

far as they are in contradiction to, or inconsistent with any provisions of this act.

Act not to
apply to cer-
tain districts.

45. This act shall not apply to that part of the Province which forms the judicial district of Quebec, as fixed for the jurisdiction of the Court of Review.

Consent re-
quired for cer-
tain works.

46. Nothing in this act shall be construed as permitting the company to traverse or cross the Harbour of Montreal with any of its appliances, without having previously obtained the consent of the Harbour Commissioners of Montreal or the Governor General.

Existing
rights not af-
fected.

47. Nothing in this act shall in any manner affect any vested rights existing in favor of any other company.

CAP. LXVI

An Act to amend and consolidate the act incorporating the Royal Electric Company, 47 Victoria, chapter 55, as amended by the acts 51-52 Victoria, chapter 116, 52 Victoria, chapter 47, 54 Victoria, chapter 76 and 55-56 Victoria, chapter 76

[Assented to 15th January, 1898]

Preamble.

WHEREAS The Royal Electric Company has, by its petition, prayed that its act of incorporation, as amended, be further amended and consolidated and that its powers be increased; and whereas it is expedient to grant the said prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

47 V., c. 55 :
51-52 V., c.
116 : 52 V., c.
47 : 54 V., c.
76 : 55-56 V.,
c. 76, repeal-
ed.

1. The act passed by the Legislature of this Province, 47 Victoria, chapter 55, as amended by the acts 51-52 Victoria, chapter 116, 52 Victoria, chapter 47, 54 Victoria, chapter 76, and 55-56 Victoria, chapter 76, is repealed and replaced by the present act.

Present com-
pany substi-
tuted to form-
er one, &c.

2. The company hereby constituted is substituted to all intents and purposes for that which existed under the acts repealed by the foregoing article, and succeeds to it in all its rights, privileges, powers and obligations, and all its property and assets are hereby vested in this company, and this company shall be held to have assumed all its obligations or liabilities of every kind and nature.

By-laws, &c.,
already made.

3. The by-laws of the company, bonds or debentures issued, agreements, contracts or other deeds, lawfully passed, adopt-

ed, consented to or made in virtue of the said acts repealed by &c., to continue in force.
 article 1, shall continue to have the same force and effect
 until cancelled, modified, replaced, repealed or executed
 by or in virtue of the provisions of this act.

The present officers of the company shall remain in office Present officers.
 until replaced in virtue of this act or of the by-laws.

4. The present members of the company, and those who Members con-
 may hereafter become members thereof, in virtue of the stituted a cor-
 provisions of this act, shall be and are constituted a corpo- poration.
 ration under the name of the "Royal Electric Company." Name.

5. The head office of the company shall be in the city Head office.
 of Montreal.

6. The company shall have power to manufacture ma- Powers of
 chinery, apparatus and instruments for the production, sale, company.
 distribution and utilization of electricity, and all machinery,
 apparatus and instruments whatsoever in connection there-
 with; to construct, maintain, complete and operate all
 necessary works for the production, sale, distribution,
 utilisation and supply of electricity, and to conduct such
 electricity through and under or along the sides of and
 across the streets, highways, bridges or water courses of
 towns, cities or other municipalities where the company
 shall carry on its operations, without doing any damage,
 and taking care, as far as may be, to preserve a free and
 uninterrupted passage through the said streets, highways,
 bridges, or water courses; provided that, in cities, towns
 and incorporated villages, the opening up of streets for placing
 posts or passing the wires underground shall be made under
 the direction and superintendence of the engineer or any
 other officer appointed by the council, in such manner as
 the council shall prescribe, and that the surface of the street
 shall, in all cases, be replaced in its former condition, by the
 company and at its expense, in default whereof such work
 shall be done by the municipality which shall recover the
 cost thereof from the company.

The company may purchase, sell or lease such machinery,
 apparatus and instruments, and rights relating thereto, and
 acquire by purchase, or lease or otherwise, any patents of
 invention of or affecting any of the same, or any improve-
 ments thereof.

The company may sell, lease, or otherwise dispose of such
 patents of invention, in whole or in part, and lease or grant
 rights thereunder.

