

PROVINCIAL REGISTRAR'S OFFICE.

QUEBEC, 18th May, 1901.

I do hereby certify the within to be a true and faithful copy of the record of the original letters patent, as entered in vol. 51, folio 133.

JOS. DUMONT,
Acting Deputy Registrar of the Province.

C H A P . 7 2

An Act to incorporate the Beauharnois Light, Heat
and Power Company

[Assented to 26th March, 1902]

WHEREAS Joseph Bartholomew Robert, of the town of Beauharnois, miller; William Henry Robert, of the town of Beauharnois, miller; Edward Black Greenshields, of the city of Montreal, merchant; Edward Charles Barry Featherstonhaugh, of the same place, merchant, and Charles James Fleet, of the same place, advocate, have presented a petition for an act incorporating a joint stock company to be called the "Beauharnois Light, Heat and Power Company" for the purpose of acquiring, producing, using and selling light, heat and power;

And whereas it is expedient to grant the prayer of the said petitioners;

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

1. Joseph Bartholomew Robert, of the town of Beauharnois, miller; William Henry Robert, of the town of Beauharnois, miller; Edward Black Greenshields, of the city of Montreal, merchant; Edward Charles Barry Featherstonhaugh, of the same place, merchant; and Charles James Fleet, of the same place, advocate, and all other persons who are now or who may hereafter become shareholders, are hereby created a body politic and corporate under the name of the "Beauharnois Light, Heat and Power Company."

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

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

4. The capital stock of the company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

5. The capital stock may be increased, from time to time, by a vote of the majority in value of the shareholders present in person or represented by proxy at any meeting called for such purpose to any amount not exceeding two million dollars.

6. The company may, in the town of Beauharnois, manufacture, and may, in and near the said town, buy or otherwise acquire, use and sell light, heat and power produced by water, electricity, steam or otherwise, and all kinds of apparatus and supplies used in connection therewith.

7. The company may acquire, by purchase, lease or otherwise, the water power, property, businesses, franchises and contracts now owned or operated by the said Joseph Bartholomew Robert, and such other property moveable and immoveable, in and near the town of Beauharnois, as may be required for the purposes of its business, and the same may sell, lease, or otherwise dispose of as it may see fit.

8. For the purpose of using its own power the company may acquire, build, and operate mills, factories, and other works on such property as it may own on the St. Louis River.

9. Should the company acquire the canal or feeder now belonging to the said Joseph Bartholomew Robert, extending from the St. Lawrence River, near Valleyfield, a distance of about four miles, to the St. Louis River, and known as official number three hundred and forty-one on the cadastral plan and book of reference of the parish of Ste. Cecile in the county of Beauharnois, it shall have power to enlarge and extend the said feeder, and for that purpose to enter upon and take possession of the bed and beach of the said St. Lawrence River at and near the entrance of the said feeder, provided it shall first obtain from competent authority the necessary permission to make use of and utilize any public property within the jurisdiction of Canada.

10. The company may widen, deepen and improve any water-course belonging to it or bordering upon, running

along, or passing across its property, and may turn the same to account by the construction of all works authorized by this act, and for this purpose may erect and construct in and about such water-course all the works necessary for its efficient working, such as flood-gates, canals, embankments, dams, wharves, dykes and the like, but subject, however, to the payment of such damages as it may cause, which damages shall be assessed in accordance with the provisions of article 5536 of the Revised Statutes.

Payment of damages.

11. The company may also, subject to the payment of damages as therein provided, exercise the powers given by the next preceding section in and upon that portion of the said St. Louis River extending from its junction with the said canal or feeder, cadastral number three hundred and forty-one of the parish of Ste. Cecile, to its junction with the St. Lawrence River; and may, for the purpose of widening, opening and improving the said St. Louis river, enter upon and take possession of the bed and beach of the said river and of the St. Lawrence River at and near its junction with the St. Louis River, may enter upon and survey all lands on the line of the said St. Louis River, and, from time to time, make and maintain thereon all embankments, ditches, dykes and other works as may be necessary, provided that the lands so to be entered upon and taken possession of, for the purpose aforesaid, shall not exceed one hundred and fifty feet English measure in width; provided also that the company shall first obtain from competent authority the necessary permission to make use of and utilize any public property.

Company may exercise powers upon part of St. Louis river, &c.

