

CHAP. 107

An Act to amend the charter of the Bellechasse Telephone Company

[Assented to 14th March, 1907]

Preamble.

WHEREAS the Bellechasse Telephone Company has, by its petition, represented that it operates telephone lines in a great many place on the south shore of the St. Lawrence; that it wishes to extend its operations and change its corporate name; that the construction and operation of telephone and telegraph lines would be a great benefit and would contribute to a considerable extent to secure the welfare and promote the trade and progress of the counties through which they would run; that doubts may arise as to the validity of the operation of the lines now being operated and it is expedient to remove such doubts;

Whereas it has also represented that, to enable it so to extend its operations, it is necessary that its capital be increased; that additional powers be conferred on it; and that its charter and the acts amending it be amended accordingly;

And whereas it is expedient to grant the prayer of 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:

56 V., c. 71,
s. 1, replaced.

1. Section 1 of the act 56 Victoria, chapter 71, is replaced by the following:

Persons incorporated

“**1.** All persons who are or who may become shareholders of the company hereby incorporated, are constituted a body politic and corporate under the name of “La Compagnie Téléphone Nationale”; and all the rights, powers and privileges already possessed by “La Compagnie Téléphone de Bellechasse” and especially those conferred upon it by the city of Quebec, by a resolution dated the nineteenth of October, one thousand nine hundred and six, and hereunto annexed as Schedule A, as well as those granted it by this act, shall belong to the corporation under its new name as fully as if such name had not been changed; and the said resolution is hereby ratified and confirmed.”

Name.

Id. s. 3, replaced

2. Section 3 of the act 56 Victoria, chapter 71, as replaced by section 1 of the act 5 Edward VII, chapter 65, is again replaced by the following:

“**3.** The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each, and such capital may be increased, from time to time, by resolution of the board of directors, approved by the majority of the shareholders present or represented at a general or special meeting duly convened, provided that in no case shall such increase take place, until one-half of the capital stock previously established shall have been subscribed, and the capital shall never exceed five million dollars, and in the case of each new issue of the said capital stock the shareholders shall have the right to subscribe to the new capital stock in proportion to the number of shares they hold, in preference to any other person.”

Capital stock.
Increase of same.

Subscription to new capital.

3. Section 4 of the act 56 Victoria, chapter 71, as replaced by section 2 of the act 5 Edward VII, chapter 65, is again replaced by the following :

Id. s. 4, replaced.

“**4.** The company may manufacture all apparatus connected with telephones and telegraphs, purchase, sell or lease the same with all the rights connected therewith. It may also acquire, sell or lease, manufacture and operate all patents, apparatus or franchises connected with telephoning and electricity, necessary for the purposes and requirements of the company. It may dispose of the whole or part of its line, and of all the accessories thereof, including the powers and privileges, and continue the operations of the same, or, for the purposes of its operations, amalgamate with any telephone or telegraph company, acquire and hold shares or debentures thereof, acquire or lease, in whole or in part, the property, rights, privileges and franchises thereof, and for such purpose, issue paid up stock in payment of the obligations so assumed, or receive the same from other companies. The company is further authorized to lease apparatus, to transmit messages over its lines, and to enter into agreements with any company or person for the transmission of its messages over other lines, or the transmission over its lines of messages coming from similar lines, and to place electric wires, cables or tubes belonging to other persons or companies on its poles, or in its conduits or to obtain similar permission for the same purposes from any one whomsoever.”

Manufacture, &c., of apparatus, &c., and other powers.

4. Section 5 of the act 56 Victoria, chapter 71, is replaced by the following :

Id. s. 5, replaced.

“**5.** The company shall have the right of traversing the counties of Bellechasse, Montmagny, L'Islet and Lévis or any other county or town on the south shore of the river St. Lawrence and between Vaudreuil, in the county of Vaudreuil,

Counties the company may traverse.

and Tadoussac in the county of Saguenay inclusively, passing through the counties of Two Montains, Laval, Terrebonne, L'Assomption, Montcalm, Joliette, Berthier, Maskinongé, Three Rivers, the counties of St. Maurice, Champlain, Portneuf, Quebec, the city of Quebec, and the counties of Montmorency and Charlevoix, as well as the counties of Chicoutimi and Lake St. John, with power to construct and operate branch lines, the whole by means of telephone or telegraph systems isolated from one-another or otherwise."

Id. s. 8,
replaced.

5. Section 8 of the act 56 Victoria, chapter 71, as replaced by section 3, of the act 5 Edward VII, chapter 65, is replaced by the following :

Power to
borrow, &c.,
issue bonds,
&c.

" **8.** The company may borrow, from time to time, at such rate of interest as may be determined by the directors, one or more sums of money, not exceeding an amount equal to that of the capital subscribed and paid up, either on mortgage, pledge or security of the property of the company, or on debentures.

