

17. Nothing in this act shall affect acquired rights and privileges possessed by or conferred upon any person, company or corporation. Acquired rights not affected.

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

C H A P . 79

An Act to incorporate the *Compagnie de pouvoir électrique, Québec*

[Assented to 2nd June, 1904]

WHEREAS a petition has been presented by the persons Preamble. hereinafter named, 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. Alexander R. MacDonald, broker ; Thomas Migner, Persons incorporated. manufacturer ; Charles E Roy, merchant ; Maximilien Clément, tanner ; Nazaire Fortier, merchant ; Joseph Gauthier, merchant ; Elzéar Savard, hotel-keeper ; Cyrille Duquet, jeweller ; Charles Bergevin, burgess ; Léonidas Dionne, advocate, all of the city of Quebec ; Alfred Girard, advocate, of Marievalle ; Napoléon P. Tanguay, of Weedon ; Joseph Paquet, contractor, of Levis, and all other persons who may become members of the corporation hereby created, are constituted a corporation under the name of the *Compagnie de pouvoir électrique, Québec.* Name.

2. The head office of the company shall be in the city of Quebec. Head office.

Alexander R. MacDonald, Thomas Migner, Charles Bergevin, Alfred Girard and Joseph Paquet above named, shall be the provisional directors of the company, and shall remain in office until the first election of directors. Provisional directors and term of office.

3. The first general meeting of the shareholders shall take place at a date to be fixed by the 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 may be determined by the by-laws of the company, or by the directors in the absence of by-laws. First meeting of shareholders for election of directors. Subsequent annual meetings.

- Election of directors, &c. **4.** At such meeting and at the subsequent annual meetings, five directors shall be elected, who shall choose one of their members as president; three directors shall constitute a quorum of the board of directors, and shall exercise all the powers conferred upon directors and vested in them. The number of directors may be increased to seven by decision of a majority of the shareholders.
- President.
Quorum of board.
- Capital stock and shares. **5.** The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each, and may, with the consent of two-thirds in value of the shareholders, be increased up to the sum of two million dollars.
- Increase thereof.
- Ordinary and preferred shares. **6.** The capital 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, that before any interest shall be paid on the ordinary shares, the holders of preferred shares must have received all the interest due them together with the arrears thereof. Such interest shall commence to run from the date specified by the board of directors of the company.
- Interest on preferred shares.
- Power to borrow and issue debentures, &c. **7.** The company may, in virtue of this act and with a view of carrying out the same, borrow to the extent of five 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 it may issue, under the hand of the president and the seal of the company, bonds or debentures of the company, countersigned by the secretary for the amounts to be borrowed, payable to bearer, at such time or times as the directors may determine, either in this province, or elsewhere, in current money or in sterling or in the currency of any foreign country, with interest payable at the time specified therein, and with or without coupons. Such bonds or debentures shall be a first lien on the immoveable assets of the company.
- Payment of shares. **8.** The shareholders of the company shall be bound to pay the amount of their subscriptions as the same may be called up from time to time by the directors, and as the latter may deem expedient for the purposes of the company.
- Power to erect, &c. dams in certain river. **9.** With the view of operating water-powers, the company may build, erect and maintain one or more dams resting on the bed and on the beaches of the river Ste. Anne, as well as jetties, flumes and other necessary works to provide the undertaking with a sufficient supply of water in that

portion of the river adjoining the island belonging to it and on which the Seven Falls of St. Féréol are situated.

10. The company may build an electric line for the transmission of electricity from its works at the Seven Falls of St. Féréol to Quebec, passing through St. Féréol, St. Joachim, Ste. Anne de Beaupré, Chateau Richer, L'Ange Gardien, Montmorency Falls, Beauport, Limoilou and the city of Quebec, and it may install electric sub-stations in each of those localities as well as distributing points for the purpose of distributing and supplying electricity.

Power to build, &c., an electric line to Quebec.

11. The company may, for such purpose, establish its wires under and over public roads, streets, lanes, yards, non-navigable rivers, and bridges, as may be deemed necessary, from the works of the company to the places where the electricity is to be consumed, and lay its wires, pipes or conduits including poles and abutments for the purpose of receiving and supporting cables or wires conducting electricity or used for telephone service along or across public lands or across every non-navigable stream; provided it be not so erected as to inconvenience the public using such roads, bridges or beaches nor to impede access to any house or other building erected in the vicinity nor to interrupt the navigation of the said waters; provided that the company shall in nowise impede public traffic or the use of the streets, lanes or public roads, and that, in the city of Quebec, the opening of the streets for the placing of wires, pipes or conduits shall be made with the consent of the municipal council and under the direction and superintendence of the engineer or of such other officer as the council may designate and in such manner as the council may prescribe; provided that the streets, lanes and public roads shall in all cases be replaced in their original state by the company and at its expense, and lastly provided that the company shall in all cases be liable for all damages it may cause.

Power to erect lines over roads, &c.

Proviso.

Repairing of streets.

12. The company shall not, however, exercise the powers conferred upon it by the two preceding sections without having previously obtained the consent of the municipal council of any municipality in which it desires to exercise its rights,—such consent shall be given by by-law upon the terms and conditions therein set forth

Consent of municipality required for exercise of powers conferred.

13. The company may, as regards the territory crossed by its electric lines, as mentioned in section 10 of this act, establish a tariff and collect rates therein prescribed for the supply of electricity it may furnish either for light, heat or motive power or for running cars or electric boats or any other purpose for which electricity may be used, or for the sale or lease of any electric apparatus.

Power to make tariff and collect rates.

Cutting of
company's
wires in cases
of fire.

14. The wires of the company may be cut by order of the chief of the fire-brigade, or if there be no chief of the brigade by order of the mayor of the municipality or other member or officer of the council, when he shall consider it necessary for the putting out of a fire, and in that 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 contract resulting therefrom.

Proviso.

Exercise of
franchise of
other com-
panies and
amalgamation
therewith.

15. The company may exercise the franchise and rights conferred by the charter of any company, having powers of like nature to those hereby conferred, whose business it may acquire by lease or contract, and it shall have the right to amalgamate with any other corporation on such terms as may be agreed upon and defined by notarial deed to be deposited in the office of the Provincial Secretary.

Power to
erect dams in
certain
places.

16. In order to increase and maintain the permanent strength of its water-powers at the Seven Falls of St. Féreol, the company may erect on their respective discharges, dams for the use of the waters of the lakes flowing into the river Ste Anne, amongst others : lakes St. Joachim, St. Michel à Janot, Vert, Des Fermiers, Gourganne, Pointu, Chaudière, Des Iles, and Great Lake Ste. Anne and Lake Long, as well as the dams on the river Ste Anne itself. Such dams shall be provided with sufficient slides to allow of timber being floated as in the past, without the proprietors of such timber being obliged to pay any charge or any toll in money or any money whatsoever therefor.

Additional
powers not
conferred
upon any
municipality
or company.

17. Nothing in this act contained shall be interpreted as giving to any municipality powers which it has not under the law that governs it, nor to any company power which it has not under its charter or act of incorporation.

Acquired
rights not
affected.

18. Nothing herein contained shall affect acquired rights possessed by or conferred upon any company.

Law to apply.

19. The provisions of the Joint Stock Companies Act shall apply to the company and form part of this act, except in so far as they may be in contradiction or inconsistent with the provisions of this act.

Coming into
force.

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