

## CAP. LXX.

## An Act to incorporate the Quinze Electric Power Company.

[Assented to 12th January, 1895.]

**W**HEREAS the persons hereinafter named have, by petition, represented that they propose to form a joint stock company, for the purpose of manufacturing, generating, dealing in and supplying electric and other illuminants, power and heating, and all other appliances connected therewith, with the right to construct and maintain all buildings and works necessary or incidental thereto; and also electric railways, tramways and ways of locomotion, at certain points in the county of Pontiac, and for other purposes connected with electricity, and have prayed 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 :

**1.** John Bryson, of Fort Coulonge, lumberer; James B. Klock and Robert A. Klock, both of Klock's Mills, in the Province of Ontario, lumberers; James T. McDougall, of Klock's Mills aforesaid, agent, and John Malcolm McDougall, of the city of Hull, advocate, 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 Quinze Electric Power Company," hereinafter called "the company," with power to acquire property, moveable and immoveable, and the same to lease, alienate and otherwise dispose of, and to hypothecate in favour of trustees or otherwise.

**2.** The head office or principal place of business of the company shall be at the city of Hull, but may be changed to such other place as may be determined upon at a general or special meeting of shareholders.

**3.** The capital stock of the company shall be fifty thousand dollars, divided into five hundred 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 an amount not exceeding five hundred thousand dollars.

As soon as the sum of five thousand dollars of the capital stock shall have been subscribed, and the sum of five hundred dollars of the capital stock shall have been paid up, the company may begin operations.

Calling of first meeting for election of directors. Notice therefor.

dred dollars paid on account thereof, the company may begin its operations and works; and the directors or a majority of them shall call a first general meeting of shareholders, at the head office or principal place of business of the company, as provided by section 7, by notice sent by registered letter to each shareholder at least eight days before such meeting.

Provisional directors.

**4.** John Bryson, James B. Klock, Robert A. Klock, James T. McDougall and John Malcolm McDougall shall be the first or provisional directors.

Term of office of provisional directors.

**5.** The provisional directors shall remain in office until the first election of directors under this act.

Powers of provisional directors.

**6.** The provisional directors may fill any vacancies occurring in the board of provisional directors, open stock subscription books, ask for subscriptions to the said capital stock, and take and obtain the same, make calls on account of such stock, cause maps, plans and surveys to be made, and begin the operations necessary to build and equip the said railways, tramways, lighting, heating and power works, and other things provided for by this act.

When first meeting for election to be held and term of office of directors elected thereat.

**7.** The first general meeting of shareholders for the election of directors shall be held on the first Wednesday of July, after the passing of this act, and the directors elected thereat shall hold office until July, 1896, and thereafter until their successors are elected and enter into office.

Annual general meeting, when and where to be held.

Notice therefor.

**8.** The general meeting of shareholders, for the purpose of electing directors, shall take place, each year, on the first Wednesday of July, at the head office or chief place of business of the company, at such hour and time as may be indicated in the notice of meeting, which notice shall be sent by registered letter, to the address of each shareholder, as such address appears in the stock-book of the company, posted at least one month before the date of the meeting; such notice shall also be published, during a period of ten days, in two newspapers of the district in which the head office is situate.

Provision if annual election not held.

**9.** Any default in holding such general meeting shall not dissolve the company; but the directors shall, in such case, remain in office until replaced at a subsequent meeting, called at any time, in the same manner as the annual meeting.

Number of directors.

Quorum.

**10.** The board of directors, to replace the provisional directors, shall be composed of seven members, five of whom shall constitute a quorum.

They shall choose, from their number, a president and vice-president.

President and vice-president.

**11.** No shareholder shall be appointed or elected a director unless he holds and owns, in his own name, at least ten shares of the capital stock, upon which all calls and instalments have been paid.

Qualification of directors.

**12.** The directors, or a majority of them, may fill any vacancy in the board of direction caused by death or resignation, by choosing a shareholder having the requisite qualifications; the directors, so chosen, shall remain in office until the next following annual meeting.

Vacancies in board.

Term of office of person chosen to fill.

**13.** The directors may, from time to time, make such calls upon the shareholders, on account of their stock, and in such proportions as may be deemed expedient; provided such calls do not exceed ten per cent of the capital stock, and shall be exigible only after a notice of one month sent, by registered letter, to each shareholder.