7. The company shall have power to purchase, lease, Power to ac-
 or otherwise acquire and hold all such real estate, as may, quire, &c.,
 from time to time, be deemed requisite for the purposes of real estate,
 &c.

the company, and also to sell, lease or otherwise dispose of, and to mortgage, pledge or encumber such real estate, or any part thereof, from time to time, in such manner and on such terms and conditions as it may deem fit.

Board of directors.

8. The affairs of the company shall be managed by a board of nine directors, which number may, however, be increased or decreased by the by-laws of the company.

Powers of board.

9. The directors may enact by-laws for the regulation of the affairs and procedure of the company, including the number, qualification and remuneration of directors, the names and functions of the officers of the company, the transfer of shares, the time and place of shareholders' and directors' meetings, and generally all the details of the company's business.

By-laws to change capital into sterling and *vice versa*.

10. The directors may also, by by-laws, change or convert the shares or capital stock of the company from Canadian currency to sterling and *vice versa*, and even increase or decrease the par value of such shares.

Power to become shareholders, &c., in other light, &c., companies.

11. The directors may, in the name of the company, take and hold shares in any company furnishing light, motive power or any other advantage resulting from or in connection with electricity or its use, and generally in any company in payment or on account of rights or for privileges purchased, leased or otherwise acquired from this company, or in payment for apparatus or machinery or to save or protect some claim of the company; but no such acquisition of shares shall, at any time, exceed three hundred thousand dollars, unless the consent of the majority in value of the shareholders is obtained.

Capital stock.

12. The capital stock of the company is one million five hundred thousand dollars, its present paid up capital, divided into shares of the par value of one hundred dollars each.

Shares.

Increase of capital stock.

13. The directors of the company, if they see fit, at any time after the whole capital stock of the company shall have been allotted or paid in, but no sooner, may make any by-law for increasing the capital stock of the company to any amount which they may consider requisite for the due carrying out of the purposes of the company.

Approval by shareholders

No such by-law shall have any force or effect whatever until after it shall have been sanctioned by a vote of not less than two-thirds in amount of the shares held by the shareholders present or represented and voting at a general meeting of the company duly called for the purpose of considering such by-law, nor until a copy thereof duly authenticated,

shall have been fyled, as hereinafter mentioned, in the office of the Provincial Secretary, or such other officer as the Lieutenant-Gouverneur may direct.

Any by-law, for increasing the capital stock of the company, shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted, and, in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors.

14. The company may, within six months after a duly authenticated copy of such by-law has been fyled in the office of the Provincial Secretary, or such other person as the Lieutenant-Gouverneur in Council may have named for the purpose, require and cause a notice, under the signature of the Provincial Secretary or other proper officer, to be inserted in the *Quebec Official Gazette*, that such by-law has been passed and fyled as aforesaid, and stating the number and amount of the shares of new stock, the amount actually subscribed, and the amount paid in, in respect thereof; and, from the date of such notice, the new stock shall become subject to all provisions of law in like manner (as far as may be) as though the same had formed part of the stock of the company originally subscribed.

15. For the purpose of providing for the liabilities of the company at any time existing or for the purpose of redeeming its bonds or debentures or of providing any additional capital required, the directors, under the authority of the shareholders to them given at a general meeting specially called for the purpose, at which meeting shareholders holding at least four-fifths in value of the capital stock of the company are present or represented, and with the consent of the four-fifths in value of the shareholders thus present or represented, may issue preference stock to an amount not exceeding the liabilities of the company for the time being. The provisions contained in the above sections, 13 and 14, shall also apply to this section. Such stock shall be divided into shares of the par value of one hundred dollars each, and shall entitle the holders thereof to such right of priority over the non-preferred stock of the company in dividends or otherwise, as may be prescribed by the by-law authorizing the same.

2. The by-law authorizing the issue of preference stock shall also determine the rights, privileges and qualifications, if any, of holders of such stock for voting at meetings of the company or for being directors or for any other purpose.

3. 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 stipulated and set forth in the by-law authorizing its issue.

Company may
pledge such
stock.

4. The company, instead of selling such preference stock, may pledge all or any thereof, at the best price and on the best terms and conditions at the time obtainable, to raise money for its undertaking, and, in that case, may issue the said preference stock as paid up.

Shares to be
deemed pay-
able in cash.

