

C H A P. 77

An Act to incorporate The Suburban Tramway and Power Company.

[Assented to 2nd June, 1904]

WHEREAS a petition has been presented by Paul Galibert, manufacturer, of the city of Montreal, Aron Weil, merchant, of the city of New York, Jérémie L. Décarie, advocate, of the city of Montreal, Rufus MacDuffie, manufacturer of railway supplies, of the city of New York, Charles Allard, gentleman, of the parish of Chambly, praying for the passing of an act to incorporate a company for the purpose of constructing an electric railway and of producing electricity for the supply of 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. Paul Galibert, manufacturer, of the city of Montreal, Aron Weil, merchant, of the city of New York, Jérémie L. Décarie, advocate, of the city of Montreal, Rufus MacDuffie, manufacturer of railway supplies, of the city of New York, Charles Allard, gentleman, of the parish of Chambly, together with such other persons as may become shareholders are hereby incorporated and constituted a body corporate under the name of "The Suburban Tramway and Power Company," hereinafter called "the company."

2. The head office of the company shall be in the city of Montreal, but may be changed to such other place as may be determined at a meeting of the shareholders.

3. The company may acquire or purchase or may lay out, construct and operate, by electricity or other mechanical power, except steam, one or more tramways :

- (a) North of the river St. Lawrence, through the counties of Hochelaga, Jacques-Cartier, Soulanges, Laval and Terrebonne ;
- (b) South of the river St. Lawrence, through the counties of Chambly and Laprairie ;
- (c) The company is further authorized to construct and maintain a dam or dams across the rapids of any river within the limits of the counties traversed by its line of tramway, and also to conduct water from

Preamble.

Persons incorporated.

Head office.

Power of company :

To acquire, &c., electric tramways : North of the St. Lawrence;

South of the St. Lawrence;

To construct dams across rapids, &c., in same places.

any such river by canals or flumes to be made by the company along the shores thereof, as well as locks, piers and other works; and for the purposes thereof to extend its works into and appropriate such part of the bed or banks of any river required for said purposes, the company being responsible for all damages arising from the inundation caused by its dams or the carrying out of any of its works. No part of the said bed or banks of any river shall be so appropriated without the consent of the competent authority of the Province of Quebec.

Private property not to be affected; To acquire, &c., rights of way, &c.;

This provision shall not apply to private properties;

(d) The company may acquire, by purchase or otherwise, all necessary rights of way for pole lines and may connect such lines by the requisite bridges or other structures over any rivers or streams.

To acquire, &c., water-powers, &c.

4. The company may, for the purposes mentioned in section 3, acquire and use water-powers and operate electrical works for the use and transmission of electric power; manufacture, use and supply and dispose of electricity; and construct, maintain and operate works, machinery and plant for the production, sale and distribution thereof, in the counties above mentioned.

Provisional directors and term of office.

5. The persons above named shall be the provisional directors of the company and shall hold office until the first election of directors.

Construction of bridges, &c.

6. The company shall have power to construct bridges to connect its tramways over any rivers at such points as it may deem expedient.

Pleasure grounds, &c.

7. The company may, for the purpose of its tramway and in connection with its business, lay out and maintain pleasure grounds and build and maintain power-houses for the development of electric power.

Entering on highway &c., so as to erect lines for light, &c.

8. The company may, for the purposes mentioned in section 3, with the consent of the municipality, enter on any highway or public place for the purpose of constructing and maintaining its lines for the transmission and distribution of light, heat, power or electricity, and, when deemed necessary by the company for such purpose, may erect, equip and maintain poles and other works and devices, and stretch wires and other contrivances thereon, and, as often as the company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:

Conditions.

