

Increase of capital.

“ The increase of capital up to one million dollars additional authorized by section 5 of this act, shall be made by one or more issues of ordinary shares.”

4 Ed. VII, c. 79, s. 7, replaced.

2. Section 7 of the act 4 Edward VII, chapter 79, is replaced by the following :

Borrowing.

“ **7.** The company may, in virtue of this act and with a view of carrying out the same, borrow to the extent of one million dollars, in sums of not less than fifty dollars, and at such rate of interest, not exceeding six per cent, and for such periods as may be deemed necessary, and it may issue, under the hand of the president and the seal of the company, bonds or debentures of the company, countersigned by the secretary for the amounts to be borrowed, payable to bearer, at such time or times, as the directors may determine, either in this Province, or elsewhere, in current money or in sterling or in the legal currency of any foreign country, with interest payable at the time specified therein, and with or without coupons. Such bonds or debentures shall be a first lien on the assets of the company.”

Issue of bonds, &c.

Coming into force.

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

CHAP. 110

An Act to amend the act 8 Edward VII, chapter 114, incorporating the Saraguay Electric and Water Company

[Assented to 7th May, 1909]

Preamble.

WHEREAS the Saraguay Electric and Water Company has, by its petition, represented that certain amendments calculated to facilitate its development, should now be made to its charter the act 8 Edward VII, chapter 114 ;

Whereas it is expedient to grant the prayer to that effect contained in 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 :

8 Ed VII, c. 114, s. 6, replaced.

1. Section 6 of the act 8 Edward VII, chapter 114, is replaced by the following :

Placing of poles, &c., along, &c., roads, &c.

“ **6.** For the purpose of transmitting, distributing or supplying electricity, light, heat, or power, as authorized by its charter, the company may lay and put up all the necessary poles,

wires and pipes or other apparatus along or across public or private roads, streets and highways and underneath, across or above all water-courses, and, when necessary, it may lay or put up its wires, pipes, apparatus or poles in or underneath private property after having paid compensation for the damage so caused to the interested parties, 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 provided the public shall in nowise be needlessly inconvenienced in the use of such streets, roads, highways or water-courses and that navigation be not interrupted; provided also that the municipal council of any city, town, or incorporated village or parish or the board of directors of any other corporation having control of the road, shall, if it deem the same necessary, have the right to superintend and prescribe the manner in which such streets, roads or highways shall be opened for the erection of poles or the laying of wires and pipes underground, and provided also that the wires may be cut when necessary for the purpose of extinguishing fires, on the order of the officer in command of the fire-brigade, in which case the company shall not be entitled to any compensation for the loss of such wires, but shall not be responsible to its customers for any interruption or non-execution of its contracts.

As regards the right to transmit, distribute, and supply water, granted to it by its charter, the company shall have the same powers as are hereinabove given to it for the placing of its pipes and other water-works plant, provided that it first obtains the consent by-law of the municipal or other authorities.

The right to supply water shall not apply to the city of Montreal, nor to municipalities which are supplied by the Montreal Water and Power Company."

2. Nevertheless the company, before using the streets, lanes, avenues and squares of the city of Westmount or of the town of St. Louis, so long as they have not been annexed to the city of Montreal, must obtain the previous consent of the council expressed by by-law. But the council shall permit the construction over a route which it shall designate, of a transmission line traversing the municipality in order to allow the company to reach a neighboring municipality.

3. 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 :

a. In that part of the city bounded as follows, namely :

Proviso.

Powers, re supplying of water, &c.

Water not to be supplied in certain places.

Consent of certain municipalities required. Proviso.

When city of Montreal builds underground conduits.

Certain wires

&c., in certain part of Montreal to be placed underground without compensation.

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 St. Catherine street between de Lorimier and Guy streets ; and in 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 five years from the coming into force of this act ;

Elsewhere in city, certain wires, &c., to be placed underground, upon compensation, &c.

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 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.

Id., s. 7, replaced.

4. Section 7 of the act 8 Edward VII, chapter 114, is replaced by the following :

Putting of poles, &c., in, &c., roads, of intermediate municipalities.

“ **7.** In the event of the company obtaining a franchise or contract from any municipality for supplying it with electricity, light, heat, power or water, it may put up or lay its poles, wires, pipes or other apparatus in and along the roads, streets and highways, under, across or over the water-courses of all municipal or other corporations between the works or reservoir from which the company supplies electricity or water and any such municipality from which it may have obtained a franchise or contract as aforesaid.”

Id., s. 22, replaced.

5. Section 22 of the said act is replaced by the following :

Certain powers, &c., not affected. Proviso.

“ **22.** Nothing in this act contained shall be interpreted as affecting or repealing any powers or privileges specially granted by statute or contract to any person, corporation or company, except as regards the right of passage as provided by section 7 of this act, in the exercise of which right the company shall construct and operate its line in such a way as not to endanger and to interfere as little as possible with the operations of any such person, corporation or company theretofore exercising a franchise under, over or across any of the roads, streets, highways, public places or water-courses used for such right of passage ; and the company shall furthermore

be responsible to such person, company or corporation theretofore exercising a franchise as aforesaid, for all damages resulting from the exercise of such right."

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

CHAP. 111

An Act to incorporate the Dominion Light, Heat and Power Company

[Assented to 29th May, 1909]

WHEREAS a petition has been presented by the persons Preamble. hereinafter mentioned, praying for the passing of an act to incorporate a company for the purpose of producing gas and electricity for supplying light, heat and motive power, and whereas it is expedient to grant such prayer ;

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

1. Ralph Locke, manufacturer, of the city of Westmount ; Persons in- Raoul Lacroix, architect ; Henry C. Auger, manufacturer ; Maribus incorporated. Marius Dufresne, civil engineer, and Raoul Lanthier, manufacturer, of the city of Montreal, and all other persons who may become members of the corporation hereby constituted are incorporated under the name of " The Dominion Light, Heat and Power Name. Company," hereinafter called the " Company."

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

3. The persons mentioned in section 1 of this act shall be Provisional the provisional directors of the company and shall remain in directors. office until the first election of directors.

4. The first general meeting of the shareholders shall be Shareholders' meetings. held on a day fixed by the provisional directors within twelve months following the coming into force of this act, and the subsequent annual meetings shall be held every following year, at such date, place and hour as shall be designated by the by-laws of the company, or by the directors in the absence of by-laws.

5. The capital stock of the company shall be one million Capital stock.