Proviso.

The other powers by section 10 granted shall be exercised only with the consent previously obtained of the riparian proprietor of that portion of the river or beach where such powers are exercised.

Consent of riparian proprietor required in certain cases.

12. The company may supply, sell and distribute light, heat and power in any direction within a radius of thirty miles from the town of Beauharnois, and for that purpose may set up and establish all necessary apparatus for transmitting such light, heat and power, by wires or similar means on posts or underground along public and private roads, streets and by-roads by obtaining the consent of the corporations and individuals interested, and where necessary it may place such wires or posts on private property by paying for damages caused thereby to the interested parties.

Company may supply, &c., light, &c., within certain radius of Beauharnois, &c.

Consent required.

13. The company may lay its wires and pipes underground as the same may be deemed expedient in so many squares, streets, highways, lanes, and public places as may be necessary for the purpose of supplying light, heat and

Company may lay, wires, &c., underground, &c.

power, without however doing any unnecessary damage and on providing all proper facilities for free passage through the said squares, streets, highways, lanes and public places while the works are in progress, and may also erect above ground, and, with the permission of the proprietor, above buildings, all requisite constructions, including posts and supports for conducting wires and electricity or other power along or across streets, public roads and highways or over any water-course within a radius of thirty miles from the town of Beauharnois ; provided that the public shall not be put to any unnecessary inconvenience in using any such streets, roads, highways, or water-courses, and that navigation shall not be interrupted ; provided also that the municipal council in all cities, towns, incorporated villages or parishes, if it deem necessary, shall have the right to oversee and prescribe the manner in which such streets, roads or highways shall be opened for the erection of poles or for placing of wires underground ; provided also that the surface of the streets shall in all cases be put back into their original condition by the company at its own cost, as near as possible ; and provided also that the wires may be cut in case it may be necessary for the purpose of extinguishing fires by order of the official in charge of the fire brigade, in which case the company shall not be entitled to be compensated for the loss of such wires, but shall not be liable to its customers for any interruption or non-execution of its contracts by reason thereof.

Proviso.

Consent of municipalities, &c., required.

The powers granted by this section and by the preceding section shall be exercised only with the consent previously obtained of the municipalities and other interested parties.

Public safety, &c., not to be endangered, and works to be subject to inspection.

14. All works constructed by the company, and all apparatus and appliances connected therewith, shall be so made as not to endanger the public safety ; and such works and appliances shall, at all reasonable times, be subject to the inspection of the municipal authorities of the municipality within the bounds whereof they are situated.

Notice of such inspection.

Reasonable notice of such inspection shall be previously given to the company.

Streets &c., not to be incommoded and to be re-laid, &c.

15. In constructing any work, or in placing any plant or apparatus, the company shall take all proper care that the passage of any street, square, lane or public place, so far as may be, shall be free and uninterrupted, and shall protect all such works and appliances by all reasonable and proper means, and shall replace the streets, squares, lanes and public places with due diligence, and shall repair any damage that

may be caused thereto by reason of any such works or appliances, done or put in by the company, and shall be responsible for any neglect in respect thereto.

16. The company may acquire, by purchase, license or otherwise, patents of invention or licenses to use or dispose of patents of invention, and the same may sell, lease, or otherwise dispose of.

Company may acquire, &c., patents of invention, &c.

17. All shares in the company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless it has otherwise been agreed upon or determined by a contract duly made in writing and filed with the Provincial Secretary at or before the issue of such shares.

Shares to be payable in cash.

Proviso.

18. The company may issue fully paid up and unassessable shares, bonds or debentures in payment of all or any of the undertakings, properties moveable or immoveable, rights, powers, franchises, or contracts which it has authority to acquire, and also for all services for which it shall be obliged to pay.

Issue of paid up shares, &c.

The first paragraph of article 4668 of the Revised Statutes shall not apply thereto.

R. S., 4668, § 1, not to apply.

19. Article 4663*a* of the Revised Statutes is replaced for the company by the following :

R. S., 4663*a*, replaced for company.

The directors may make by-laws for issuing any part of the capital stock as preference stock, giving the same such preference as to dividends and otherwise over ordinary stock as may be declared by the by-law.

Issue of preference stock provided for.

