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BILL.

An Act to provide for the formation of Incorporated Joint Stock Companies for supplying Towns in Upper Canada, with Gas and Water.

Received and read first time Friday 15th April
1853.

Second reading Wednesday, 20th April 1853.

[250 Copies.]

HON. MR. J. MORRIS.

QUEBEC:

Printed by Bureau & Marcotte, Basse Street.

BILL.

An Act to provide for the formation of Incorporated Joint Stock Companies for supplying Towns in Upper Canada, with Gas and Water.

WHEREAS it is expedient to make provision for the formation and registration of Joint Stock Companies for supplying Towns in Upper Canada with Gas and Water, and also after such registration to invest such Joint Stock Companies with some of the qualities and incidents of Corporations, and also with certain powers and privileges, subject to certain conditions and regulations; Be it therefore enacted, &c., That any five or more persons who may desire to form a Company for the purpose of supplying any Town in Upper Canada with Gas or Water, or both, may make and sign a statement or declaration in writing, in which shall be set forth the corporate name of the said Company and the object or objects thereof, the amount of the Capital Stock of the said Company (which shall not exceed twenty-five thousand pounds, and shall be divided into shares of five pounds each) the term of its proposed existence (which shall not exceed fifty years) the number of shares of which the said Stock shall consist, the number and names of the Trustees who shall manage the concerns of the said Company for the first year, and the name of the Town in which the operations of the said Company are to be carried on, and shall acknowledge such statement in duplicate before the Mayor of such Town, who is hereby authorized to receive such acknowledgment and grant a certificate thereof; and if upon the petition of such persons the Town Council of such Town shall within thirty days from the date of such acknowledgment make a by-law granting authority to such persons as a Company to lay down pipes for the conveyance of Water or Gas, or both, under the streets, squares and other public places of such Town, it shall be the duty of the Register of the County in which the same is situate, on production of one of the duplicates of such statement or declaration, with a proper Certificate of the acknowledgment thereof as aforesaid endorsed thereon and a duly certified copy of such by-law attached thereto to file the same and make an entry thereof in a book to be kept by him for that purpose; and the other of the said duplicates, with a proper certificate of the acknowledgment thereof, as aforesaid and of the filing and registration thereof and of the said by-law (a certified copy of which shall be also thereto annexed) as aforesaid, endorsed thereon, shall forthwith be

Preamble.

Mode of forming and registering Gas or Water Company &c. prescribed.

transmitted to and filed in the office of the Secretary of this Province.

After complying with such formalities the Company to be a Corporation. II. And be it enacted, that when the formalities prescribed in the foregoing section of this Act shall have been complied with, the persons who shall have signed the said statement or declaration and all such persons as shall thereafter become stockholders of the Company thereby established, shall be a body corporate and politic in law, in fact and in name, by the style and title mentioned in such statement or declaration, and they and their successors and assigns shall and may have the power to purchase and acquire lands, tenements and hereditaments for them and their assigns and successors for the use of the said Gas Works or Water Works or Gas and Water Works, and also to sell and convey any lands so purchased or acquired; Provided always, the lands to be holden by any such Company shall be holden for the purposes for which such Company is incorporated, in constructing their necessary works, and for no other purposes whatsoever, and shall not at any time exceed in value five thousand pounds. 5 10 15

Capital £25,000 in shares of £5. III. And be it enacted, That any such Company may raise and contribute among themselves such sum as shall not exceed the sum of twenty five thousand pounds in shares of five pounds each; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining their said Gas Works or Water Works or Gas and Water Works and to no other object or purpose whatever; Provided always, that if such sum should be found insufficient for the purposes aforesaid, it shall be lawful for any such Company to increase their capital stock by a further sum not exceeding twelve thousand five hundred pounds, either among themselves or by the admission of new shareholders, such new shares to be of five pounds each. 02 25 30

Certified copy of Statement to be *prima facie* evidence of its contents. IV. And be it enacted, That a copy of any such statement or declaration as aforesaid, registered in pursuance of this Act, certified by the County Register to be a true copy, and of the whole of such statement or declaration, shall be received in all courts and places as *prima facie* evidence of the facts therein stated; and the compliance with the formalities prescribed in the first section of this Act shall be conclusively established by the insertion in the *Canada Gazette* of a notice to that effect, proceeding from the office of the Secretary of the Province. 35 40

Election of Trustees after the first year provided for. V. And be it enacted, That the stock, property and concerns of every such Company as aforesaid shall be managed by not less than three nor more than nine Trustees, who shall respectively be Stockholders in such Company, and who shall,

except the first year, be annually elected by the Stockholders at such time and place as shall be directed by the by-laws of the Company; and notice of the time and place of holding such election shall be published not less than ten days previous thereto in a newspaper printed in the Town where the operations of such Company shall be carried on; and the election shall be made by such of the Stockholders as shall attend for that purpose, either in person or by proxy.

