

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.

**W**HEREAS 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 incorporated.

**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-

rages in the rapids of Sault St. Louis, on the river St. Lawrence, between l'Île au Diable and the south shore of the river St. Lawrence and above and below l'Île au Diable; take possession of the bed and of the beach of that portion of the river St. Lawrence for the purpose of constructing thereon the said works or other works necessary or useful for hydraulic powers and for industrial and manufacturing purposes; acquire, hold and possess all lands and moveable and immoveable rights necessary and useful for the purposes and objects of the company; make all constructions and do all the work at the Sault St. Louis Rapids that may be necessary and useful for the purpose of creating, developing and transmitting water, electric, steam, compressed air and other powers; employ, utilize, sell and lease the said lands and rights with or without hydraulic power; build and maintain warehouses, sheds, elevators, cranes, derricks and all buildings for manufacturing and industrial purposes; employ, utilize, sell and lease all hydraulic, electric or other power for the purposes of manufacturing light, heat, motive power for railways and tramways, and for all other objects to which such power may be applied; and enter into such contracts and exercise such other powers as may be necessary or useful for the aforesaid or similar objects, with the exception of constructing and operating railways and tramways.

**3.** The company shall have power to make all constructions and do all works for laying and installing the apparatus necessary for the transmission and distribution of power and electricity; for that purpose to lay and place in any direction whatever wires, cables, pipes, or other apparatus on poles above and under the ground, along or across all highways, streets and public or private roads, by obtaining the consent of the municipal corporations and individuals interested and if necessary upon or under private property by paying damages to the parties interested, and also in and upon any water-course in the Province, after having obtained the necessary authority therefor, and provided that the public be not impeded in the use of such roads or water-courses, and provided that navigation thereon be not interrupted, and that the municipal councils of cities, towns or incorporated villages, if they deem necessary, shall moreover have the right to superintend and determine the manner in which such streets, roads and highways shall be opened for the erection of poles or the laying of underground wires, and provided also that the surface of such streets and roads shall in all cases be restored to its original condition by the company and at its expense, as much as possible, and that the wires may be cut in case the same may become necessary for extinguishing fires by order of the chief of the fire brigade, in which case the company shall have no right to any com-

at a certain place, &c.

Company may make all constructions necessary for its works, &c.

compensation for the loss of such wires, but if the wires be cut, the company shall not be liable towards the consumers of electricity for the interruption or non-execution of the contracts that may result therefrom; provided further that the said company shall permit any other company which has the right to erect poles and which shall grant reciprocal privileges to this company, to use its poles over and above what shall be required by this company, under such regulations as may be adopted by the municipal authorities, and the compensation therefor shall be fixed by arbitration.

Permission of Governor-General in Council required. **4.** The company before erecting the dykes, dams and weirs above mentioned on the river St. Lawrence shall obtain permission from the Governor-General in Council.

Capital stock and shares. Increase thereof. **5.** The capital stock of the company shall be three million dollars, divided into thirty thousand shares of one hundred dollars each. It may be increased by resolution of the shareholders in general meeting assembled, provided the capital stock authorized by this section shall have been fully paid up.

Directors. **6.** The affairs of the company shall be managed by a board of five directors, who must hold not less than fifty shares each in the capital stock of the company. The number of directors may be increased by the by-laws of the company.

Provisional board. **7.** The provisional directors shall be the said Emilien Z. Paradis, Alexander Macdonald, Honorable J. E. Robidoux, Paul Paradis and Sophronie Marchesseau.

Head office. The head office or principal place of business of the company shall be in the city and district of Montreal.

Company may acquire patents and patent-rights, &c. **8.** The company may acquire the ownership or use of any patent or patent-right respecting electricity, gas or other light, or motive power, and may issue paid up shares in payment of such purchase, as well as of all operations for which it shall be bound to pay; provided always that the payments and paid up shares shall not exceed the capital authorized.

Company may manufacture patented machinery. **9.** It may also manufacture patented machinery, of which it shall acquire the ownership.

Municipal corporations may aid company. **10.** Any municipal corporation may aid it by means of bonuses, loans, advances or by securing the payment of debentures or by granting it such privileges or exemptions as the council of such municipal corporation may deem expedient.

**11.** The company may dispose of the whole or of any part of its works and property, and all accessories thereof, including the power and privilege of continuing to work the same; or may join for the purpose of its operations with any person or company, acquire the rights, privileges and franchise thereof, and, for that purpose, may issue paid up shares in payment for the obligations so assumed and receive the same from other companies.

Company may sell property, &c., franchises, &c.

**12.** The company may purchase, rent or otherwise acquire and possess any immoveable which may, from time to time, seem necessary for the object of its operations, and sell, lease or otherwise dispose thereof, or hypothecate, by mortgage or pledge, its immoveables or a portion thereof in such manner and on such terms and conditions as to it may appear expedient.

Company may purchase, &c., real estate, &c.