16. Every share in the capital of 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 the same shall have been otherwise agreed upon and determined by a contract duly made in writing, and filed with the Provincial Secretary, at or before the issue of such shares.

Proviso.

Power to bor-
row money
and issue
bonds.

17. The directors of the company are hereby authorized, and power is hereby given them, to effect a loan or loans on bonds or debentures, not exceeding in the aggregate seventy-five per cent. of the paid up stock, common and preferred, of the company, at the time such loan or loans is or are effected, in such amounts and for such periods of time as they may deem expedient.

Form, &c., of
bonds.

Such bonds or debentures shall be issued, under the signature of the president or vice-president and under the seal of the company, and shall be signed by the secretary for the amount or amounts so borrowed, and shall be payable either within the limits of the Province or elsewhere, either in current money or in sterling, with interest payable at definite periods, with or without coupons; and, if there be coupons, they shall bear the lithographed signature of the secretary; and such bonds or debentures shall become due at the dates and be drawn up in the form prescribed by a resolution of the directors.

When bonds
may be issued.

Such bonds or debentures shall not be issued until such issue has been approved by at least two-thirds in value of the stockholders present or represented at a meeting of the company called for the purpose of considering such issue.

Form of
bonds, &c.,
provided
those already
issued, &c.,
do not exceed
certain pro-
portion of the
stock paid up.

18. Provided the total amount of bonds or debentures of the company at any time outstanding does not exceed seventy-five per cent. of the then paid up stock, common and preferred, of the company, the said directors may, by by-law approved of as aforesaid, whether to pay off former loans or bonds or debentures, or for any of the purposes aforesaid, effect as many loans, and make as many issues of bonds or debentures as they may think proper.

Trust deed
may be exe-
cuted as secu-
rity for bonds.

19. As security for the payment of such bonds or debentures, the directors of the company are hereby authorized to grant a mortgage, by notarial deed, to one or more trustees in favor of the holders of such bonds or debentures, upon the immoveable property of the company, describing it as

required by law, and mentioning the issue and the amount of the bonds and debentures secured thereby ; and such bonds or debentures shall further be a preferential charge upon the machinery, plant, rates, revenues, rights and other assets of the company.

20. It shall be lawful for the company to deposit in the office of the Commissioner of Colonization and Mines 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 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 Commissioner of Colonization and Mines shall receive such plan and book of reference ; and, if found correct, he shall send a certified copy to the registrar of the division or divisions in which such systems are situated.

Company may deposit plan of systems with Commissioner of Colonization and Mines.

Duty of Commissioner thereupon.

21. All changes, extensions and corrections in the said plan and book of reference may be made in the same manner.

Change in plans, &c.

22. The Commissioner of Colonization and Mines shall cause a notice to be published in the *Quebec Official Gazette* of the deposit of any plan and book of reference so transmitted to him by the registrar as aforesaid.

Notice of deposit to be published.

23. Such plan and book of reference, or any portion thereof, certified by the registrar, shall be received as evidence in all courts of justice.

Copy of plan, &c., certified by registrar to be evidence.

24. 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 systems described in the said plan and book of reference.

Entries by registrar after receiving plans, &c.

25. 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, advances, servitudes, rents, revenues and other accessories constituting any such systems 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, advances, servitudes, rents, revenues and accessories

Effect of registration of trust deed, &c.

aforesaid may be judicially sold in the same manner as immoveables by the mortgagees or the trustees mentioned in the said mortgage deed.

Penalty for making connections with company's wires, &c., without consent.

26. If any person place, allow, suffer, or cause to be placed, or facilitate the placing of any wire or other means of communication to connect with any wire or conductor belonging to the company, or in any way make use of, divert or facilitate the making use of or diverting the electric current or other production of the company, or interfere with the meters or other appliances of the company, without the latter's written consent, he shall forfeit and pay to the company the sum of one hundred dollars, and also a further sum of four dollars per day for each day during which the acts of commission or omission above mentioned may exist and, in addition, an amount equal to three times the value of the current used, the whole exclusive of all damage caused.

Any of the above mentioned acts, whether of commission or omission, which may be found to have taken place, shall be held to have been done or permitted to have been done by the occupant or joint occupants of the premises where such acts have taken place, or by the user of the electric current obtained as aforesaid.