VI. And be it enacted, That all elections shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of stock in the Company; and the persons receiving the greatest number of votes shall be Trustees; and when any vacancy shall happen among the Trustees, by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of the Company.

All Elections to be by ballot

VII. And be it enacted, That if it shall happen at any time that an election of Trustees of any such Company as aforesaid shall not be made on the day when, according to the by laws of such Company it ought to be made, such Company shall not for that reason be dissolved; but it shall be lawful for the Stockholders of such Company to hold an election of Trustees on any other day, in such manner as shall be provided for by such by-laws; and all acts of Trustees of any such Company as aforesaid, until their successors shall be elected shall be valid and binding as against such Company.

Corporation not to be dissolved by failure to elect Trustees on stated day.

VIII. And be it enacted, That every such Company as aforesaid shall have a Chairman or President, who shall be elected by the Trustees from among themselves, and also such subordinate officers as the Company by its by-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices as the Company by its by-laws may provide.

Every Company to have Chairman and Officers.

IX. And be it enacted, That it shall be lawful for the Trustees of any such Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed, at such times and in such payments or instalments not exceeding ten per cent at any one time as such Trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the Stockholders, respectively, within sixty days after a personal demand, or after notice requiring such payment shall have been published for six successive weeks in a newspaper published in the Town

Trustees may call in Stock subscribed by instalments

where the business of the Company shall be carried on as aforesaid.

Trustees may
make By-laws

X. And be it enacted, That the Trustees of every such Company as aforesaid shall have power to make such by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such Company, for the appointment of officers, and for prescribing their duties and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of such Company ; and any copy of any such by-laws or any of them purporting to be under the hand of the Clerk, Secretary or other officer of such Company, and having the corporate seal of such Company affixed to it, shall be received as *prima facie* evidence of such by-law or by-laws in all Courts of Law or Equity in this Province.

Shares not to
be transferable
until calls
paid in &c.

XI. And be it enacted, That no shares of the Stock of any such Company shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon : and it shall not be lawful for any such Company to use any of its funds in the purchase of any stock in any other Corporation.

Liability of
Stockholders
before and
after payment
of Capital.

XII. And be it enacted, That all the Stockholders of any Company that shall be incorporated under this Act shall be jointly and severally liable for all debts and contracts made by such Company, until the whole amount of the capital stock of such Company fixed and limited in manner aforesaid, shall have been paid in, and a certificate to that effect shall have been made and registered as prescribed in the next section of this Act, after which no Stockholder of such Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by such Company, beyond the amount of his share or shares in the capital stock of such Company so fixed and limited and paid in as aforesaid, save and except as hereinafter mentioned.

Certificate of
payment of
Capital Stock
to be registered
within
thirty days
after the pay-
ment of the
last instal-
ment.

XIII. And be it enacted, That within thirty days after the payment of the last instalment of the capital stock of any such Company so fixed and limited as aforesaid, there shall be made and drawn up a certificate to that effect, which certificate shall be signed and sworn to by a majority of the Trustees of such Company, including the Chairman or President, and shall be registered within the said thirty days in the Registry Office of the County wherein the business of the said Company is carried on ; and the Register of such County is hereby authorized to administer the said oath, and to

enter and register the said certificate in the book to be kept by him for the purpose of this Act as already mentioned; and such capital stock so fixed and limited shall be paid in, one half thereof within one year, and the other half thereof within two years from the incorporation of the said Company, or such corporation shall be dissolved.

