

of Beauce, to a point on the boundary line called Kennebec Line, in the direction of the state of Maine."

4. Section 20 of the said act is repealed.

Id., s. 20 repealed.

5. The tramway, the construction whereof is hereby authorized, shall be commenced to the satisfaction of the Lieutenant-governor in Council, within four years and be completed within six years from the passing of this act.

Beginning and completion of tramway.

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

Coming into force.

## CHAP. 80

An Act to incorporate the Central Heat, Light and Power Company.

[Assented to 4th June, 1910]

**W**HEREAS a petition has been presented by the persons hereinafter named, praying for the passing of an act incorporating them as a company for the purpose of manufacturing and dealing in light, heat and power ;

And whereas it is expedient to grant the prayer of such petition ;

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

1. William Francis Carsley, merchant ; John Gibb Carsley, merchant ; Samuel Carsley, merchant ; Cecil L. Carsley, merchant ; and Maxwell Goldstein, advocate and King's Counsel, all of the city of Montreal, and all other persons who may become shareholders of the corporation hereby created are constituted a corporation under the name of the "Central Heat, Light and Power Company," hereinafter called "the company."

2. The head office of the company shall be in the city of Montreal.

3. The affairs of the company shall be administered by a board of not less than three nor more than nine directors, as may be determined by by-law, and the persons named in section 1 of this act shall be the first or provisional directors of the company, and shall remain in office until the first election of directors.

Capital.  
Increase of  
capital.

**4.** The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each ; but it may be increased, from time to time, to not more than six million dollars, with the sanction of a vote of not less than two-thirds in amount of the shareholders at a general meeting of the company, duly called for the purpose.

R.S.Q., 5974  
replaced for  
company.  
Capital how  
to be paid in.

**5.** Article 5974 of the Revised Statutes 1909, is replaced, for the company, by the following :

**" 5974.** The capital stock of the company shall be *bona fide* subscribed for and allotted, and when paid from time to time, shall be paid in cash.

Issue of paid-  
up stock in  
payment of  
debts, &c.

The company may, however, issue fully paid up and non-assessable stock, shares, bonds, debentures, or other securities of the company, in payment of any obligation contracted or any debt incurred by it, or for any or for the undertakings, properties, moveable or immoveable, rights, powers or franchises which it is authorized to acquire, and also for all work done or services rendered for which it may be or become indebted. "

Business of  
company.

**6.** The company, within the limits of the island of Montreal, may :

*a.* Carry on the business of a light, heat and power company, in all its branches ; manufacture, sell and distribute heat, light and power produced by electricity, gas, steam or any other energy or force, and manufacture and deal in all kinds of electric, gas, and steam appliances, apparatus, machines and fixtures ;

*b.* Acquire and take over all the undertaking, business, property and assets of the Central Heat, Light and Power Company (Limited), provided the company at the same time assumes all its duties, obligations, contracts and liabilities.

Acquisition  
of property,  
&c.

**7.** The company, within the limits of the island of Montreal, may acquire by purchase, grant, lease or otherwise, and hold all such property, moveable and immoveable, and may also purchase, lease, construct and hold all such works, structures, buildings, apparatus, appliances, plant and machinery, as it may deem necessary or advantageous for the purposes of its undertakings, and the same sell, lease or otherwise dispose of, in whole or in part, as it may see fit.

Acquisition  
of water-  
powers, &c.

**8.** The company, within the limits of the island of Montreal and of the counties of Vaudreuil, Soulanges, Huntingdon, Beauharnois, Chateauguay, Laprairie, Chambly, Rouville, St. Hyacinthe, Bagot and Drummond, may also acquire, by purchase, grant, lease or otherwise, and hold, develop, im-

prove, maintain and operate, for the purposes of its undertakings, water-powers and water-power rights or franchises and, in connection therewith, canals, dams, flumes and other works and property which it may deem necessary or advantageous for the business of the company, and the same sell, lease or otherwise dispose of, in whole or in part, as it may deem expedient ; and the company may, for the purpose of passing through only, build and maintain its transmission line or lines in the municipalities which it may traverse to reach the island of Montreal, provided the company shall be responsible for all damages which it may cause, subject to the authorization of each municipality as to the right of doing business therein, and without the company having the right to make use of any private property except by acquiring the right so to do by agreement or expropriation.

**9.** In constructing any work, or in placing any plant or apparatus, the company shall take proper care that the passage of any highway, road, street, square, lane or public place, so far as may be, shall be free and uninterrupted, and shall protect all such works, plant and apparatus by all reasonable and proper means, and shall replace the highways, roads, streets, squares, lanes and public places in their original condition with due diligence, and shall repair any damage that may have been caused thereto by reason of any such work or plant or apparatus done or placed by the company, and shall be responsible for its property and acts.