Calls.

Amount limited. Notice to pay.

**14.** The company may generate, manufacture, and deal in electricity for heating, power and illuminating purposes, gas, natural and artificial, and other illuminants, and all appliances for the supplying of the same or connected therewith, and may lay its wires and pipes underground, or its wires, pipes, poles and other appliances on the surface, as the same may be necessary or expedient, and in so many streets, squares, highways, lanes and public places, in the county of Pontiac, and the townships of Guigues and Duhamel therein, and such other townships or parts of townships in the county of Pontiac as may grant franchises to the company, and at all points and places in the territory, organized and unorganized, forming part of the conceded and unconceded lands of the Crown, on both sides of the River Ottawa, in the vicinity of the Quinze Rapids, and above, below and alongside the same where the said river passes in the Province of Quebec, for the purposes of supplying electricity and gas, natural or artificial, for light, power and heating; the whole, however, without doing any unnecessary damage, and provided that all proper facilities for free passage through the said streets, squares, highways, lanes and public places be afforded while the works are in progress.

Power to generate, &c., electricity, gas, &c.

**15.** The company may also erect above ground, and above buildings, with the permission of the proprietors, all requisite constructions, including posts and all supports for conducting the wires and electricity or other power along or across public roads and highways, or over any water-courses in the said county, city, town, villages and town-

Power to erect above ground posts, &c.

ships; provided that the public shall not be put to inconvenience in using such roads or water-courses, and that navigation shall not be interrupted.

Power to sell surplus water.

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

Power to build tramways, &c.

**17.** The company may construct, build, maintain and work tramways and railways, with single or double track, on the surface of the ground or as an elevated road, from and as far as any places situate in the townships of Guigues, Duhamel, Fabre, and Laverlochère, county of Pontiac, and in the organized and unorganized part of the said county to the north and to the east of the said townships, on both banks of the Quinze River, as far as any point on the *Lac des Quinze*, and use as motive power, animals, electricity, steam or any other means of locomotion.

Power to unite with, cross other roads, &c.

It shall be lawful for the company to cross, intersect, join and unite its tramways or railways with any railway or other tramway, at any point of its or their road, and run upon the lines of such railway or other tramway; to allow such other companies to run upon the lines of its own railways and tramways; to acquire the property, rights, franchises, privileges and rolling stock and material of such other companies, or lease the same, in whole or in part; and to sell, lease or transfer its railways, tramways and branches, lighting, heating and power system, and all interest it holds therein, in whole or in part, to other companies, upon such conditions as it deems advisable.

Acquire rights and franchises.

Compensation to be paid for timber cut.

The company shall make full compensation for the timber which it causes to be cut upon limits under license from the Crown to private persons or companies holding such licenses.

Power to build bridges over water-courses, &c.

**18.** The company may build bridges over any water-courses and rivers, for the purposes of its railways and tramways, at such points as it deems advisable, and all or any branches to and from any points for any purpose, as well as to join or unite with other railways or tramways; and the said railways and tramways and branches may be built by sections, in any order suitable to the company.

Power to acquire patents, &c., and issue paid-up stock or debentures for such purpose.

**19.** The company may acquire the ownership or use of any patents in respect of electricity, gas and other illuminants or motive power, and may issue paid-up shares and bonds or debentures, in payment of such purchase 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 and franchises, rolling stock and material, and all moveable and immoveable property acquired; and may

also manufacture machines covered by such patents of which the company has acquired the ownership.

Such issue and giving of paid-up shares and bonds and debentures shall be binding upon the company, and the paid-up shares, so issued, shall not be subject to assessment or any calls made by the company.

Issue to be binding on company and free from calls.