XIV. And be it enacted, that every such Company shall annually, within twenty days from the first of January, make a report, which shall be inserted in some newspaper published in the Town where the business of such Company shall be carried on, stating the amount of the capital of such Company and the proportion thereof then actually paid in, together with the amount of the existing debts of such Company; which report shall be signed by the Chairman or President and a majority of the Trustees of such Company, and shall be verified by the oath of the said Chairman or President or of the Secretary of the said Company, and shall be entered and registered as aforesaid in the Registry Office of the County where the business of the Company shall be carried on; and all the Trustees of any Company failing to comply with the requirements of this section shall be jointly and severally liable for all the debts of the Company then existing, and for all that shall be contracted until such report shall be made.

Annual Report of affairs of each Company to be published.

XV. And be it enacted, That if the Trustees of any such Company shall declare and pay any dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing and for all that shall be thereafter contracted, while they shall respectively continue in office: Provided always, that if any of such Trustees shall object to the declaring of such dividend or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a written statement of such objection in the office of the Secretary of the Company, and also in the Registry Office of the County, such Trustee or Trustees shall be exempt from such liability.

Liability of Trustees paying dividend under certain circumstances Proviso.

Proviso.

XVI. And be it enacted, That no loan of money shall be made by any such Company to any Stockholder therein; and if any such loan shall be made to a Stockholder, the officer or officers who shall make it or who shall assent thereto, shall be jointly and severally liable to the extent of such loan, with legal interest thereon, for all the debts of the Company that may be contracted before the repayment of the sum so loaned.

Loans of money by company to its Stockholders prohibited.

Officers liable jointly and severally for debts of Company in certain cases.

XVII. And be it enacted, That if any certificate or report made or public notice given by the officers of any such Company in pursuance of the provisions of this Act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the Company contracted while they are officers or Stockholders thereof, respectively: and if the indebtedness of any such Company shall at any time exceed the amount of its capital stock, the Trustees of such Company assenting thereto shall be personally and individually liable for such excess, to the creditors of such Company.

Stockholders to be liable individually for debts to servants, labourers, &c.

XVIII. And be it enacted, That the Stockholders of every such Company shall be jointly and severally individually liable for all debts that may be due and owing to all or any of the laborers, servants and apprentices thereof, for services performed for such Company; Provided always, that no Stockholder shall be personally liable in this or any other of the cases in which personal liability is imposed by the provisions of this Act, for the payment of any debt contracted by any such Company which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against such Company within one year after the debt shall become due; and no suit shall be brought against any Stockholder who shall cease to be a Stockholder in any such Company for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a Stockholder in such Company, nor until an execution against the Company shall have been returned unsatisfied in whole or in part.

Proviso.

Executors, &c. not to be subject to any personal liability as Stockholders.

XIX. And be it enacted, That no person holding Stock in any such Company as Executor, Administrator, Tutor, Curator, Guardian, or Trustee, shall be personally subject to any liability as Stockholder of such Company; but the estates and funds in the hands of such Executor, Administrator, Tutor, Curator, Guardian, or Trustee, shall be liable in like manner and to the same extent as the Testator or Intestate, or the Minor, Ward or interdicted person, or the person interested in such trust fund would be if he were living and competent to act, and held the same stock in his own name; and that no person holding such stock as collateral security shall be personally subject to any liability as Stockholder of such Company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Stockholder accordingly.

Executors, &c. allowed to re-

XX. And be it enacted, That every such Executor, Admi-

5 nistrator, Tutor, Curator, Guardian or Trustee, shall represent the shares of stock in his hands at all meetings of the Company, and may vote accordingly as a Stockholder ; and every person who shall pledge his stock as aforesaid may nevertheless re-
 10 present the same at all such meetings, and may vote accordingly as a Stockholder ; but no person holding stock as Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall be a Trustee or hold any office in the service of such Company ; and all votes given to them or either of them shall be void.

present stock in their hands and vote at elections, but not to be elected.

XXI. And be it enacted, That it shall be the duty of the Trustees of every such Company to cause a book to be kept by the Treasurer or Clerk thereof containing in alphabetical order the names of all persons who are or have been Stockholders
 15 of such Company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares ; and also a statement of all the existing debts and liabilities of such Company, and of the amount of its stock actually paid in ;
 20 which books shall, during the usual business hours of the day, on every day except Sundays, be open for the inspection of Stockholders and creditors of the Company and their personal representatives, at the office or principal place of business of such Company, in the Town where the operations of such Com-
 25 pany are carried on as aforesaid : and any and every such Stockholder, Creditor or Representative, shall have a right to make extracts from such book ; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the
 30 Company according to the provisions of this Act, until it shall have been entered therein as required by this section by an entry showing to and from whom such stock shall have been transferred.

