

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]

**W**HEREAS 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 ; Marius incorporated.  
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'  
held on a day fixed by the provisional directors within twelve meetings.  
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.

dollars divided into ten thousand shares of one hundred dollars each.

Increase, &c.,  
of capital.

The company may, with the approval of two-thirds in value of the shareholders assembled at a general, special or annual meeting of the company, increase or reduce its capital stock to such amount as may be deemed necessary for the purposes of its undertaking.

Qualifying  
shares.

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

Ordinary and  
preferred  
shares, &c.

**6.** The capital stock of the company shall be divided as follows : five hundred thousand dollars in ordinary shares and five hundred thousand dollars in preferred shares bearing interest at five per cent. The interest on the preferred shares shall be cumulative, that is to say : before any interest can be paid to the holders of ordinary shares, the holders of preferred shares must have received all their accrued interest and the arrears thereof. Such interest shall commence to run from the date fixed by the board of directors of the company.

Loans.

**7.** The company may borrow under the present act for the purpose of carrying out the same, to the extent of five hundred thousand dollars, in sums of not less than one hundred dollars, and at such rate of interest not exceeding six per cent, and for such periods as may be deemed necessary, and they may issue, under the signature of the president and the seal of the company, bonds or debentures of the company, countersigned by the secretary for the amount to be borrowed, payable to bearer, at such time or times as the directors may determine, either in this Province, or elsewhere, in currency or sterling or in the legal currency of any foreign country, with interest payable at the time therein specified and with or without coupons. Such bonds or debentures shall constitute a first lien on the moveable assets of the company.

Bonds, &c.

Issue of paid  
up shares in  
payment of  
property, &c.

**8.** The company may pay for moveable and immoveable property, rolling-stock, and materials of all sorts which it may acquire, by ordinary or preferred shares, paid up and not liable for calls, and it may, moreover, by resolution of its board of directors give such paid up shares as a bonus to the purchaser of such bonds or debentures for such amount as it may deem proper. The directors may also give and issue such paid up shares or debentures in payment of *bonâ fide* claims, to the contractors and engineers or other persons having claims against the company for services rendered or work done.

Manufacture,  
&c., of gas,

**9.** The company may, in the places mentioned in section 10 of this act, manufacture, purchase or otherwise acquire, trans-

mit, distribute and in any manner dispose of gas, electricity, electricity, or any other source of heat, light or power, and may also, &c. elsewhere, manufacture, purchase or otherwise acquire, transmit, lease or alienate all kinds of apparatus, motors, vehicles and articles connected with such industry, and dispose of and manufacture all by-products derived from their manufacture.

The company may lease, purchase, or otherwise acquire all immoveables or other property which may be necessary or useful for its business, and may build, purchase or lease all buildings, apparatus, material and machinery it may deem advisable to have or to employ for its business, and it may sell, lease or otherwise dispose of the same, wholly or in part, as it may deem expedient. Leasing, &c., of immoveables, &c.

**10.** The company may, in the island of Montreal, have access to and establish, construct and maintain under and over its public streets and roads and in lanes, all pipes, poles, wires, conduits and other installations and constructions which may be necessary for the purposes of its business. It may put up and operate water-powers and one or more works with steam as a motive power, and such works may be constructed and operated outside the limits above mentioned, and the company may build its transmission line or transmission lines, for the purpose of passing through only, in the municipalities which it may traverse for the purposes of this act ; provided the company shall be responsible for all damages it may cause and provided : Placing of poles, &c., on roads, &c., in island of Montreal. Proviso.

a. That in performing such works or installing its plant or apparatus, it shall cause no unnecessary damage ; No unnecessary damage;

b. That it shall take every possible care to see that the streets or public roads are left clear and the use thereof is not interrupted ; Streets, &c., kept clear as possible, &c.;

c. That it shall protect such works and accessories by all suitable means ; Protection of works, &c.;

d. That it shall repair any damages that may be caused by such works and by the installation of the accessories ; Repairing damage ;

e. That it shall repair the streets and public roads with all due diligence ; Repairing streets, &c.;

f. That it shall be responsible as to neglect in that respect ; Responsibility for neglect ;

g. The company's wires may be cut by order of the chief of the fire brigade, or if there be no chief, by order of the mayor, or any officer of the municipality, when deemed necessary for extinguishing a fire, and in such case, the company shall have no right to any compensation for the loss of its wires, and shall not be responsible to its customers for the interruption or non-execution of a contract resulting from the above. Cutting of wires by order of chief of fire brigade.

Before making use of the streets, lanes, avenues and public Not to use

streets, &c., in Westmount without consent of council, &c. places of the city of Westmount, so long as it is not annexed to the city of Montreal, the company shall previously obtain the consent of the said city expressed by a by-law. Nevertheless the said council shall permit the construction over an area indicated by it of a transmission line to allow the company to reach an adjoining municipality.

Placing of wires in underground conduits, &c.

**11.** 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 : 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 ;

*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.

Proviso as to towns of Joliette and Louiseville.

Nevertheless the company shall not enter within the town of Joliette or the town of Louiseville nor put up its poles in the streets, roads or public places of the said towns without the authorization and consent of the municipal council.

Expropriation for right of way.

**12.** The company is authorized to expropriate the land or right of way for putting up one or more lines for the transmission of electricity across the territory where it has the right to cross under its charter and, in particular, across the counties of St. Maurice, Maskinongé, Berthier, Joliette, Montcalm, Laval, L'Assomption, the city of Montreal and the county of Hochelaga.

Procedure on expropriation.

The expropriation as well as the procedure respecting taking immediate possession of the lands and right of way required

shall be in accordance with the provisions of the Revised Statutes respecting railways.

**13.** The company may acquire by purchase, license or other-<sup>Acquisition</sup> wise, patents of invention or licenses to use or dispose of any <sup>of patents,</sup> patent of invention relating to its operation for any process or <sup>&c.</sup> manufacture.

**14.** The provisions of the Joint Stock Companies General<sup>Law to apply.</sup> Clauses' Act, shall apply to this company except in so far as the provisions thereof may be inconsistent with the provisions of this act.

**15.** Nothing contained in this act shall affect vested rights<sup>Vested rights</sup> conferred upon any person or company or acquired by it. <sup>not affected.</sup>

**16.** This act shall come into force on the day of its sanction.<sup>Coming into</sup>  
<sup>force.</sup>

## CHAP. 112

### An Act to incorporate The Merchants' Light, Heat and Power Company

[Assented to 7th May, 1909]

**W**HEREAS a petition has been presented by the under-Preamble.  
mentioned persons, praying for the passing of an act to incorporate a company for the purpose of producing 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.** Odilon Lemire, merchant ; J. B. Letendre, merchant ;<sup>Persons in-</sup>  
Benjamin Mercier, merchant ; A. I. Vallières, merchant ;<sup>corporated.</sup>  
Ovila Lecompte, merchant ; J. O. Labrecque, merchant ; W.  
U. Boivin, merchant ; Narcisse Beaudry, merchant ; Placide  
Daoust, merchant ; Adrien Lavallée, merchant ; Alphonse  
Valiquette, gentleman ; L. J. Tarte, editor ; J. B. Baillargeon, cartage contractor ; J. H. Galarneau, cartage contractor ; Jules Durand, restaurant keeper ; Gaston Maillet, dentist ; F. A. Fleury, physician ; R. A. Brassard, architect, of Montreal, and such other persons as may become members of the corporation hereby constituted, are incorporated under