Such by-law shall also determine the rights, privileges and qualifications, if any, of the holders of the said stock for voting at meetings of the company or for being directors, or for any other purpose ; which said rights may be in any respect greater or less than those of the holders of ordinary stock.

Contents of by-law.

Save as provided by such by-law, the holders of such preferred stock shall in all respects possess the rights and be subject to the liabilities of shareholders.

Rights of holders of such stock.

The company shall have the right at any time to redeem and cancel such preference stock or any portion thereof, upon the terms and conditions declared in the by-law authorizing its issue. Failing such declaration, such preference stock may, with the consent of the respective holders thereof, be redeemed and cancelled, upon such terms and conditions as may be stipulated in a by-law passed at a general meeting called for the purpose.

Redemption of such stock, &c.

Issue of preference stock to be previously sanctioned by shareholders, &c.

No by-law for the issue of such preference stock shall have any effect until it has been unanimously sanctioned in writing by the shareholders, or has been sanctioned by the unanimous vote of all the shareholders, which shareholders shall be present in person or represented by proxy at a special general meeting of the company called for considering the same.

Approval of Lieutenant-Governor required in certain event.

If, however, the by-law be sanctioned by three fourths in value of the shareholders it comes into force only after it has been approved by the Lieutenant-Governor in Council. Such approval shall not be given until after a notice of one month has been sent in a registered letter to all shareholders.

Directors may borrow money and issue bonds, to certain amount, &c.

20. The directors may, from time to time, borrow money upon the credit of the company, and may issue bonds, debentures or other securities for any sums borrowed or to be borrowed; but the amount of such securities shall not at any time exceed seventy-five per cent of the company's capital stock. This restriction shall not apply to commercial paper discounted by the company.

Form of bonds, &c.

Such debentures shall be signed by the president or vice-president and countersigned by the secretary or other officer or officers as may be designated by the directors, and shall bear the seal of the company; they may be payable either within the limits of the province or elsewhere, in current money or sterling, with interest payable at definite periods with or without coupons, or may be made payable by annuities comprising principal and interest, and, if there be coupons they may bear the engraved signature of the secretary.

When to become due, &c.

Such debentures shall become due on such dates and be drawn up in such form as the directors may prescribe.

Approval of shareholders required, &c.

Such debentures shall not be issued until the issue is approved by the vote of shareholders representing at least two thirds in value of the subscribed stock of the company represented at a meeting called for the purpose of considering such issue.

Security for bonds, &c.

21. To secure the payment of such debentures, the directors may, before or after the issue thereof, transfer to trustees the whole or such part of the assets or property of the company as may be deemed advisable, or may grant a mortgage or hypothec to one or more trustees in favor of the holders of such debentures upon the immoveable property of the company, mentioning the issue and the amount of the debentures secured thereby, and such debentures shall further be a first charge upon the machinery, plant, franchises, rates, revenues and rents, rights, and other assets of the company, without prejudice to all other privileges already existing.

- 22.** It shall be lawful for the company to deposit, in the office of the Minister of Lands, Mines and Fisheries, a plan and book of reference, certified by the secretary of the company, of any of its systems or works, indicating the systems and their location and giving all information necessary to make the description thereof understood, and to designate such systems on the said plan and book of reference by one or more special numbers or designations different from the numbers and designations on the official plan of the cadastre of the municipality or municipalities in which such systems are situated; and the Minister of Lands, Mines and Fisheries shall receive such plan and book of reference and, if found correct, shall send a certified copy to the registrar of the division or divisions in which such systems are situated.
- Deposit of plans, &c., of works with Minister of Lands, Mines and Fisheries, &c.
- Copy to be sent to registrar by Minister.
- 23.** All changes, extensions and corrections in the said plan and book of reference may be made in the same manner.
- Changes, &c., in plans.
- 24.** The Minister of Lands, Mines and Fisheries shall cause a notice to be published in the *Quebec Official Gazette* of the deposit of any plan and book of reference so transmitted as aforesaid.
- Notice of deposit to be published.
- 25.** Such plan and book of reference, or any portion thereof, certified by the registrar shall be received as evidence in all courts.
- Plan, &c., certified by registrar to be evidence.
- 26.** Every registrar who receives the said plan and book of reference shall make the ordinary entries thereof in his office books, and shall receive and register, in the usual manner, any deed of mortgage, transfer, or other deed respecting the system described in the said plan and book of reference or any portion thereof.
- Duty of registrar on receipt of plan, &c.
- 27.** By the registration of every such mortgage deed against all of the systems in the form above provided, a lien shall be established upon all moveable and immoveable property, rights, concessions, servitudes, rents, revenues, and other accessories constituting any such system or forming part thereof or connected therewith as described in the plan and book of reference and in the mortgage deed; and all the moveable and immoveable property, rights, concessions, servitudes, rents, revenues and accessories aforesaid, may be judicially sold in the same manner as immoveables by the mortgagees or the trustees mentioned in the said mortgage deed.
- Effect of registration of mortgage deed against company's systems, &c.
- 28.** If any person or corporation supplied by the company with electricity or other product neglect to pay the rent, rate, or charge due to the company at the time
- If persons supplied with electricity, &c., do not