Trustees shall keep a book containing names of Stockholders, &c., for inspection by parties interested.

XXII. And be it enacted, That such book shall be *prima*
 35 *facie* evidence of the facts therein stated in favour of the Plaintiff in any suit or proceeding against such Company or against any one or more Stockholders ; and that every Officer or Agent of any such Company who shall refuse or neglect to make any proper entry in such book, or to exhibit the same or
 40 allow the same to be inspected and extracts to be taken therefrom as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof shall be punished accordingly ; and every Company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit the corporate rights, character and privileges acquired by it in pursuance of this
 45 Act.

Such book to be *prima facie* evidence of the facts therein stated.

Company may sell Gas Meters Gas and Water fittings, Gas refuse &c. XXIII. And be it enacted, That it shall be lawful for any such company to sell and dispose of Gas Meters, Gas and Water fittings of every description for the use of private and public houses or for any establishment, company or corporation whatsoever, as well as coke, coal-tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas ; and every such company shall have power and authority to let out to hire Gas Meters and Gas and Water fittings of every kind and description at such rate and rents as may be agreed upon between the consumers or tenants and the Company. 5 10

Shares personal property and assignable. XXIV. And be it enacted, That the shares in the stock of every such Company shall be assignable and transferable according to such rules, restrictions and regulations as shall from time to time be made and established by the by-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders ; Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said by-laws ; and it is further provided that it shall not be lawful for any shareholder who is or shall become indebted to the Company for Gas, Water rent, fixtures or otherwise, to transfer any shares of stock held by him until payment be made to the Company of all sums of money due by such stockholder. 15 20 25

Proviso.

Municipalities may take stock XXV. And be it enacted, That it shall and may be lawful for any of the municipalities in which the works of any such Company are erected or placed to subscribe to or take stock in such Company, or to loan any sum of money, on mortgage or otherwise, to such Company, or to contribute in any manner towards advancing the object for which such Company is incorporated. 30

Aliens may hold stock. XXVI. And be it enacted, That it shall and may be lawful for Aliens to hold stock in any such Company and to enjoy all the privileges in such Company, which they would have if they were subjects of Her Majesty. 35

Company may break up streets, &c. XXVII. And be it enacted, That it shall and may be lawful for any such Company to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places of the town for supplying which with Gas or Water or both they may have been incorporated as aforesaid, as will be necessary for laying the mains and pipes to conduct the Gas or Water or both from the works of the Company to the consumers 40

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, highways lanes and public places, while the works are in progress.

5 XXVIII. And be it enacted, That where there are buildings within such towns, the different parts whereof shall belong to different proprietors or shall be in possession of different tenants or lessees, the Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in possession of one or more tenants to convey the Water or Gas or both to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be common to neighbouring proprietors or tenants and to 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 to the owners or proprietors of buildings or other property, or the public, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify such Company or their servants or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Pipes may be carried to customers over intermediate property.

25 XXIX. And be it enacted, That every such Company shall construct and locate their Gas Works or Water Works or Gas and Water Works and all apparatus and appurtenances thereunto belonging or appertaining or therewith connected and wheresoever situated as in nowise to endanger the public health or safety.

Works not to endanger the public health or safety.

30 XXX. And be it enacted, That if any person shall lay or cause to be laid any pipe or main, to communicate with any pipe or main belonging to any such Company, or in any way obtain or use its Gas or Water without the consent of such Company, he or they shall forfeit and pay to such Company the sum of thirty pounds, and also a further sum of one pound for each day during which such pipe shall so remain, which said sum, together with cost of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having jurisdiction to the amount claimed.

Penalty for obtaining Gas or Water without consent of the Company.

