

way affect any bonds or debentures issued under the authority of the said acts. repealed. Saving clause.

8. All such parts of the acts 47 Victoria, chapter 55, and 54 Victoria, chapter 76, which are in any way inconsistent with the provisions of this act, are hereby repealed. Inconsistent parts of 47 V., c. 55, 54 V., c. 76, repealed.

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

CAP. LXXVII.

An Act to incorporate the St. Henri Light and Power Company.

[Assented to 24th June, 1892.]

**W**HEREAS the persons hereinafter named propose to form a joint stock company to be called the St. Henri Light and Power Company, for the purpose of manufacturing, dealing in and supplying electric and other illuminants, powers and heatings, and all appliances connected therewith, with the right to construct and maintain all buildings and works necessary or incidental thereto, and also elevated or other tramways and ways of locomotion and means for greater facilitation in the transmission of messages or intelligence, and for other purposes connected with electricity, and have petitioned for an act of incorporation, and it is expedient to grant the prayer of the said petition; Preamble.

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

1. Louis H. Hénault, manufacturer, Guillaume N. Ducharme, proprietor, both of the city of St. Cunégonde of Montreal; Robert Bickerdike, of the town of St. Henri, merchant; William Cunningham, live stock exporter, and Albert J. Brown, advocate, both of the city of Montreal, all in the district of Montreal, and all other persons who now are or may hereafter become shareholders, shall be and are hereby created a body politic and corporate, under the name of the "St. Henri Light and 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; provided that the immoveable property shall not exceed a total value of one hundred thousand dollars. Certain persons incorporated.

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

Provisional directors.

**3.** Louis H. Hénault, Guillaume N. Ducharme, Robert Bickerdike, William Cunningham and Albert J. Brown shall be the first or provisional directors of the company.

Local boards of directors.

**4.** The company may establish local boards of directors in the municipalities in the Province of Quebec, whose jurisdiction, as such, shall extend over the district for which they may be appointed.

Power to manufacture, &c., electricity, gas, &c., and lay wires in streets, &c.

**5.** The company may manufacture and deal in electricity, gas, and other illuminants, and all appliances for the supplying of the same or connected therewith, and may lay its wires and pipes underground, as the same may be necessary, and in so many streets, squares, highways, lanes and public places as may be deemed necessary, for the purposes of supplying electricity and gas for light, power and heating, the whole, however, without doing any unnecessary damage, and providing all proper facilities for free passage through the said streets, squares, highways, lanes and public places while the works are in progress.

Power to erect posts, &c., to carry wires, &c., overhead.

Proviso.

Further proviso.

**6.** The company may also erect above ground, and above buildings, with the permission of the proprietor, 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 Province, providing that the public shall not be put to inconvenience in using such roads or water-courses, and that navigation shall not be interrupted; and provided, also, that the wires may be cut in case it shall 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 the consumers of electricity for the interruption thereby caused in the supply of the same.

Power to make use of water-power, &c. ;

Proviso.

**7.** The company may make use of such water-power as may be necessary, and, for such purpose, may construct and maintain the necessary dams, locks, and other constructions, and such canals or water-ways as may be required for the purpose of their work, either on the bank or in the bed of the stream, and, for such purpose, may enter upon and survey lots on the line of rapids or water-ways, and may make all bridges, intersections, and crossings, whether across, under or over 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;—provided, however, that the company shall

be responsible for any damage arising from floods caused by the constructions of the company, and that public or private property shall not be made use of without permission first obtained from the competent authorities and the proprietors.

**8.** The company may lease, sell or dispose of any surplus water which they may not require. To sell, &c., surplus water.

**9.** If any person or persons 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 other way make use of the electric current, gas, or other production of the company, without the latter's consent, he or they shall forfeit and pay to the company the sum of one hundred dollars, and also a further sum of four dollars for each day during which such communication exists. Penalty for unauthorized use of wires, &c.

