

How safe, &c.,
is to be
opened.

6. No such safe or receptacle shall be opened, except in the presence of a notary public, duly authorized by the applicant, who shall prepare, at his expense, a *procès-verbal* of the parties present at the opening, showing the contents of the safe or receptacle, and deliver one copy thereof to the safe deposit company, and another copy thereof to the prothonotary of the Superior Court.

Further order
of court.

7. The court may, upon the deposit of such *procès-verbal*, make such further order, with regard to the disposal of the contents of such safe or receptacle, as to law and justice may appertain.

Discharge of
company.

8. Upon compliance with such order, the company shall be finally discharged, in respect of all its duties and obligations, for the safe custody of the contents of such safe or receptacle.

Penalty on
persons in-
fringing act.

9. Any person violating the provisions of this act shall be subject to a penalty of one hundred dollars, recoverable by the Attorney General, for the use of Her Majesty.

Coming into
force.

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

C A P. L X X V I I .

An Act to incorporate the North Shore Power Company.

[Assented to 9th January, 1897.]

Preamble.

WHEREAS the persons hereinafter named propose to form a joint stock company, to be called the "North Shore Power Company," for the purpose of, in the district of Three Rivers, owning, manufacturing, and dealing in water, electric, steam, and any other power, electricity, gas and other illuminants; owning, leasing and operating mills, factories, and other works and plant, and for other purposes connected with such powers and illuminants, and have petitioned for an act of incorporation, and it is expedient to grant the prayer of the said petition;

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

Persons incor-
porated.

1. The Honourable Charles Carroll Colby, of the village of Stanstead Plain, advocate; William Farwell, of the city of Sherbrooke, bank manager; Jean Baptiste Frégeau, of the village of Beebe Plain, contractor, and Edouard Alfred Lacroix, of the city of Three Rivers, contractor, and all other

persons who are now or may hereafter become shareholders, shall be and are hereby created a body politic and corporate, under the name of the "North Shore Power Company," with power to acquire property, moveable and immoveable, and the same to lease, alienate and otherwise dispose of, and to hypothecate in favor of trustees or otherwise,—the value of such immoveable property not to exceed one hundred thousand dollars.

2. The head office or principal place of business of the company shall be at the city of Three Rivers.

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

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 hundred and fifty thousand dollars.

4. The said Hon. C. C. Colby, Wm. Farwell, J. B. Frégeau, and E. A. Lacroix shall be the first or provisional directors of the company.

5. The company may, within the limits of the district of Three Rivers, acquire, own, operate, lease, manufacture, transmit, supply and deal in and otherwise use water, electric, steam and any other power for lighting, heating, manufacturing and all other industrial or useful purposes to which such power may be applied, electricity, gas, and other illuminants, mills, factories, and all other works, plant and appliances required for such purposes, and may lay its wires and pipes underground, as the same may be deemed expedient, and in so many squares, streets, highways, lanes, and public places as may be necessary for the purpose of supplying light, heat and 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.

6. The company 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-courses in the district of Three Rivers; 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; and also that the municipal council in all cities, towns, or incorporated villages, if it deem necessary, shall have the right to oversee and prescribe the manner in which such streets, roads and highways shall be opened for the erection of poles and for the placing of wires underground; provided also that the surfaces of such 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, in case the wires shall be so cut, the company shall not be liable to its customers for any interruption or non-execution of its contracts by reason thereof.

Power to purchase, &c., certain property, &c.

7. The company may purchase, construct and maintain such dams, locks, and other constructions, canals and waterways as may be required for the purposes of its works, either along the bank or in the bed of the stream; and for such purposes may enter upon and survey lots on the lines of rapids or water-courses, and may make all such constructions and crossings, whether across, under or over public or private grounds, or an aqueduct or canal, and may erect all constructions, requisite to improve the water-power and supply of water at rapids or other places on the stream; provided however that public or private property shall not be made use of without permission first obtained from the competent authorities and the proprietors.

Proviso.

Power to sell surplus water.

8. The company may lease, sell or dispose of any surplus water which it may not require.

Penalty on persons causing wires, &c., to communicate with company's wires, &c.

9. If any person place or cause to be placed any wire, pipe, or other means of communication to communicate with any wire, pipe, or conductor belonging to the company, or in any way make use of the electric current, gas or other production of the company, without the latter's 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 such communication may exist; and, in addition, double the value of any electricity, gas, or other manufacture which has been so wrongfully consumed.

Penalty for damages to company's property.

10. If any person wilfully or maliciously damage or cause to be damaged, or put out of order any wire, pipe, engine, or other appliance used by the company for the

supply of electricity, gas, or other manufacture of the company, or any materials connected therewith, or wilfully impair or knowingly suffer the same to be altered or impaired, he shall incur a penalty, to be forfeited to the company, of not less than four dollars nor more than one hundred dollars, and shall also pay all charges necessary for the repairing or replacing of the said wires, pipes, engines or appliances, together with all actual damage suffered by the company.