40 XXXI. And be it enacted, That if any person shall wilfully or maliciously break up, pull down, or damage, injure, put out of order or destroy, any main pipe, engine, water-house, pipe, plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and pro-

Penalty for injuring property of Company.

vided, or which shall be made and provided, for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to any such Company, or shall in anywise wilfully do any other injury or damage, for the purpose of obstructing, hindering, or em- 5
barrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall bathe, or wash, or clean any cloth, wool, leather, skin, animals, or any nauseous or offensive thing, or cast, throw or put any filth, dirt or any nauseous thing, or 10
cause, permit or suffer the Water of any sink, sewer or drain, to run or be conveyed into, or cause any other annoyance to be done to the water within any reservoir, cisterns, ponds, sources or fountains from which the water belonging to such Company is to be supplied or conveyed, or shall increase the supply 15
of Gas or Water, agreed for with the said Company, by increasing the number or size of the holes in the Gas Burners, or using the Gas without Burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or 20
improperly burning the same, or by wrongfully or improperly wasting the Water or Gas, every such person or persons shall on conviction thereof before a Justice of the Peace for the County wherein the offence may be committed, be compelled to pay for the use of the company a penalty not exceeding 25
five pounds together with costs of prosecution or to be confined in the Common Gaol of such County for a space of time not exceeding three months as to such Justice may seem meet.

Act not to interfere with private Gas or Water Works.

XXXII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons, from constructing any works for the supply 30
of Gas or Water to his or their own premises.

Property of company not to be liable for rent or debt of customers.

XXXIII. And be it enacted, That neither the service nor connecting pipes of any such Company, nor any meters, lustres, lamps, pipes, Gas fittings or any other property of any kind whatsoever of any such Company, shall be subject or liable 35
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 such Company, not- 40
withstanding the actual or apparent possession thereof by such person ; any law usage or custom to the contrary notwithstanding.

Penalty for injuring me-

XXXIV. And be it enacted, That if any person shall will- 45
fully or maliciously damage or cause or knowingly suffer to

be damaged any meter, lamp, lustre, service pipe, or fittings belonging to any such Company or shall wilfully impair or knowingly suffer the same to be altered or impaired so that the meter or meters shall indicate less gas than actually passes through the same every such person or persons shall incur a penalty to the use of such Company, for every such offence, of a sum not less than one pound nor exceeding five pounds, and shall also pay all charges necessary for the repairing or replacing the said meter, pipes or fittings and double the value of the surplus gas so consumed, such damages, penalties and charges to be recovered with costs as hereinafter provided.

XXXV. And be it enacted, That if any person or persons shall wilfully extinguish any of the public lamps or lights, or shall wilfully remove, destroy, damage fraudulently alter or in any way injure any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to any such Company, such person or persons shall forfeit and pay to the use of such Company a penalty not less than one pound, nor more than five pounds and shall also be liable to make good all damages and charges to be recovered with costs as hereinafter provided.

Penalty for wilfully extinguishing public lamps, &c.

XXXVI. And be it enacted, That if any person supplied with Gas or Water or both by any such Company, shall neglect to pay any rent, rate or charge due to such Company at any of the times fixed for the payment thereof, it shall be lawful for the Company or any person acting under their authority, on giving twenty four hours previous notice, to stop the supply of Gas or Water or both from entering the premises of such person in arrears as aforesaid, by cutting off the service pipe or pipes, or by such other means as such Company or its officers shall see fit, and to recover the said rent or charge due up to such time together with the expenses of cutting off the Gas or Water or both as the case may be, in any competent court notwithstanding any contract to furnish for a longer time; and in all cases where it shall be lawful for the Company to cut off and take away the supply of Gas or Water or both from any house, building or premises, under the provisions of this Act, it shall be lawful for the Company, their agents and workmen, upon giving twenty four hours previous notice to the person in charge or occupier, to enter into any such house building or premises between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and to remove and take away any pipe, meter, cock, branch, lamp, fittings, or apparatus, the property of and belonging to such Company, and it shall also be lawful for any servant of the Company duly authorized to enter any house into which Gas or Water or both may have been or be taken, between the hours

Gas or Water may be cut off in case of non-payment and company's servants may enter premises for that purpose.

aforesaid, for the purpose of repairing and making good any such house, building or premises or for the purpose of examining any meter, pipe or apparatus belonging to such Company or used for their Gas or Water or both, and if any person refuses to permit or does not permit the servants and officers of the Company to enter and perform the acts aforesaid, every such person so refusing or obstructing shall incur a penalty to such Company for every such offence of ten pounds and a further penalty of one pound for every day during which such neglect refusal or obstruction shall continue, to be recovered with costs as hereinafter provided. 5 10

President may be authorized by a resolution to sign bonds or become a party to promissory notes in name of company.