**10.** 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, or 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 surplus electricity, gas or other manufacture, which has been so wrongfully consumed. Penalty for damaging company's wires, &c.

**11.** 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 the payment thereof, the company or any person acting under their 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 Electricity or gas may be cut off from persons in arrears for rent, &c. Proviso.

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.

Wires, &c., of company not liable for rent of premises over which they are fixed.

**12.** Neither the wires, pipes, lamps, nor other appliances nor apparatus of any kind of the company, shall be subject 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 cause meters, &c., to be removed.

**13.** 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. 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 refuses, 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, not exceeding four dollars, for every day during which such refusal or obstruction continues.

Company may enter premises to repair wires, &c. Penalty against any person refusing admission.

R. S. Q., art. 4651 to 4693, to apply.

**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.

R. S. Q., art. 4705, not to apply.

Nevertheless, article 4705 of the Revised Statutes of the Province of Quebec, as amended by the act 54 Victoria, chapter 35, shall not apply hereto.

Company may acquire patents, &c.

**15.** 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 in payment of such purchase or contracts, and also for all

services for which it shall be obliged to pay; provided, however, such payment or payments by paid-up shares shall not exceed the amount of the authorized capital. It may also manufacture machines covered by such patents of which they have required the ownership.

**16.** It shall be lawful for the company to borrow at such rate of interest as the directors may agree upon, on bonds or debentures, such sums of money, from time to time, as shall not exceed in all one half the paid-up capital of the company, and on payment, in whole or in part, of such bonds or debentures it shall be lawful for the company again to borrow, up to the amount so paid off, and so from time to time, to re-borrow, provided that the total sum borrowed shall not exceed the amount aforesaid. And for securing the repayment of the money so borrowed, with interest and accessories, the company may hypothecate, secure and assign their property, moveable and immoveable, their rates, revenues and rents, and also future calls on the shareholders of the company, and such bonds or debentures may be made in such form as the directors may determine. The bonds or debentures to rank equally, and the holders thereof to be secured by privilege. And the company may hypothecate and pledge their property, moveable and immoveable, in favor of one or more trustees, for the lenders or debenture holders, and, for such purpose may execute all deeds necessary, in such form as may be agreed upon between the company and the trustees.

Company may borrow money, and issue debentures.

Security for such debentures.

Ranking of bonds.

**17.** The company shall not possess any rights or privileges granted by this act, which might belong to the exclusive jurisdiction of the Federal Government of Canada, without the previous authority of such Government.

Rights of Government of Canada reserved.

**18.** Before commencing the laying of wires or pipes, or the erection of water-ways, the company shall make a report to the commissioners of agriculture and public works of the Province of such works, and shall send a copy thereof to the council of the municipality in which such works are so projected.

Report to commissioners of agriculture and public works required in certain cases.

**19.** 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 situate, reasonable notice of such inspection being previously given to the company.

Public safety not to be endangered.

Inspection by municipal authorities.

Streets not to be unnecessarily encumbered, &c.

**20.** 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.

Company may build surface or elevated tramways and use certain motive power.

**21.** The company may construct and maintain tramways either upon the surface of the ground, or as elevated roads, from and to any point or points in any city, town or village in the Province of Quebec, using as motive power, animals, electricity, steam or other means of locomotion.

Company may cross, unite, &c., with other tramways.

**22.** It shall be lawful for the company to cross, intersect, join and unite their tramway or tramways 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.

R. S. Q., art. 5125 to 5222 to apply.

**23.** The provisions (concerning expropriations) of the law respecting railways, being section twelve of chapter three of title eleven of the Revised Statutes, are incorporated in this act.

Before what court suits are brought.

**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.

Company to comply with municipal rules and regulations.

**25.** The company may only exercise the privileges conferred upon it by the present act, upon complying with the rules and regulations which exist or may be hereafter adopted by the municipal authorities on the subject.