

The present by-law shall come into force take effect when it shall have been approved by the municipal electors who are proprietors, and when the other formalities in such cases provided have been complied with, subject to the said by-law being legalized as required by law.

C A P . X C .

An Act to incorporate the "Montreal Steam Supply Company."

[Assented to 24th July, 1880.]

WHEREAS the persons hereinafter named, and others, Preamble. propose to establish a joint stock company, and have petitioned for an act of incorporation for the said company; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Charles Garth, Esquire, the Honorable Thomas Ryan, Persons in- Senator, Henry Lyman, Merchant, Thomas Cramp, corporated. Merchant, the Honorable Donald A. Smith, M.P., Henry McKay, Merchant, Thomas W. Ritchie, Q.C., the Honorable John Hamilton, Senator, John S. Hall, Esquire, the Honorable J. R. Thibaudeau, Senator, James Hutton, Merchant, and John M. Young, Merchant, all of the city of Montreal, (who shall be provisional directors), and all other person and persons, body and bodies politic, as shall, from time to time, be possessed of any share or shares in the undertaking, shall be united into a company, and shall be one body politic and corporate by the name of: "Montreal Steam Supply Company," and by that name Name of cor- shall have perpetual succession and a common seal, with poration. power to break and alter such seal, and by that name shall General sue and be sued, plead and be impleaded, in all courts powers. whatsoever.

2. It shall be lawful for the company, within the city of Power to Montreal, to manufacture, sell, or otherwise dispose of, manufacture steam or other heating material, and all the apparatus or steam, &c. appliances for the distribution of the same to consumers.

3. It shall be lawful for the said company, after two Laying mains, days' notice, in writing, to the city surveyor, and with his &c. consent in writing or that of the road committee of the said city, to break up, dig and trench, as much and so many of the streets, squares, lanes and public places of the said city of Montreal, as may at any time be necessary for laying down the mains and pipes to conduct the steam, or

other heating material from the works of the said company to the consumers thereof, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares, lanes and public places while the works are in progress.

Power to place
pipes and re-
move same.

4. The company may also break up and uplift all passages common to neighboring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes, or taking up or repairing the same, doing as little damage as may be, in the execution of the powers granted by this act; and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of the powers granted by this act; subject to which provisions, this act shall be sufficient to indemnify the company, their servants and those by them employed, for what they or any of them shall do in pursuance of the powers granted by this act.

Site of works,
&c.

5. The said company shall so construct and locate their works, and all apparatus and appurtenances thereto belonging or appertaining, so as not to endanger the public health or safety; and the said works shall be subject and bound by the existing by-laws of the corporation of the city of Montreal; and the works of the said company shall, at all reasonable times, be subject to the visit and inspection of the municipal authorities of the said city of Montreal, reasonable notice thereof being previously given to the company; and the company shall, at all times, obey all just and reasonable orders and directions they shall receive from the said municipal authorities in that respect, under a penalty of not more than one hundred dollars, nor less than five dollars, for each offence in neglecting or refusing to obey the same, to be recovered at the suit and for the use of the said city of Montreal, in any court of competent civil jurisdiction, except the Recorder's court of the city of Montreal.

In opening
streets to keep
free circula-
tion &c.

6. In case the said company shall open or break up any street, square, lane or public place, and shall neglect to keep the passage of the said street, square, lane or public place, as far as may be, free and uninterrupted, or to place guards or fences with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares, lanes or public places without unnecessary delay or when notified so to do, by the city

surveyor, as hereinbefore provided, or to repair any damage that may have been caused to such street, square, lane or public place, by reason of any works done therein by the said company, such company shall be responsible for all damages caused by such neglect, and the municipal authorities of the corporation interested, after notice in writing, to the company, shall cause the duty so neglected, to be forthwith performed, and may recover the expense thereof from the said company; and in default of payment of the said costs by the latter, within one month after demand, they may be recovered by civil action, in any court of competent jurisdiction.

7. Any person, who, with intent to injure or defraud the company, shall wilfully injure, alter, obstruct or prevent the action of any meter or other device provided for the purpose of measuring and registering the quantity of steam consumed or the quantity of water resulting from condensation of steam consumed; or cause or procure any such meter or other device to be injured or altered, or the action thereof to be obstructed or prevented, shall pay, for the use of the company, a penalty not exceeding two hundred dollars, together with costs of prosecution, or be confined in the common gaol of the district for a space of time not exceeding six months. Damage to meters, &c.

