a loan company, upon the applicants therefor establishing to the satisfaction of the Secretary of State due compliance with the several conditions and terms in and by the said act set forth, and thereby made conditions precedent to the granting of such charter.

And whereas, Arthur Surveyer and Royal Lesage, civil engineers; Marie Alice Favreault, stenographer; Florence Rose Chabot, book-keeper and Louis Gosselin, advocate; all of the city of Montreal in the Province of Quebec, have made application for a charter under the said act, constituting them and such others as may become shareholders in the Company thereby created a body corporate and politic, under the name of "National Hydro-Electric Company, Limited" for the purposes hereinafter mentioned, and have satisfactorily established the sufficiency of all proceedings required by the said act to be taken, and the truth and sufficiency of all facts required to be established previous to granting of such Letters patent, and have filed in the Department of the Secretary of State a duplicate of the memorandum of agreement executed by the said applicants in conformity with the provisions of the said Act.

NOW KNOW YE, that I the said Charles Murphy, Secretary of State of Canada, under the authority of the hereinbefore in part recited act, Do by these Letters Patent, constitute the said Arthur Surveyer, Royal Lesage, Marie Alice Favreault, Florence Rose Chabot and Louis Gosselin, and all others who may become shareholders in the said Company, a body corporate and politic by the name of "National Hydro-Electric Company, Limited" with all the rights and powers given by the said Act and for the following purposes and objects namely:—

- a. To carry on the business of an electric light, heat and power Company in all its branches; provided, however, that any sale, distribution or transmission of electric, hydraulic or other power or force shall be subject to local and municipal regulations in that behalf; provided further that the company shall not enter upon any street, highway or other public place for the purpose of placing thereon any of its plant, works or

material used in the transmission or distribution of gas, electricity or electric, hydraulic, pneumatic or other power, and shall not erect or place on, under or across any such street, highway or other public place any such plant, works or material unless with the consent of the municipality having control of such street, highway or other public place;

- b. To provide, lease, purchase or otherwise acquire and to construct, lay down, erect, establish, operate, maintain and carry out all necessary works, stations, engines, machinery, plant, cables, wires, lines, generators, accumulators, meters, transformers, apparatus, appurtenances and appliances connected with the generation, accumulation, distribution, transmission, supply, sale, use and employment of electricity, and to generate, accumulate, transmit, distribute, supply and sell electricity for the purposes of electric heating, lighting, traction and motive power and for industrial and other purposes, and to undertake and to enter into contracts, and agreements for the lighting of cities, towns, streets, buildings and other places, and for the supply of electric light, heat and motive power for any and all public or private purposes;
- c. To make, build, construct, erect, lay down, maintain and operate, reservoirs, water-works, cisterns, dams, canals, tunnels, culverts, flumes, conduits, main and other pipes and appliances, and to execute and do all other works and things necessary or convenient for obtaining, storing, selling, delivering, measuring and distributing water for the creation, maintenance and development of hydraulic, electric or other mechanical power, or for any other purpose of the company;
- d. To construct, improve, work, maintain, manage, carry out or control, and to purchase, lease or otherwise acquire and to hold, use and sell, lease or otherwise dispose of, any lands, works, mains, machinery, or any roads, ways, bridges, reservoirs, water-courses, wharves, manufactories, warehouses, electrical works, shops, stores, and other works and conveniences which may seem capable of being used or operated in connection with any part of the Company's undertaking for the time being, or calculated directly or indirectly to benefit the Company, and to equip, maintain, and operate by electric, hydraulic or other mechanical power all works belonging to the Company or in which the Company may be interested, and to contribute to, subsidize or otherwise assist or take part in the con-

struction, improvement, maintenance, working, management, carrying out or control thereof;

