

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

13. The company may acquire by purchase, license or otherwise, patents of invention or licenses to use or dispose of any patent of invention relating to its operation for any process or manufacture. Acquisition of patents, &c.

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

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

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

CHAP. 112

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

[Assented to 7th May, 1909]

WHEREAS a petition has been presented by the under-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; Preamble.

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 ; Benjamin Mercier, merchant ; A. I. Vallières, merchant ; 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 Persons incorporated.

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- Name. the name of "The Merchants' Light, Heat and Power Company."
- Head office. **2.** The head office of the company shall be in the city of Montreal.
- Provisional directors. **3.** The persons above named in section 1, of this act shall be the provisional directors of the company, and shall remain in office until the first election of directors.
- First shareholders' meeting. **4.** The first general meeting of the shareholders shall be 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.
- Subsequent meetings.
- R.S.Q., 4657, replaced for company. **5.** Article 4657 of the Revised Statutes is replaced, for the company, by the following:
- Election of directors. " **4657.** At such meetings and at the following annual meetings, five directors shall be elected, and they shall choose one of their number as president. They shall constitute a board of directors who shall administer the company's affairs ; three directors shall form a quorum of the board of directors, and may exercise all the powers conferred on the said board. The number of directors may be increased to seven by the decision of the majority of the shareholders."
- Their powers, &c.
- Increase of directors.
- Capital stock. **6.** The capital stock of the company shall be one million, five hundred thousand dollars divided into shares of ten dollars each, and may be increased with the consent of two thirds in value of the shareholders to the amount of three million dollars.
- Preferred and common stock. **7.** The capital stock of the company shall be divided as follows: seven hundred thousand dollars in ordinary shares and eight 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.
- Interest on preferred stock cumulative.
- Borrowing. **8.** The company may borrow under the present act for the purpose of carrying out the same, an amount of eight hundred thousand 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 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 privilege on the moveable assets of the company.

Bonds, &c.

Their privilege.

9. 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.

Issue of paid up stock in payment for property, &c. or as bonus to bond-holders, &c.

10. Article 4672 of the Revised Statutes is replaced, for the company, by the following :

Id., 4672, replaced for company.

“ **4672.** The shareholders of the company shall be bound to pay the amount of their subscription whenever calls shall be made for the same, from time to time, by the directors, and as the latter may deem expedient for the company's purposes.”

Calls on stock.

11. The company may, in the places mentioned in section 12 of this act, manufacture, purchase or otherwise acquire, transmit, distribute and in any manner dispose of gas, electricity, or any other source of heat, light and power, and may also, 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.

Manufacture, &c., of gas, &c.

Acquisition of certain property, &c.

12. The company may, in the city of Montreal, have access

Placing of

pipes, poles, &c., in, &c., streets, &c., in city of Montreal, &c. to and establish, construct and maintain under and over its public streets and roads and in lanes and yards, 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 :

No unnecessary damage to be caused. Streets, &c., to be left clear. *a.* That in performing such works or installing its plant 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 the use thereof is not interrupted ;

Works, &c , to be protected. *c.* That it shall protect such works and accessories by all suitable means ;

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

Responsibility for certain neglect. *f.* That it shall be responsible as to neglect in that respect. 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 to extinguish fires, &c. *g.* That the company before passing through any city or town in the island of Montreal, the city of Montreal excepted, or through the municipality of the village of Rosemont, shall have the route of its transmission line fixed by the council of such city, town or village.

Locating of certain transmission lines. *g.* That the company before passing through any city or town in the island of Montreal, the city of Montreal excepted, or through the municipality of the village of Rosemont, shall have the route of its transmission line fixed by the council of such city, town or village.

When city of Montreal builds underground conduits : **13.** 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 :

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

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

14. The provisions of the Joint Stock Companies' General Clauses Act shall apply to this company, except in so far as the provisions thereof are inconsistent with the provisions of this act.

Joint Stock Com. Gen. Clauses' Act, to apply.

15. Nothing herein contained shall affect any vested rights conferred on or acquired by any person or company.

Vested rights not affected, &c.

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

Coming into force.

CHAP. 113

An Act to amend the charter of *La Compagnie de Téléphone Nationale*

[Assented to 7th May, 1909]

WHEREAS *La Compagnie de Téléphone Nationale* has, by its petition, represented that, on the 29th January, 1909, the shareholders assembled in a special general meeting, unanimously adopted resolutions to increase the capital stock to five million dollars, divided into two million dollars of preferred shares, bearing interest limited to six per cent per annum, and three million dollars of ordinary shares; to exchange the shares then held for an equal number of preferred shares, with the right to obtain a bonus of one ordinary share for every four shares held by the same shareholder; to authorize an issue of bonds to the amount of five hundred thousand dollars

Preamble.