

CHAP. 77

An Act to amend the charter of The Beauharnois Light, Heat and Power Company.

[Assented to 4th June, 1910]

WHEREAS the Beauharnois Light, Heat and Power Com- Preamble.
pany has presented a petition praying for the amendment
of its charter as contained in the act 2 Edward VII, chapter 72,
and whereas it is expedient to grant its prayer:

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

1. Section 4 of the act 2 Edward VII, chapter 72, is replaced 2 Ed. VII, c.
72, s. 4 re-
placed.
by the following :

“ **4.** The capital stock of the company shall be four million Capital
stock.
dollars, divided into forty thousand shares of one hundred
dollars each.

2. Section 5 of the said act is replaced by the following : Id., s. 5, re-
placed.

“ **5.** The capital stock may be increased or reduced from Increase of
capital.
time to time with the approval of a vote of shareholders re-
presenting at least two-thirds in value of the subscribed stock
of the company to such amount as may be deemed necessary
for the purposes of its undertaking.”

3. Section 6 of the said act is replaced by the following : Id., s. 6 re-
placed.

“ **6.** The company may, in the district of Beauharnois, Business to
be carried on
by company.
manufacture, buy or otherwise acquire, use and sell light,
heat and power produced by water, electricity, steam or other-
wise, acquire, build and operate mills, factories and other
works using electric power and the shares, bonds or other
securities of companies authorized to operate such works,
and it may, within or without the said district, sell, manu-
facture and deal in electric and engineering plants, apparatus,
and supplies of all descriptions.

The company may transfer to its nominees such shares Transfer of
shares to
certain per-
sons.
as may be necessary to qualify them as directors of any other
company in which it may hold stock.”

4. Section 7 of the said act is replaced by the following : Id., s. 7, re-
placed.

“ **7.** The company may acquire by purchase, lease or other- Acquisition
of certain
property,
&c.
wise the water-power, property, businesses, franchises and
contracts now owned or operated by the said Joseph Bartho-
lomew Robert, and such moveable or immoveable property

as may be required for the purposes of its business, and the same may sell, lease or otherwise dispose of as it may see fit."

Id., s. 8 repealed.

5. Section 8 of the said act is repealed.

Id., s. 11 replaced.

Where certain powers may be exercised, &c.

6. Section 11 of the said act is replaced by the following :

" **11.** The company may also, subject to the payment of damages as therein provided, exercise the powers given by the next preceding section in and upon that portion of the said St. Louis River extending from its junction with the said canal or feeder, cadastral number 341 of the parish of Ste. Cecile to its junction with the St. Lawrence river; and may, for the purpose of widening, opening and improving the said St. Louis river, enter upon and take possession of the bed and beach of the said river and of the St. Lawrence river at and near its junction with the said St. Louis river, may enter upon and survey all lands on the line of the said St. Louis river and, from time to time, make and maintain thereon all embankments, ditches, dykes and other works as may be necessary, provided that the lands exclusive of the river bed so to be entered upon and taken possession of, for the purposes aforesaid, shall not exceed a total width of 300 feet, English measure, provided also that the company shall first obtain from competent authority the necessary permission to make use of and utilise any public property."

Id., s. 11a added:

7. The following section is added after section 11 of the said act :

Building of new canal, &c.

" **11a.** The company may build a new canal or feeder from any point on the feeder mentioned in section nine of this act to any point on the St. Louis river at or near the town of Beauharnois, and for that purpose, and for the purpose of enlarging the existing feeder, may expropriate such lands as may be necessary not exceeding in all six arpents in width. It may, if found advisable, use any part of the bed of the St. Louis river for such canal or feeder, subject to first providing a new bed for the said river, and it may acquire by expropriation the land necessary to that end.

Expropriation how effected.

The powers of expropriation hereby granted shall be exercised, only subject to the provisions of articles 7290 to 7294 inclusive of the Revised Statutes, 1909.

Entry on Crown property.

The company shall not enter into possession of any property of the Crown, for the purpose of exercising any power conferred by this act or otherwise, without first having obtained the right so to do from the Lieutenant-Governor in Council."

Bridges over highways.

8. All highways intersected shall be provided with bridges which shall be constructed and maintained at the expense

of the company, and no public road shall be intersected until plans and specifications for the bridge to be provided at the place of intersection have been approved by the municipal authorities concerned, and in default of an agreement with the latter by the Quebec Public Utilities Commission.

9. The company may deal in the manner prescribed by articles 6555 to 6562 of the Revised Statutes, 1909 with persons and corporations not having the legal right to sell and convey their real property. Dealing with certain persons, &c.

