

C H A P . 78

An act to incorporate the Canadian Light and Power Company.

[Assented to 2nd June, 1904]

Preamble.

WHEREAS a petition has been presented by the persons hereinafter mentioned, praying for the passing of an act incorporating a company for the purpose of creating and supplying light and power; and whereas it is expedient to grant such petition;

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

Persons incorporated.

1. Frederick John Shaw, merchant; Frank Howard Wilson, merchant; Albert Francis Duclos, merchant; Frank Warburton Nelles, agent, all of Montreal, and David Kemp Goodfellow, accountant, of Beauharnois, and others who may associate themselves with them, their successors and assigns, are hereby constituted a body politic and corporate under the name of "The Canadian Light and Power Company."

Name.

Head office. Provisional directors and their term of office.

2. The head office of the company shall be at Montreal, and the persons above named shall be the provisional directors of the company and shall hold office until the first election of directors.

Capital stock. Shares.

3. The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each.

Powers of company to manufacture gas, &c., in certain places.

4. The company may, in the places mentioned in section 11 of this act, manufacture, buy or otherwise acquire, transmit, distribute and dispose of, in any manner whatsoever, gas, electricity or any other source of heat, light or power, and may also manufacture, buy or otherwise acquire, transmit, lease or dispose of all kinds of apparatus and supplies used in connection therewith, and may make and dispose of any by-products arising from their manufacture.

Power to acquire, &c., in same places, immovables, &c., &c.

5. The company may, in the same places, purchase, lease or otherwise acquire any immovables, water-powers, water-power rights, canals, or any other property that may be necessary or useful for the purposes of its business, and may construct, purchase or lease any buildings, apparatus, plant and machinery it may deem expedient to have or use in connection with its business, and may sell, lease or otherwise dispose of the same, in whole or in part, as it may see fit.

6. The company may, in the same places, acquire, lease, erect, construct and maintain such dams, canals, flumes, pipes, docks, wharves, roadways, bridges, rights of way and any other works that may be necessary or useful for the purposes of its business, and may sell, lease or otherwise dispose of the same in whole or part as it may see fit.

Power to construct, &c., dams, &c., in same places.

7. The company may acquire, by purchase, license or otherwise, patents of invention, or licenses to use or dispose of any patent of invention for any process or manufacture.

Power to acquire, &c., patents of invention.

8. The company may, in the same places, acquire, lease and operate the works or undertakings, in whole or part, of any person or corporation carrying on or authorized to carry on any business within the purposes of this company, and may acquire and hold the stock or bonds of any corporation having the power to carry on any like business.

Power to lease, &c., works, &c., in same places.

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

Power to exercise franchise, &c., of other companies.

10. The company may issue debentures or fully paid and unassessable shares or both, in payment of all or any of the undertakings, properties, moveable or immovable, rights, powers and franchises, which the company has authority to acquire in virtue of this act.

Issue of debentures, &c., for certain purposes.

11. The company may, in the city of Montreal and in the counties of Laval, Jacques-Cartier, Hochelaga, Laprairie, Châteauguay, Beauharnois, Two Mountains and Argenteuil, enter upon and construct, erect and maintain, under or over the streets and public highways, all such pipes, poles, wires, conduits and other structures and installations as may be necessary for the purposes of its business, all such work to be performed with as much expedition as possible and under the direction of the municipality in which the works are situated, provided that the company be responsible for all damages which it may occasion.

Power of company in certain places to carry on certain works, &c.

Provided always that the company cannot place its wires, poles, conduits or other structures necessary for the purposes of this act in any city or municipality without giving previous notice of one month to that effect to the municipal authorities, and provided :

Conditions under which wires, &c., may be placed in streets, &c.

- (a) That in executing its works or installing its material or apparatus it shall cause no useless damage ;
- (b) That it shall take all possible care to leave the streets or public highways free and uninterrupted ;

- (c) That it shall protect its works and accessories by all suitable means ;
- (d) That it shall repair the streets and public highways with due diligence ;
- (e) That it shall repair all damage which it may have caused by its works or by the installation of the accessories ;
- (f) That it shall be responsible for all negligence in respect thereof.

Cutting of wires of company in case of fire.

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 other officer of the municipality when he considers it necessary for extinguishing a fire, and, in such case, the company shall have no right to any compensation for the loss of its wires, but shall not be responsible as regards its customers for the interruption or non-execution of contracts resulting therefrom.

Proviso.

Increase, &c., of capital.

12. The company may, with the approval of two-thirds in amount of the shareholders assembled at a special general 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 undertakings.

Qualification of directors in other companies

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

Amount of debenture loans limited. Security therefor.

14. The company may issue debentures to an amount not exceeding seventy-five per cent. of the then outstanding capital stock, and may secure the same by transferring to trustees the whole or such part of the assets and property of the company as may be deemed advisable.

Law to apply.

15. The provisions of the Joint Stock Companies' Act shall apply to this company and form part of this act, except in so far as they are in contradiction or incompatible with the provisions of this act, and the provisions of the Revised Statutes of the Province respecting gas companies shall apply to the company hereby established if it desire to exercise the powers conferred upon it with regard to the fabrication and distribution of gas in municipalities

Consent of municipalities required for exercise of certain powers.

16. The powers conferred by section 11 of this act cannot, however, be exercised by the company without having previously obtained the consent of the municipalities interested within their respective territories, such consent shall be given by by-law upon such terms and conditions as shall thereon be stated.