Power to stop supply if rent not paid.

27. If any person supplied by the company neglect to pay the rent, rate or charge due to the company at the time fixed for the payment thereof, the company, or any person acting under its authority, on giving eight days' previous notice, may stop the supply to the person in arrears, as aforesaid, by any means the company or its officers may see fit to use ; and the company may recover the rent or charges then due, together with the expenses of cutting off the electricity, notwithstanding any contract to furnish for a longer time.

Power of company's servants, &c., to enter premises to remove wires, &c., when supply has been cut off.

28. In every case where the supply of electricity may be cut off or taken away from any house, building or premises, the company, its agents or 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, lamps, meters, motors and other appliances and apparatus 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 has been taken from the company, for the purpose of repairing or examining any such wires, lamps, meters, motors and other appliances and apparatus ; and if any person refuse,

Penalty for refusing entry.

without reasonable cause, to permit the servants and officers of the company to enter and perform the acts aforesaid, he shall, for every such offence, incur a penalty, in favor of the company, of 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.

29. The two preceding sections shall not prevent any of the provisions therein contained being altered or modified by contract.

Contracts may vary certain provisions.

30. The wires, lamps, meters, motors and other appliances and apparatus of any kind of the company shall not be subject or liable to 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 house, building or premises, the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person, provided that previous notice of such installation has been given to the proprietor of the immoveables.

Wires, &c., of company not liable to seizure, &c., for debts, &c., of certain persons.

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

Powers not to be exhausted by exercise.

32. All penalties and forfeitures imposed by this act may be sued for and recovered with costs by the company, either before the Circuit or Superior Court, according to the amount demanded, or before one or more justices of the peace in the district where the offence has been committed.

Recovery of penalties.

33. The provisions of the Joint Stock Companies' General Clauses Act shall form part of this act, except in so far as they are inconsistent with any provisions thereof.

Law applicable.

34. Nothing in this act shall in any manner affect any vested right existing in favor of any other company.

Certain vested rights not affected.

35. This act shall not apply to that part of the Province which forms the judicial district of Quebec as fixed for the jurisdiction of the Court of Review, nor to the counties of Ottawa and Pontiac.

Act not to apply to certain part of the Province.

36. Nothing in this act shall be construed as permitting the company to traverse and cross the Harbour of Montreal

Consent required for certain purposes.

with any of its appliances, without the previous consent of the Harbour Commissioners of Montreal, or the Governor-General in Council.

Coming into
force.

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

CAP. LXVII

An act to incorporate The Electric Power Company of Montreal

[Assented to 15th January, 1898]

Preamble.

WHEREAS Emilien Z. Paradis, advocate, Alexander Macdonald, manufacturer, both of the city of St. Johns, in the district of Iberville, the Honorable Joseph Emery Robidoux, advocate, Paul Paradis, engineer, both of the city and district of Montreal, Sophronie Marchesseau, of the city of Butte, in the State of Montana, one of the United States of America, have, by their petition, prayed to be incorporated for the purpose of developing, acquiring, possessing, operating, leasing and transmitting water, electric and steam power, and to make use of and to employ the same for the purpose of manufacturing, lighting and heating, for railways and tramways, and for all objects and industries wherein such powers may be employed, and it is expedient to grant the prayer of their petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Persons in-
corporated.

1. Emilien Z. Paradis, advocate, Alexander Macdonald, manufacturer, both of the city of St. Johns, in the district of Iberville, the Honorable Joseph Emery Robidoux, advocate, Paul Paradis, engineer, both of the city and district of Montreal, Sophronie Marchesseau, of the city of Butte, in the State of Montana, one of the United States of America, and all others who shall become shareholders in the company hereby incorporated, are, by this act, constituted and declared to be a corporation and a body politic, under the name of "The Electric Power Company of Montreal."

Name.

General
powers.

Such corporation shall have and shall continue to have perpetual succession and a corporate seal, which it may change and modify at will, and may sue and be sued, and appear before the courts as plaintiff and defendant in the same manner as other corporations may do.

Company may
construct
dykes, &c.,

2. The corporation hereinafter called "the company" may construct, and maintain dykes, dams, moles, locks and bar-