**10.** For the purpose of transmitting, distributing or supplying electricity, gas, steam or other energy or force, and light, heat or power, as authorized by its charter, the company may lay and place all the necessary pipes, poles, wires, conduits and other installations and constructions along or across public or private roads, streets and highways, and underneath, across or above all water courses and, when necessary, it may with the consent of the proprietors or after expropriation, lay or put up its pipes, poles, wires or installations in or underneath private property, after having paid compensation for the damage so caused to the interested parties, and the company may lay its pipes and wires underground and, if it deem it expedient, in as many squares, streets, highways, lanes and public places as may be necessary for supplying electricity, gas, steam or other energy or force, or light, heat or motive power, provided the public shall in no wise be needlessly inconvenienced in the use of such squares, streets, highways, roads, public places and water courses, and that navigation be not interrupted.

Highways,  
&c., not to  
be obstruct-  
ed, &c.

Laying of  
pipes, &c.

Proviso.

Cutting  
down, &c.,  
trees.

**11.** The company may (after a notice of eight days except in case of urgency), when necessary, prune trees impeding its wires or electric currents subject to paying damages to the person entitled to receive the same.

Company  
bound when  
underground  
conduits in  
Montreal:

**12.** 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 :

To place  
wires, &c., in  
certain terri-  
tory, under-  
ground, with-  
out compen-  
sation;

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.

And else-  
where in city  
upon com-  
pensation.

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.

Proviso.

Stopping of  
supply to  
customer in  
arrears.

**13.** 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.

Wires, &c.,  
of company  
not seizable  
for rent, &c.

**14.** The wires, pipes, lamps, meters, motors, and other appliances and apparatus of any kind of the company shall not be subject to or liable for rent or any other privilege, nor 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 or 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.

**15.** The company may 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. Expropriation for transmission lines.

The expropriation, when authorized by this act, shall be effected in the manner prescribed by articles 7287 to 7294 of the Revised Statutes, 1909. Procedure for expropriations.

**16.** The company may acquire, by purchase or otherwise, patents of invention and licenses to use or dispose of any patent of invention for any process or manufacture, and sell or otherwise dispose of the same. Acquiring patents, &c.

**17.** The first and second paragraphs of article 5988 of the Revised Statutes 1909, are replaced, for the company, by the following : R.S.Q., 5988 amended for company.

“ **5988.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting duly called for considering the by-law, 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 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 each. Borrowing of money.

To secure the payment of such bonds, debentures or other securities, the company may, before or after the issue thereof, transfer to one or more 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 favour of the holders of such securities upon the whole or any part of the immoveable property of the company, mentioning the issue and the amount of the securities secured thereby, and such bonds, debentures or other securities, upon registration of such deed of trust, mortgage or hypothec in the office of the registration division in which the company's head office is situated, shall be a valid security in favour of the holders of such bonds, debentures or other securities issued before or after the execution of such mortgage or hypothec, notwithstanding article 2017 of the Civil Code, and Security for payment of bonds, &c.

shall further be a charge upon the machinery, plant, franchises, rates, revenues and rents, rights and other assets of the company without prejudice to all other privileges or liens already existing.

Exception  
as to bills of  
exchange,  
&c.

The limitations and restrictions contained in this article shall not apply to the borrowing of money by the company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the company."

Acquiring of  
other under-  
takings, &c.

**18.** The company may acquire or lease and operate the works or undertakings, in whole or in part, of any person or corporation carrying on or authorized to carry on any business within the purposes of the company, and may acquire and hold the stock or bonds of any corporation having power to carry on any like business.

Id., 5998 not  
to apply.

**19.** Article 5998 of the Revised Statutes 1909, shall not apply to the company.

Transfer of  
qualifying  
stock.

**20.** The company may transfer to its nominees such stocks as may be necessary to qualify them as directors of any other company whose shares it may own, and, if otherwise qualified, such nominees shall thereby become eligible as such directors.

Exercising  
franchise,  
&c., of other  
companies.

**21.** The company may exercise the franchise and charter rights of any company having like powers to those hereby conferred within the limits of the island of Montreal assigned to it, whose business and undertaking it may acquire by lease or purchase.

Consent of  
municipality  
to be applied  
for.

**22.** The company shall not exercise any of the powers conferred upon it, upon, above, or below any part of the public streets, highways, lanes and squares of a municipality, or above or below municipal water courses, before having obtained the consent of the council of the municipality having jurisdiction over such streets, highways, lanes, squares or watercourses, expressed by by-law passed by such council without any other formality being necessary and upon the terms and conditions to be agreed upon between the council and the company.

Jurisdiction  
of Quebec.  
Public Utili-  
ties' Commis-  
sion if con-  
sent refused.

In the event of the municipal council refusing or neglecting to give its consent, or in the event of the company and the council not agreeing upon the terms and conditions respecting the exercise of such powers, the Quebec Public Utilities Commission shall have jurisdiction to authorize or to refuse such exercise, wholly or in part, or to prescribe the terms and conditions thereof, or to do both, subject, however, to the right of appeal from the decisions of the said commission, given by law.

Coming into  
force.

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