8. Any person who, with intent to injure or defraud the company, shall connect or cause to be connected, any pipe, tube or other instrument or contrivance, with any main service-pipe or other pipe for conducting or supplying steam, in such manner as to connect with and be calculated to supply steam for heating, for moving machinery or for any other purpose or use, without such steam passing through the meter or other device provided for the measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of such steam consumed, shall forfeit and pay to the company the sum of one hundred and twenty dollars, and also a further sum of five dollars for each day, during which such communication remains, which sums, together with costs of suit, in that behalf incurred, may be recovered by civil action, in any court of competent jurisdiction. Connecting pipes, &c., to defraud company.

9. Every person, corporation or association, who shall wilfully or fraudulently injure or suffer to be injured any meter, device, pipe or fitting belonging to the company, or prevent such meter or device from duly registering the quantity of steam consumed or the quantity of water Allowing pipes, &c., to be damaged, &c.

resulting from the condensation of steam consumed ; or shall alter the index of any such meter or device, or in any manner or way interfere with or hinder, or obstruct its proper action or just registration, or shall fraudulently consume or waste the steam of said company, shall for each and every such offence, forfeit and pay to such company the sum of twenty-five dollars, and shall also be liable to such company, in a civil action, for the damages sustained by reason of such offence.

Power to enter dwellings, &c.

10. Any officer or agent of the company, duly authorized in writing, signed by the president or secretary of said company, may, at all reasonable times, enter any dwelling, store, building, room or place, supplied with steam by such company, for the purpose of inspecting and examining the meters, devices, pipes, fittings and appliances for supplying or regulating the supply of steam, and for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed.

Exhibition of authority.

Such officer or agent shall exhibit his written authority, if requested by the occupant of such dwelling, store, building, room or place.

Penalty for obstructing &c.

Any person who shall, directly or indirectly, prevent or hinder such officer or agent from entering such dwelling, store, building, room or place, or from making such inspection or examination shall forfeit and pay to the company the sum of twenty-five dollars for each offence.

Refusal to pay rent, &c., for steam, &c.

11. If any person, supplied with steam by such company, shall neglect or refuse to pay the rent or remuneration for such steam, or for the meter, device, pipes, fittings or appliances, let by such company, for supplying steam or for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of the steam consumed, agreed upon or due by the same, as required by his, their, or its contract with such company, the latter may thereupon stop and prevent the steam from entering the premises of such person, so neglecting or refusing to pay such rent or remuneration.

May stop supplies.

The said company may also, in any of the cases enumerated in this act, in which a person is liable to pay a forfeiture, or is liable to a penalty or imprisonment, stop and prevent the steam from entering the premises of the person so liable.

May enter dwellings, &c., to remove pipes, &c.

In all cases in which such company is authorized to stop and prevent the steam from entering any premises, it may, by its officers, agents or workmen enter into or on such premises, between the hours of eight o'clock in the

forenoon and six o'clock in the afternoon, and cut off, disconnect, separate and carry away any meter, device, pipe, fitting or other property of the said company, and may cut off, disconnect and separate any meter, device, pipe or fitting, whether the property of the company or not from the mains or pipes of the said company.

12. The capital stock of the company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and may be increased from time to time, to an amount not exceeding in all two million dollars, by a vote of two-thirds of the shareholders, present or represented at any annual or special meeting to be called for that purpose. Capital stock of company.

13. It shall be lawful for the company to borrow money to an amount not exceeding the paid up capital, and to issue debentures, with or without interest coupons attached, and to mortgage, hypothecate or pledge the real estate, works, rates, revenues and rents of the company, and any unpaid calls of shareholders. Power to borrow money.

14. It shall be lawful for the company, from time to time, to acquire, by purchase or otherwise, any patent or other rights for the manufacture, production, use and sale of steam or other heating material or motive power, and to sell the said patent or other rights. Power to acquire patents, &c.

15. Neither the service nor connecting pipes of the said company, nor any meters, pipes, radiators, fittings nor any other property, of any kind whatsoever, 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 wherein the same may be, nor be, in any way whatsoever, liable to any person for the debt of any person to and for whose use, or the use of whose house or building the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person. Pipes, &c., of company not liable to seizure for rent, &c., due by person using same.

16. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy, or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner as the directors shall, from time to time, require or by any by-law may direct; and in case the transmission of any shares of the capital stock of the company shall be by virtue of the Form of transfer in certain cases.

marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted are the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband ; and such declaration shall be binding upon the company and parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the company ; and the omission of a statement, in any such declaration, that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

Decision of doubts as to property in shares in such cases.

17. If the directors of the company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the company to make and file in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom ; provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition ; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions, in cases pending before the said Superior Court ; provided also, that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong ; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

31 V., c. 25, applicable to company.

18. The " Joint Stock Companies General Clauses Act" shall apply to the company and shall be incorporated with and form part of this act ; and be construed as forming one act therewith.

Act in force.

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