**13.** The company may subscribe to or accept transfers or hold shares in the capital stock of any other company or corporation in payment or on account of all rights and other privileges purchased, leased or otherwise acquired from this company.

Company may hold shares in other companies.

**14.** If any person place or cause to be placed wires, pipes or other means of communication for connecting with the wires, pipes or conductors belonging to the company, or by any other means make use of the electric current, gas, or any other product of the company, without the latter's consent, he shall be condemned to a penalty not exceeding the sum of one hundred dollars in addition to a fine not exceeding the sum of four dollars for every day that such connection shall have existed.

Penalty on persons connecting with wires of company without consent, &c.

**15.** When a person receives from the company a supply of electricity, gas or other product and neglects to pay to the company the rents, tolls, or claims due on the dates fixed for the payment thereof, the company or any person who acts on its behalf, may, after a notice of forty-eight hours, suspend the introduction of electricity, gas or other product into the premises belonging to the person so in arrears, by interrupting the supply; the company may recover the rents or claims due at such date, as well as the expenses resulting from the suspension of the electricity, gas or other product before any competent court, notwithstanding any contract to supply for a further period; provided, however, that when certain electric, telephone, telegraph or gas companies or the municipal authorities consider it necessary to have underground work done, which may lay bare the wires of the company, such other companies or

Power to cut off supply of electricity, &c., if rates not paid, &c.

municipalities may execute such works, without incurring the fine above mentioned, by giving notice of their intention in that respect before commencing such works to the company at its office.

Company's wires, &c., not liable to seizure for debts of third parties.

**16.** The wires, pipes, lamps or other apparatus belonging to the company shall not be liable for the payment of rent nor to seizure or garnishment by the possessor or proprietor of the premises on which they may be, nor liable in any way for the benefit of any one whomsoever for the payment of the debt of any other person to whom or for whose house or building the said supply may be given by the company, notwithstanding the real or apparent possession thereof by such person.

Company may enter premises to take away wires, &c., when supply cutoff.

**17.** In all cases where the company may suspend and cut off the supply of electricity, gas or other product in all houses, buildings or dependencies, the company, its agents and workmen, after a previous notice of forty-eight hours given to the guardian or occupant of the house, building or dependencies, may enter therein between nine o'clock in the forenoon and six o'clock in the afternoon, causing as little disturbance as possible, and remove and take away the wires, pipes, meters, lamps, apparatus, and other accessories belonging to the company; and every person employed in the service of the company duly authorized may, between the hours aforesaid, enter any house or dependency where the company supplies electricity, gas or other product in order to repair or inspect the wires, pipes, meters, lamps or other accessories.

Penalty for refusing to allow servants of company to enter.

Whoever refuses, without reasonable motive, permission to the employees or officers of the company to enter to do such work, shall incur for each such offence a fine not exceeding forty dollars payable to the company and in addition a fine not exceeding four dollars for every day that such refusal or impediment shall continue.

Existing rights of other companies not affected.

**18.** Nothing in this act shall in any manner affect any vested right existing in favor of any other company, nor be interpreted as permitting the company to traverse or cross the Harbour of Montreal with any of its appliances, without the previous consent of the Harbour Commissioners of Montreal.

Law to govern.

**19.** The provisions of the joint stock companies' general clauses act shall form part of this act, except in so far as they may be contrary to or inconsistent with any of the provisions of this act.

**20.** This act shall not apply to that part of the Province which forms the district of Quebec as defined at present for the purposes of the jurisdiction of the Court of Review. Act not to apply to certain portions of Province.

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

C A P. L X V I I I

An Act to incorporate the Montreal Merchants' Telephone Company

[Assented to 15th January, 1898]

**W**HEREAS the Montreal Merchants' Telephone Company, incorporated by letters-patent of the Lieutenant-Governor of this Province, dated the 13th September, 1892, has, by petition, applied to be incorporated under the Joint Stock Companies' General Clauses Act, for the purpose of carrying on business generally in connection with telephones and electricity in the Province, and it is expedient to grant its prayer ; Preamble.

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

**1.** The Montreal Merchants' Telephone Company, incorporated by letters-patent of the Lieutenant-Governor of this Province, dated 13th September, 1892, as well as all persons who now are or shall hereafter become shareholders in the said company are constituted a corporation, under the name of "The Montreal Merchants' Telephone Company." Certain persons incorporated. Name.

**2.** The corporation shall be subject to the operations of the Joint Stock Companies' General Clauses Act, except when the same may be contrary hereto or inconsistent herewith. Law to apply.

**3.** The head office of the company shall be in Montreal, and the directors may establish other offices at any place in this Province. Head office.

**4.** All the powers already conferred upon the company by its letters-patent are confirmed, and all the acts, contracts, transactions and obligations by it effected in the course of its operations shall be respected in such a manner as to bind third parties towards the company, and the company towards third parties, as regards such acts, contracts, transactions and obligations. Certain powers, &c, confirmed.