**20.** The company may acquire, receive, lease and possess all lands necessary to provide supplies of gravel, stone, sand and such things for the works, sheds, storehouses and other objects of the company, and may sell and dispose of such lands or any part thereof, when no longer required ; acquire, receive, lease and possess lands and sites for the building and erecting, maintenance and equipment of stations, sheds, warehouses, workshops, power-houses, elevators, docks and landings, platforms, parks, pleasure grounds, enclosures, rings and tracks for athletic games, horse and other races, office buildings, and for all other buildings and plant and appliances in connection with such railways, tramways, light, heat and power establishment ; purchase, lease, barter, exchange, or otherwise hold and acquire all property, moveable and immoveable, and all rights, privileges, water-powers and franchises or advantages which may be necessary or useful for the business of the company, and lease, sell, alienate or otherwise dispose of, mortgage or hypothecate the same, in favour of trustees or otherwise ; construct, build, equip and improve all dams, locks, bulkheads, sluices, gates, canals, wells, water-ways and other like things, in order to generate power by electricity or otherwise, for the purposes of the company, and which may be required for the purpose of its work, and to develop such water-powers, either on the bank or in the bed of the stream.

Power to acquire lands, &c., for supplies of gravel, &c. ;

Acquire land for building purposes, &c. ;

Water-powers, &c. ;

Construct dams, &c.

For such purpose, the company may enter upon and survey lots on the line of rapids or water-ways, and may make all bridges and intersections and crossings, whether across, over or under public or private grounds, or any 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, in so far as such powers may be granted by this Legislature ; take and hold shares in the capital stock of other incorporated companies, and sell and dispose of the same ; and amalgamate with other companies or any company having rights and privileges similar in whole or in part.

Powers of company for such purpose.

The company may also acquire, build, possess and work steam and other vessels to transport freight and passengers on all navigable waters in the vicinity of its railways and branches.

Power to acquire, &c., vessels.

Power to  
build stations,  
&c.

It shall also have power to build stations, depots, wharves, elevators and store houses which shall be necessary for the working of the company, and to acquire and hold all property necessary for its undertaking.

Power to  
borrow.

**21.** It shall be lawful for the company to borrow, in Canada or elsewhere, at such rates of interest as the directors may agree upon, on bonds or debentures issued by the company, such sums of money, from time to time, as may be necessary to build, construct, maintain, equip, complete and operate the said railways, tramways, light, heat and power systems and works, and other things authorized by this act; provided, however, the amount of such bonds or debentures shall not exceed thirty thousand dollars per mile for each mile of the said railways and tramways, with an additional sum of one hundred and fifty thousand dollars for constructing, equipping and completing the said light, heat and power works.

Proviso as to  
amount.

Power to bor-  
row on pay-  
ment of orig-  
inal bonds.

Proviso.

On payment, in whole or in part, of such bonds and debentures, it shall be lawful for the company to again borrow up to the amount so paid off, and so on, from time to time, to re-borrow; provided that the total sum borrowed shall not exceed the amounts aforesaid.

Company may  
hypothesize  
property to  
secure bonds.

For securing the repayment of the money so borrowed, with interest and accessories, the company may hypothesize, secure and assign its property, moveable and immovable, its rates, revenues and rents, and also future calls on the shareholders of the company.

Form of  
bonds.

Such bonds and debentures may be in such form as the directors may determine.

Rank thereof.

The bonds and debentures shall rank equally, and the holders thereof shall be secured by privilege.

Bonds may be  
made to  
bearer.

All such bonds, debentures, obligations, hypothecs and other securities authorized by this act, as well as all coupons and certificates for interest thereon, may be made respectively to bearer; in such case they may be transferred, assigned and conveyed by simple delivery, and the holders may sue in their own name for the recovery thereof.

Transfer in  
such case.

Power to  
mortgage or  
pledge prop-  
erty to trust-  
tees, &c.

**22.** The company may hypothesize and pledge their property, moveable and immovable, in favour of one or more trustees for the lenders or debenture-holders, or in favor of all or any company, corporation, bank or other person, whether such person be a member or shareholder of the company created by this act or not; the whole on the approval of the shareholders, by resolution adopted at a special general meeting; and, for such purpose, the company may execute all deeds necessary, in such form as may be agreed

upon between the company and the other contracting party or parties.

**23.** It shall be lawful for the company to make, draw, subscribe, sign, endorse and accept promissory notes to order and bills of exchange.

Power to make, &c., promissory notes, &c.

Such promissory notes and bills of exchange made, drawn, subscribed, signed, endorsed and accepted, by the president or vice-president or other officer duly authorized to such end by the rules of the company, and countersigned by the secretary, shall be binding upon the company.