10. Section 12 of the said act, is replaced by the following: Id., s. 12 replaced.

" 12. The company may supply, sell and distribute light, heat and power in any direction within a radius of forty miles from the town of Beauharnois." Where light, &c., may be supplied, &c.,

11. The following section is added after section 12 of the said act: Id., s. 12a added.

" 12a. The company may take, transmit, distribute and supply water taken from lake St. Francis, and may for that purpose lay pipes and construct the necessary filtration or other works, provided that no water shall be supplied to any municipality except with its consent given by by-law. Taking, &c., water from lake St. Francis, &c.

12. Section 13 of the said act, is replaced by the following: Id. s. 13 replaced.

" 13. For the purpose of transmitting, distributing or supplying electricity, light, heat or power, as authorized by its charter, the company may put up and lay all the necessary poles, wires and pipes or other apparatus along or across public roads, streets and highways and underneath, across or above all water-courses, and the company may lay its wires and pipes underground and, if it deem expedient, in as many squares, streets, highways, lanes and public places as may be necessary for supplying light, heat or motive power." Placing, &c., of poles, &c.

13. The following sections are added after section 13 of said act: Id., ss. 13a-13c added.

" 13a. As the city of Montreal shall build underground conduits or parts thereof in certain streets or parts of streets, and in public or private lanes, thoroughfares, or other places, the company shall: When Montreal builds underground conduits:

a. In that part of the city bounded as follows, namely: 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 the Berri street tunnel, and in Catherine street, between Delorimier and Guy streets, and in Overhead wires to be removed in certain localities without compensation;

the Boulevard St. Lawrence 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 four years from the coming into force of this act.

And elsewhere in city with compensation.

Proviso.

b. In every other part of the city, the company shall renew such overhead wires and cables, poles and transmission wires, 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 electrical 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.

Expropriation for electric lines.

13b. The company is authorized to expropriate the land or right of way required for the installation of one or more lines for the transmission of electricity through the territory in which it has the right to operate under its charter. The expropriations as well as the proceedings respecting the immediate taking possession of the land or right of way required, shall take place in accordance with the provisions of articles 7290 to 7294 both inclusive of the Revised Statutes, 1909.

Consent of municipalities in certain cases.

13c. The company shall not exercise any of the powers conferred upon it, over, upon, or under any part of the public streets, highways, lanes and squares of a municipality, nor above or below any municipal water-course, before having obtained the consent of the municipal council of the municipality having jurisdiction over such public streets, highways, lanes, squares, or water-courses, expressed by by-law passed by such council, without any other formality being necessary, and upon the terms and conditions agreed upon between the council and the company.

Authorization by Quebec Public Utilities' Commission.

If the municipal council refuses or neglects to so give its consent, or if the council or the company do not come to an understanding as to the terms and conditions of the exercise of such powers, the Quebec Public Utilities' Commission may authorize or refuse such exercise wholly or in part, or prescribe the terms and conditions thereof, or both, subject always to the right of appeal from the decisions of the council according to law."

Id., s. 20 amended.

14. The first paragraph of section 20 of the said act is replaced by the following :

" **20.** The directors may, from time to time, borrow money upon the credit of the company and may issue bonds, debentures or other securities for any sums borrowed or to be borrowed and may pledge or sell the same for such sums and at such prices as may be deemed expedient, but no such bonds, debentures or other securities shall be for a less sum than one hundred dollars. "

Borrowing.
Issuing
bonds, &c.

15. Section 21 of the said act is replaced by the following:

Id., s. 21 replaced.

" **21.** To secure the payment of such debentures, the directors, may, before or after the issue thereof, transfer to trustees the whole or such part of the assets or property of the company as may be deemed advisable, or may grant a mortgage or hypothec to one or more trustees in favor of the holders of such debentures upon the immoveable property of the company, mentioning the issue and the amount of the debentures secured thereby, and such debentures shall further be a first charge upon the machinery, plant, franchises, rates, revenues and rents, rights and other assets of the company without prejudice to all other privileges already existing; provided that the company may except from the operation of any such mortgage or charge, any assets, property, rents or revenues of the company. The property excepted shall be described in the deed of mortgage or trust with sufficient particularity to identify the same. "

Security for
payment of
bonds, &c.

16. Section 34 of the said act is replaced by the following:

Id., s. 34 replaced.

" **34.** Nothing in this act contained shall affect any vested rights conferred on or acquired by any person or company. "

Vested rights
not affected.

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

Coming into
force.

CHAP. 78

An Act to amend the charter of The Dominion Light, Heat and Power Company

[Assented to 4th June, 1910]

WHEREAS The Dominion Light, Heat and Power Company, incorporated by the act 9 Edward VII, chapter 111 has, by its petition, represented that certain amendments to the said act are desirable to facilitate the proper carrying out of its undertaking, and prayed that its charter be amended

Preamble.