- e. To apply for and receive or to acquire by enactment, grant, assignment, transfer, lease or otherwise, and to exercise, carry out and enjoy any statute, ordinance or concession, license, power, authority, franchise, right or privilege relating to the generation, accumulation, development, distribution, supply, sale, use and employment of electric energy which any government or authorities, supreme, municipal or local or any corporation or other public body may be empowered to enact, make or grant, and to pay for, aid in and contribute towards carrying the same into effect and to appropriate any of the Company's shares, bonds and assets, to defray the necessary costs, charges and expenses thereof;
- f. To carry on any other business, whether manufacturing or otherwise, which may seem to the Company capable of being conveniently carried on in connection with the business or objects of the Company, or calculated directly or indirectly to enhance the value of or render profitable any of the Company's property or rights;
- g. To apply for, purchase or otherwise acquire, any patents, brevets d'invention, grants, licenses, leases, concessions and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the Company, or the acquisition of which may seem calculated directly or indirectly to benefit this Company, and to use, exercise, develop or grant licenses in respect of or otherwise turn to account the property, rights, interests or information so acquired;
- h. To purchase or otherwise acquire the shares, bonds, debentures or other securities of any other company or corporation, notwithstanding the provisions of Section 44 of the said Act, and to pay for the same in shares, bonds, debentures or other securities of this Company, and to hold, sell, vote or otherwise deal in the shares, bonds, debentures or other securities so purchased, and to guarantee payment of the principal of or dividends or interest on said shares, bonds, debentures, or other securities, and to promote any company or corporation having objects altogether or in part similar to those of this Company or carrying on any business capable of being carried on so as directly or indirectly to benefit this Company;

- i. To sell, lease or otherwise dispose of the property, rights, franchises and undertaking of the Company or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures, bonds or other securities of any other company having objects altogether or in part similar to those of this Company;
- j. To consolidate or amalgamate with any other Company having objects similar in whole or in part to those of this Company;
- k. To enter into any agreement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person, firm or company carrying on or engaged in or about to carry on or engage in, any business or transaction capable of being conducted so as directly or indirectly to benefit this Company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, issue or re-issue the same with or without guarantee of principal and interest, or otherwise to deal in the same;
- l. To purchase, lease or otherwise acquire and to hold, exercise and enjoy in its own name or in the names of the persons, firms, company or companies hereinafter referred to, all or any of the property, franchises, goodwill, rights, powers and privileges held or enjoyed by any persons or firm or by any company or companies carrying on or formed for carrying on any business similar in whole or in part to that which this Company is authorized to carry on, and to pay for such property, franchises, goodwill, rights, powers and privileges so acquired or for services rendered, wholly or partly in cash or wholly or partly in fully paid up and non-assessable shares, bonds or debentures of this Company, or otherwise; and to undertake the liabilities of any such person, firm or company and to exercise the rights, powers and franchises of any corporation whose capital stock is owned by this Company in the name of such corporation or in its own name;
- m. To procure the Company to be registered, licensed or otherwise recognized in any foreign country and to designate and appoint persons therein as attorneys or representatives of this Company, with full power to represent this Company in all matters according to the laws of such foreign country and to accept services for and on behalf of this Company of any process or suit;
- n. To do all such things as are incidental or conducive to the attainment of the above objects;

- o.* To do all or any of the above things as principals, agents or attorneys;
- p.* To draw, make, accept, endorse, discount and execute promissory notes, bills of exchange, warrants, and other negotiable and transferable instruments;
- q.* To make cash advances to customers and others having dealings with the Company, and to guarantee the performance of contracts by any such persons;
- r.* To distribute in specie or otherwise, as may be resolved, any assets of the Company among its members and particularly the shares, bonds, debentures or other securities of any other company that may take over the whole or any part of the assets or liabilities of this Company;
- s.* Any power granted in any paragraph hereof shall not be limited or restricted by reference to or inference from the terms of any other paragraph.

The operations of the Company to be carried on throughout the Dominion of Canada and elsewhere.

The place within the Dominion of Canada which is to be the chief place of business of the said Company, is the city of Montreal, in the Province of Quebec.

The capital stock of the said Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, subject to the increase of such capital stock under the provisions of the said act.

That the said Arthur Surveyer, Royal LeSage and Louis Gosselin are to be the first or provisional directors of the said Company.

Provided always that nothing in these presents expressed or contained shall be taken to authorize the construction and working of railways, or telegraph or telephone lines, or the business of banking, and the issue of paper money, or the business of insurance, or the business of a loan company by the said Company.

Given under my hand and seal of office, at Ottawa, this ninth day of December 1910.

[L.S.] CHAS. MURPHY,
Secretary of State.