11. If any person or corporation, supplied by the company with electricity, gas, or other manufacture, neglect to pay the rent, rate, or charge due the company at the times 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 of electricity, gas or other manufacture from entering the premises of the person in arrears, as aforesaid, by cutting off the supply thereof, and by any such other means as the company or its officers see fit, and the company may recover the rent or charge due up to such time, together with the expense of cutting off the electricity, gas, or other manufacture, in any competent court, notwithstanding any contract to furnish for a longer time.

Power to cut off supply of gas, &c., in case of failure to pay rates, &c.

12. In every case where the company may cut off and take away the supply of electricity, gas, or other manufacture 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 into 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, gas, or other manufacture has been taken from the company, for the purpose of repairing or examining any such wires, pipes, meters, 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 ten dollars, and a further penalty, not exceeding four dollars per day, 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.

Power of company to remove fittings, &c., in case of failure to pay rates, &c.

Penalty for refusing entry to officers.

Company's
wires, &c.,
not liable to
seizure for
rent, &c.

13. The wires, pipes, lamps and other appliances and apparatus of any kind of the company shall not be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises where-ever the same may be, nor be liable in any way to any person for the debt of any other person, to 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.

Law applic-
able to com-
pany.

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

Power to ac-
quire patents,
&c.

15. The company may acquire the ownership or use of any patents, patent rights or franchises in respect of electricity, gas, and other illuminants or motive power, and may acquire rights, privileges, franchises and contracts heretofore granted to other companies or individuals within the limits of the district of Three Rivers; and may issue paid up shares, bonds or debentures in payment of such purchases or contracts, and also for all services for which it shall be obliged to pay, as well as in payment for all rights of way, plant, charters, franchises and privileges, and all moveable and immoveable property acquired; and may also manufacture machines covered by patents of which the company has acquired the ownership.

Issue of paid
up shares for
such purpose.

R. S., 4668,
§ 1, not to
apply.

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

Power to bor-
row money
and issue
bonds.

Amount.

16. The directors of the company may, from time to time, borrow money upon the credit of the company, and issue bonds, debentures or other securities for any sums borrowed, but the amount of bonds and debentures shall not, at any time, exceed fifty thousand dollars.

Signature to
bonds.

How payable,
&c.

Such debentures shall be signed by the president or vice-president, and countersigned by the secretary, 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 be-
come due, &c.

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

When to be
issued.

Such debentures shall not be issued until the issue is approved by the votes 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.

To secure the payment of such debentures, the directors may grant a mortgage or hypothec to one or more trustees, in favor of the holders of such debentures, upon the immovable 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 of the company, without prejudice to all other privileges already existing.

Security for
payment of
bonds.

17. Any 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, reasonable notice of such inspection being previously given to the company.

Works not to
endanger
public safety,
&c.

Inspection.

Notice of
inspection.

18. In constructing any works, 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, as 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 have been 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.

Precautions
to be taken in
laying wires,
&c., in streets.

19. The company may construct, maintain and operate tramways from and to any point or points in the district of Three Rivers, using as motive power, animals, electricity, steam or other means of locomotion.

Power to erect
tramways, &c.

20. The grant to the said J. B. Frégeau and E. A. Lacroix, heretofore made by the corporation of the city of Three Rivers and its council, of certain franchises and privileges, including, among others, the exclusive right and privilege of lighting, by electricity, the streets and public places of the city, and of furnishing electric light and electric motive power to the corporation and private citizens, industries, factories and other establishments, and of making all constructions and works necessary to the same for a period of twenty years; and the exemption of such works, machinery, plant and other things connected there-

Certain grant
confirmed, &c.

with or used in connection therewith, from municipal taxes and rates for a period of twenty years, and the by-law containing the same, to wit, the by-law passed by the said council, on the seventeenth day of August, eighteen hundred and ninety-six, are declared legal and valid, and each and all of the said franchises, privileges, rights and exemptions therein contained are declared legal and valid, and are confirmed to the said J. B. Frégeau and E. A. Lacroix and their assigns : the whole subject to the fulfilment, by the said J. B. Frégeau and E. A. Lacroix, or their assigns, of the conditions on them binding by the said by-law and any contract that may be made thereunder.

Grantees may assign their rights to company.

21. The said J. B. Frégeau and E. A. Lacroix, and other persons interested with them in the said grant, or their assigns, are authorized to transfer all or any of the said rights, contracts, privileges and franchises to the present company ; and the said company may, as consideration, in whole or part, of the said assignment, issue to the said J. B. Frégeau and E. A. Lacroix and others, fully paid up shares of its capital stock.

Law respecting railway expropriations to apply.

22. The provisions concerning expropriations contained in the law respecting railways, are incorporated in this act.

Consent required before operating, &c., in Three Rivers.

23. With regard to the city of Three Rivers, the company shall not operate, manufacture, supply and sell gas within the said city without first having obtained the consent of the corporation of the said city.

Penalties, &c., how recoverable.

24. 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 of the justices of the peace in the district where the offence has been committed.

Coming into force.

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