pay, company
may cut off
the supply,
&c.

fixed for the payment thereof, the company or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply to the person in arrears as aforesaid, by such means as the company or its officers may see fit to use ; and the company may recover the rent or charges due up to such time, together with the expense of cutting off the supply, in any competent court, notwithstanding any contract to furnish for a longer time.

Removal of
company's
property in
such case.

29. In every case where the company may cut off and take away the supply of electricity, or other product from any house, building or premises, the company, its agents and workmen, on giving forty-eight hours' previous notice to the person in charge or to the occupant, may enter the house, building or premises, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, making as little disturbance as possible, and may remove and take away any wires, pipes, meters, lamps, fittings, and other appliances which are the property of the company ; and any servant of the company duly authorized, may, between the hours aforesaid, enter into any house or premises in which electricity or other product has been taken from the company for the purpose of repairing or examining any such wires, pipes, lamps, or other appliances ; and if any person refuse, without reasonable cause, to permit the servants and officers of the company to enter and perform such acts, the person so refusing or obstructing shall incur a penalty, in favor of the company, for every such offence not exceeding forty dollars, and a further penalty of four dollars for every day during which such refusal or obstruction may continue, and, in addition, shall be responsible to the company for all actual damage suffered by reason of such refusal or obstruction.

Penalty on
persons re-
fusing to ad-
mit com-
pany's em-
ployees for
such purpose.

Property of
company not
liable for rent,
&c.

30. The wires, pipes, lamps, meters, motors, and other appliances and apparatus of any kind of the company shall not be subject to or liable for rent or any other privilege, nor liable to be seized or attached in any way by the possessor or owner of the premises wherever the same may be ; nor be liable in any way to any person for the debt of any other person to whom or for whose use or for the use of whose household or building the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person.

Company's
powers not
exhausted by
use.

31. The company shall not be deemed to have exhausted any of its powers by the exercise thereof.

32. Subject always to the provisions of article 10 of the Company's Revised Statutes, the company's property shall not be subject to expropriation by any other company. property not to be expropriated.

33. All penalties, forfeitures or fines, imposed or permitted by this act may be sued for and recovered by the company, either before the Superior or Circuit Court, according to the amount thereof, or before one or two justices of the peace in the district where the offence has been committed. Before what court suits for penalties may be brought.

34. This act shall not have the effect of withdrawing the said company from the application of the provisions of the various acts governing the city of Montreal and other municipalities. Certain statutes to apply, &c.

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

C H A P . 7 3

An Act to amend the charter of the Canadian Electric Light Company

[Assented to 26th March, 1902]

WHEREAS the Canadian Electric Light Company, incorporated by the act 44-45 Victoria, chapter 69, has, by its petition, represented: Preamble.

That by the statute of this Province, 1 Edward VII, chapter 68, the Canadian Electric Light Company was authorized to issue new bonds with the written consent of seven eighths of the holders of the issue of \$250,000;

That it has become necessary to make a new issue of bonds;

That the said company has obtained the consent of more than seven eighths of the present holders of bonds, to an issue of \$50,000, to rank concurrently with the \$250,000 already issued;

That, since said consent has been given, it has been thought more advantageous to make the new issue one of \$60,000 instead of \$50,000, and this change has been approved by an important number, in value, of the present holders;

That those of the present holders who have not formally given their consent to the said additional issue, have been informed of the intention of the company and have been invited to make any suggestion on the subject, and none have shown any desire to oppose it;