XXXVII. And be it enacted, That it shall and may be lawful for the Directors of any such Company, from time to time, and as often as they may see fit, without the formality of passing a by-law, by a resolution to that effect, to be entered upon the books of such Company, to authorize the President or Manager of such Company, to sign such particular bonds, mortgages, contracts, or instruments as it may in the opinion of the Directors be necessary or expedient so to sign, and to affix the common seal of the Company thereto, and it shall also be lawful in like manner for the President or the Manager of the Company to be from time to time authorized as aforesaid, to draw, sign or accept such promissory notes or bills of exchange for the purposes of such Company, without seal, as it may in the opinion of the Directors be necessary or expedient so to sign or accept ; and all such bonds, contracts, mortgages and instruments so signed and sealed by the person authorized as aforesaid, and also such notes and bills so signed, drawn or accepted by the person authorized as aforesaid, shall be valid and binding on the Company, and be held to be the act and deed of the Company. 15 20 25 30

Recovery of fines, &c.

XXXVIII. And be it enacted, That all fines, penalties and forfeitures imposed by this Act may be sued for and recovered with costs by any such Company or by any person whose property may be injured, to and for the use of such Company or person, either in the manner hereinbefore directed, or before one or more Justice, of the Peace for the County where the offence is committed, on the oath of any one credible witness, and all actions for damages or penalties or both given by this Act, shall be brought in Courts having jurisdiction to the amount involved in such suit, unless otherwise specially provided and authorized by this Act ; and where damages as well as a penalty may be given, such damages and penalty may be sued for separately, and such fines penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant may have no goods to satisfy 35 40

the same, then and in that case he shall be committed to the Common Gaol for such period not exceeding two months, as the Justice or Court may direct.

XXXIX. And be it enacted, That in any action brought by or on behalf of any such Company, in any Court or in any proceeding before a Justice of the Peace on the behalf of any such Company, the President and any shareholder shall be competent witnesses, notwithstanding their interest in such suit or otherwise.

Shareholders competent witnesses.

XL. And be it enacted, That if it be found necessary or deemed proper to conduct any of the pipes or carry any of the works of any such Company through the lands of any person, and the consent of such person cannot be obtained for that purpose, then it shall be lawful for the Company to tender to such person such a sum of money as in the opinion of the Company would compensate him for the damage which would be occasioned to his property by laying such pipes or works of the Company, and upon the refusal of such person to receive the sum tendered the Company may deposit the same with the clerk of the Division Court within which division the said property is situate, within five days from such tender being made, and at the time of such deposit the Company may obtain from the clerk of said Court, a summons directed to the occupant of such property or person in charge thereof calling upon him to show cause at the next sittings of the Court, why he should not receive the money so deposited in full satisfaction of the privileges required by the Company, and upon the hearing of such summons either party can have a jury upon the same terms as other causes in said Court, and if the judgment shall not be for more than the sum so deposited, the Company shall recover their costs, and if for more, then the claimant shall be entitled to costs, and such judgment shall and may be enforced as other judgments in said Court, and such judgment shall be final and conclusive between the parties in respect of such damages or privileges; Provided always, that after such tender and deposit it shall and may be lawful for the Company to proceed with their works as if the money so tendered had been received by such person, and no action shall be brought either in law or in equity against the Company for any act done in pursuance of the power granted them by this section.

Tender and deposit of Compensation

Proviso.

XLI. And be it enacted, That the word "Company," wherever it occurs in this Act, shall be construed to mean a Joint Stock Company incorporated by registration under the provisions of this Act; and all words importing the singular

Interpretation of certain words.

number or the masculine gender only shall be construed to extend to the plural number, and to females as well as males, unless there be something in the context inconsistent with such construction.

Power to re-
peal or amend
not reserved.

XLIII. And be it enacted, That this Act may be amended 5
or repealed by any Act to be passed in this or any other Ses-
sion of the Parliament of this Province; but such amendment
or repeal shall not, nor shall the consequent dissolution of any
Corporation formed or created under this Act take away or
impair any remedy given against any such Corporation, its 10
Stockholders or officers for any liability which shall have been
previously incurred.