- (a) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ; Public right of travel not to be interfered with.
- (b) All poles shall be as nearly as possible straight and perpendicular, and shall in cities be painted, if so required by by-law of the council ; Poles to be straight, &c.
- (c) The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire-brigade at any fire, if, in the opinion of such officer, it be advisable that such poles or wires be cut ; Cutting of wires by municipal officers during fires, &c.
- (d) The opening up of streets for the construction of its works, erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles may be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the company ; Opening of streets to be under municipal control and supervision, as also placing of poles. Streets to be restored to original condition.
- (e) Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the holder or occupant of the property for the time being. Consent of owner required before company enters on private property.
- 9.** The capital stock of the company shall be two million dollars, divided into shares of one hundred dollars each, and so soon as one hundred and fifty thousand dollars of the capital stock have been subscribed and fifty thousand dollars shall have been paid in on account of said shares, the company may commence operations and works. Capital stock and shares. Commencement of business.
- 10.** The directors, may at any time, make calls upon the shareholders for instalments when deemed expedient. No instalment called for shall exceed ten per cent. of the capital subscribed, and the instalment cannot be exacted unless notice has been sent by mail at least fifteen days before the same is payable. Calls. Limit of calls.
- 11.** A general meeting of shareholders for the purpose of electing directors shall be held each year on the first Tuesday of May, at the office of the company, at the hour mentioned in the notice, which notice shall be published in two newspapers, one in French and the other in English, during one week. Time for and notice of holding annual general meeting.

Directors,
&c., quorum.
President and
vice-presi-
dent.

12. The board of directors shall consist of five directors ; three shall constitute a quorum ; they shall elect from amongst their number a president and vice-president.

Qualification
of directors.

13. No one can be elected director unless he owns in his own name at least fifty shares in the capital stock of the company and has paid all calls due.

Vacancies in
board.

14. The directors or the majority of them may fill vacancies which arise in the board through death or resignation, by selecting duly qualified shareholders to fill such vacancies.

Power to
borrow and
issue bonds
for certain
purposes.

15. The directors of the company are authorized to borrow all moneys required to construct, complete, maintain and work its tramway and other works and things authorized by this act, and to issue bonds bearing the seal of the company and signed by the president or any other officer acting as president and countersigned by the secretary.

Lease &c., of
works of
other corpora-
tions, &c.
Acquisition
of stock in
other corpora-
tions.

16. The company may lease and operate the works and 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 stock or bonds of any corporation having the power to carry on any like business.

Exercise of
franchise of
other corpora-
tions.

17. The company may exercise the franchises and charter rights of any company, having like powers within the territorial limits granted to the company, whose business and undertaking it may acquire by lease or purchase.

Amalgama-
tion, &c.,
with other
corporations.

18. The company may amalgamate and consolidate with any corporation in the stock or bonds of which it is authorized to invest, upon such terms as may be agreed upon between the two companies.

Leasing, &c.,
of tramways
and plant to
other compa-
nies.

19. The company is further authorized to make agreements with any other company for leasing, selling and transferring the whole or any part of its tramways or electric plant to any other company on such conditions as the company may deem expedient.

Municipali-
ties may sub-
scribe for
shares, &c.,
in company
and give it
aid, grant ex-
emption from
taxation, &c.

20. Subject to the provisions of this act, and notwithstanding any provisions to the contrary or the absence of any provisions allowing the same, authority is hereby given to the corporation of any city, town, village, county or parish, or any municipality interested in the construction of the proposed tramways or of any other works or things authorized by this act, to subscribe for shares in the capital

stock of the company, or give money to it gratuitously, either for the purpose of facilitating its preliminary works, or of aiding the construction of the said tramways or other works, or to grant lands, exemption from taxes, or other advantages to the company; and the councils of these various municipalities are hereby authorized to make such arrangements with the company as they may deem useful for the purpose of facilitating and assuring the construction of the said roads and other works, the whole, nevertheless, subject to the provisions of article 481 of the Municipal Code or the acts governing the said construction, as the case may be.

Agreements which municipalities may make with company.

21. The following articles of the Revised Statutes of R. S., 5173, Quebec, shall not apply to the company, to wit : 5173, §§ 9 and 10, 5174 and 5176, § 2.

§§ 9, 10, 5174 and 5176, § 2, not to apply to company.

22. Nothing in this act shall affect the acquired rights or privileges possessed by or conferred upon any person, company or corporation.

Acquired rights not affected.

23. The rights, privileges and franchises hereby conferred shall not be exercised without the consent, given by by-law of the council, of any municipality interested within its respective limits.

Consent of municipalities required for exercise of rights, &c.

24. The company shall commence its operations within three years from the sanction of this act.

When company to commence operations.

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

Coming into force.