Security for
bonds, &c.

For such purpose, the directors, by a resolution approved by the majority of the shareholders present or represented at a general or special meeting duly convened, are authorized, as security for such loans, to consent to all hypothecs upon, pledges of and security upon the moveable and immoveable property of the company as it may deem expedient, or issue debentures to which coupons for the amount of the half yearly interest may be attached, bearing the lithographed or engraved signatures of the president and secretary, and which shall be payable at the periods and places, by means of annuities, of a sinking fund or otherwise as the directors shall determine; which debentures and coupons shall constitute a first lien and privilege on all the moveable and immoveable property of the company; provided, however, that all existing liens, securities and debentures shall suffer no prejudice thereby, and that such debentures shall, in the first place, be employed in redeeming and paying the debentures and guaranteed loans previously issued and effected by the company. Such security or pledge may be given to one or more trustees in favor of the holders of debentures, which shall bear the signatures of the president and secretary, as well as the seal of the company.

Proviso.

Pledge to
trustees, &c.

Ranking of
debentures,
&c.

The debentures shall all have the same rank and be issued in amounts of not less than one hundred dollars each."

Id. s. 9,
replaced.

6. Section 9 of the act 56 Victoria, chapter 71, is replaced by the following :

“**9.** The company may, with the previous consent of the municipal council in cities and towns, construct, erect and maintain its line or lines of telephone along the sides and across upon or under any public highways, streets, bridges, water-courses or other such places; provided the said company shall not interfere with the public right of travelling on or using such highways, streets, bridges, or water courses, and cause no unnecessary damage or prevent free access to any building erected in the vicinity thereof.

Construction and maintenance of telephone lines, &c.

In cities, towns or incorporated villages, the opening of the streets for erecting poles or for placing the wires underground, shall be done under the direction of such officer as the council may appoint, and in such manner as the council may prescribe.”

Opening of streets in cities, &c.

7. Section 6 of the act 5 Edward VII, chapter 65, is replaced by the following :

5 Ed. VII, c. 65, s. 6, replaced.

“**6.** If a person neglects to pay the rent or the amount due for the use of the telephone apparatus belonging to the company, within the specified time, any employee or any agent of the latter may, upon a notice of forty-eight hours, refuse to give him telephone communication and remove such apparatus, notwithstanding any contract by which the company may have bound itself to give him such communication for a longer period, without prejudice to the company's recourse for the recovery of the amount which may be due to it.”

Refusal of telephone communication, &c., if rent not paid.

8. Section 7 of the act 5 Edward VII, chapter 65, is replaced by the following :

Id., s. 7, replaced.

“**7.** Any employee or agent of the company may, with a view to removing, examining or repairing the apparatus, enter between the hours of nine in the forenoon and six in the afternoon, the house, building, or property in which such apparatus is, and every person who, without reasonable cause, shall prevent such employee or agent from entering or shall refuse to allow him to enter, shall be liable to a penalty of not more than five dollars for each infringement.”

Entry to examine apparatus.

9. The following sections are added to the act 56 Victoria, chapter 71, after section 14, as enacted by the act 5 Edward VII, chapter 65, section 5 :

56 V., c. 71., s. s. added after s. 14.

“**15.** The construction and operation of the telephone lines now operated by the company are, in so far as the same may be necessary, hereby ratified and confirmed, but this act shall not effect pending cases if there be any.”

Present construction and operation confirmed, &c.

“**16.** All the powers and privileges conferred upon the company as regards telephony, shall apply to telegraphy.”

Powers as to telegraphy.

Expropria-
tion of pro-
perty, &c.

“ 17. The company is authorized to expropriate such properties or portions of properties, with the exception of buildings or other structures, as it may need for carrying its wires or cables across such properties, by laying conduits underground, or by erecting poles to carry wires or cables over or across such properties. The expropriation shall be effected in accordance with the laws governing expropriations under the Quebec Railway Act. The company shall not, however, expropriate any property belonging to any telephone or telegraph company, or in their possession, or upon which any of its works are situated.”

Coming into
force.

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

SCHEDULE

CITY HALL

CITY CLERK'S OFFICE

Quebec, 31st December, 1906.

At a session of the council of the city of Quebec, held on the 19th October last (1906), it was

Resolved.—That the Telephone Company of Bellechasse be permitted to carry on its operations in Quebec, in accordance with its charter, the act 56 Victoria, chapter 71. It shall be subject to the obligations imposed by law, and especially by the act incorporating and conferring certain powers on the Bell Telephone Company 44-45 Victoria, chapter 76, section 2.

True copy.

H. J. J. B. CHOUINARD,

City Clerk.