Notes to be binding on company.

No seal shall be required on such promissory notes and bills of exchange; and they shall be held to have been validly made until the contrary be shewn.

Seal not required, &c.

The president, vice-president, secretary, or other authorized officer, shall not be personally liable on any such notes or bills of exchange which fulfil the above conditions.

Officers signing not personally responsible.

**24.** It shall be lawful for the company to sell all its property, moveable and immoveable, as well as its charter and franchises, when at least ten thousand dollars shall have been expended in building and equipping its buildings, railways and tramways, and lighting, heating and power systems.

Power to sell property, charter, &c.

**25.** The shareholders of the company, whether British subjects or foreigners, residing in Canada or elsewhere, shall have equal rights and privileges; and may hold shares, vote by reason thereof, and be eligible for any office as directors or otherwise of the company.

Privileges of shareholders.

**26.** Notwithstanding any provision of law to the contrary, or the absence of any law authorizing it to that effect, any corporation, township or part of township, parish, and any municipality interested in the construction of the proposed systems of railways, tramways, lighting, heating and power, may subscribe for and hold shares in the capital stock of the company, make and give grants of money or lands, exemptions from taxes and other benefits and advantages, in order to aid and facilitate the building and equipment of such systems; and the council of such municipalities are hereby authorized to make with the company such agreements, contracts and deeds as they deem advisable.

Municipal corporations may subscribe shares, and grant money to and exempt company from taxation.

**27.** If any person places or causes to be placed any wire, pipe or any other means of communication, to communicate with any wire, pipe or conductor belonging to the company, or in any other way makes 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

Penalty for connecting wires, &c., of company without consent.

of one hundred dollars, and also a further sum of four dollars for each day during which such communication exists.

Penalty for  
damaging  
company's  
wires, &c.

**28.** If any person wilfully or maliciously damages or causes to be damaged, or puts out of order, any wire, pipe, engine or other appliance used by the company for the supplying of electricity, gas or other manufacture of the company, or any materials connected therewith, or wilfully impairs or knowingly suffers the same to be altered or impaired, he shall incur a penalty, to be forfeited to the company, of not less than four dollars and 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, and double the value of any electricity, gas or other manufacture, which has been so wrongfully consumed.

Power of com-  
pany to cut off  
supplies in  
case of non-  
payment, &c.,  
proceedings  
to be taken  
for such pur-  
pose.

**29.** If any person, supplied by the company with electricity, gas or other manufacture, neglects to pay the rent, rate or charge due the company at the times fixed for 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; provided, however, that in the event of any electric, telephone, telegraph or gas companies, or municipal authorities deeming it necessary to do underground work, which might expose any wires of the company, it shall be lawful for such other company or municipality to do so without incurring the penalty above mentioned, if it gives notice to the company, at its office, of its intention to perform such work before beginning the same.

Company's  
property not  
liable for rent,  
&c., on pre-  
mises of other  
persons.

**30.** Neither the wires, pipes, lamps, nor other appliances, nor apparatus of any kind of the company, shall 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, wherever 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.

Company  
may remove  
its wires, &c.,  
after cutting

**31.** 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,

their 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.

off supply in case of non-payment and proceedings for such purpose.

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 appliances; and, if any person refuses, without reasonable cause, to permit the servants and officers of the company to enter and perform such acts, he shall incur a penalty, in favour of the company, not exceeding forty dollars for every such offence, and in addition a penalty not exceeding four dollars, for every day during which such refusal continues.

Power of company's servants to enter premises for such purpose.

Penalty on persons refusing entrance.

**32.** 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 any justice of the peace in the district where the offence has been committed.

Penalties how recovered.

**33.** The provisions (concerning expropriation and other matters) of the law respecting railways, being section twelve of chapter three of title eleven of the Revised Statutes, including articles 5125 to 5222 inclusively, and all amendments thereto, are incorporated in this act, except in so far as they are inconsistent with any provision thereof.

Certain provisions of law apply to company.

**34.** 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 provision thereof.

Certain other provisions also apply.

**35.** The building of the railroads or tramways of the said company shall be commenced within two years and completed within five years from the sanction of this act.

When works on railroads and tramways to be commenced and be completed.