

No. 158.

4th Session, 8th Parliament, 29th Victoria, 1865.

BILL

An Act to change the name of the Bytown Consumers Gas Company, and to confirm, amend and extend their corporate powers, under the name of "The Ottawa Gas Company."

[*PRIVATE BILL.*]

Received and read, first time, Tuesday, 22nd August, 1865.

Second reading, Wednesday, 23rd August, 1865.

Mr. CURRIER.

QUEBEC:

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An Act to change the name of "The Bytown Consumers Gas Company," and to confirm, amend, and extend, their corporate powers, under the name of "The Ottawa Gas Company."

WHEREAS, under the provisions of a certain Act of the Parliament of the Province of Canada, passed in the Sixteenth year of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the formation of incorporated Joint Stock Companies for supplying cities, towns and villages with gas and water," N. Sparks, John Egan, Hamnett Hill, Joseph Aumond, Richard Kneeshaw, Alexander Workman, J. B. Lewis, C. H. Pinhey, Edward Malloch, James Brough, and Edward McGillivray, did form themselves into an incorporated company for the purpose of supplying the Town of Bytown with gas, the statement or declaration whereof was duly executed by them in duplicate, and registered in the Registry office of the County of Carleton, the twenty-second day of April, one thousand eight hundred and fifty-four, whereby it was declared that the capital stock of the said company should be ten thousand pounds, to be divided into shares of five pounds each, and that the said company should exist for the term of fifty years, and should carry on their operations at the Town of Bytown, in the County of Carleton, and the parties thereto did nominate and appoint five trustees therein named to manage the concerns of the said company for the first year; and whereas the Town Council of the Town of Bytown did, on the seventeenth day of April, in the said year eighteen hundred and fifty-four, enact and pass a by-law, numbered one hundred and ten, granting to the said company authority as such company to lay down pipes, for the conveyance of gas, under all or any of the streets, squares, and other public places of the said Town of Bytown, and whereas the Town of Bytown has since been erected into a city, under the name of the City of Ottawa, and the president, directors, and company of "The Bytown Consumers Gas Company" have, by their petition, prayed that the incorporation be said company as aforesaid, and their corporate powers as such, may be confirmed by Act of Parliament, and that the name of such company be changed to "The Ottawa Gas Company," and their corporate powers under such new name amended and extended; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. "The Bytown Consumers Gas Company" are hereby declared to have been, since the filing of the said statement or declaration in the Registry office of the County of Carleton, an incorporated company, under the name in the said statement or declaration mentioned, and all contracts, agreements, bonds, deeds, and conveyances made, received, executed, or granted by the said company under their corporate name have been legally made, received, executed, or granted, and are legal and binding, and the said by-law, number one hundred and ten, made by the then Town Council of the Town of Bytown, was, and is, and shall continue, legally operative and binding, for the purposes therein contained.

Charter of existing Company confirmed.

New name to Company and further powers conferred.

2. From and after the passing of this Act, "The Bytown Consumers Gas Company" shall be called and known as "The Ottawa Gas Company," and shall have power to extend their operations to that portion of the Township of Gloucester, adjoining the City of Ottawa, called the Village of New Edinburgh, and also to that portion of the Township of Hull, opposite the City of Ottawa, called the Village of Hull, and also to all portions of the country surrounding the city which may hereafter be taken into the limits thereof, for the purpose of supplying each of the said villages, and other parts aforesaid, with gas light, and for such purpose may lay down under the streets, squares, and public places thereof, respectively, and along the bridges leading thereto, respectively, all necessary metal or other gas pipes for the conveyance of gas, and shall have power at all times, and from time to time, to open up and dig up all and any of the streets, squares, or public places in the City of Ottawa, and the Villages of New Edinburgh and Hull, or any of them; for the purpose of repairing any of their works, plant, or pipes, or for the purpose of laying down others instead thereof, or extending and laying down new plant or pipes.

Company may recover compensation for damage to their property.

3. The said company may recover from any person doing, causing, or permitting the same to be done, compensation for any damage or injury which may be done to any of the plant, or pipes, laid down, or to be hereafter laid down, by them under any of the streets, squares, or public places of the said city or villages, and the value of all loss of gas, or loss of sale thereof, occasioned by such damage or injury, together with any expense they may be put to for repairing such damage or injury, or in excavating or laying down other plant, or pipes, and covering the same up, or for repairing lamp-posts or lamps.

Capital stock increased.

4. Notwithstanding anything contained in such statement or declaration so registered or filed as aforesaid, the said company shall be perpetual, and the capital stock of the said company shall be fifty thousand pounds, instead of ten thousand pounds, and shall be divided into shares of five pounds each, and the said company shall have power, at a general meeting of the holders of the present subscribed stock, by a resolution to be ratified by the President and directors under the seal of the company, to declare and make any number of the shares of such stock preferential stock, upon such terms and conditions, and with such advantages to the subscribers and holders of such preferential stock, over the residue of such stock, as they shall see fit, or to sell or dispose of all or any part of the unsubscribed stock of the company, at such rate of premium or discount as shall approximate it in value to the market value of the present subscribed and paid-up stock.

Power to create preferential stock.

5. And whereas the said company are obliged to increase their works, and plant, for supplying the Parliamentary and Government Departmental Buildings in the said city with gas light, and for extending their operations to the said villages, and require to borrow money for such purposes; Therefore it shall be lawful for the said company to mortgage the real and personal property, plant and pipes, and also the yearly income, debts, yearly gas sales or income, now existing and hereafter to be created, made, and obtained by the said company, to any person or body corporate, or politic whatsoever, either absolutely or in trust for, and as security for the payment of the money, or payment of any bonds granted for money which may be borrowed by or owing from the said company, and the interest payable thereon, such loan not to exceed twenty thousand pounds, nor to bear more than ten per cent. interest per annum, subject nevertheless to any mortgages heretofore made by the company, and not discharged at the time of borrowing such money,

Rental.

6. And whereas the said company are obliged to increase their works, and plant, for supplying the Parliamentary and Government Departmental Buildings in the said city with gas light, and for extending their operations to the said villages, and require to borrow money for such purposes; Therefore it shall be lawful for the said company to mortgage the real and personal property, plant and pipes, and also the yearly income, debts, yearly gas sales or income, now existing and hereafter to be created, made, and obtained by the said company, to any person or body corporate, or politic whatsoever, either absolutely or in trust for, and as security for the payment of the money, or payment of any bonds granted for money which may be borrowed by or owing from the said company, and the interest payable thereon, such loan not to exceed twenty thousand pounds, nor to bear more than ten per cent. interest per annum, subject nevertheless to any mortgages heretofore made by the company, and not discharged at the time of borrowing such money,

Power to raise money by mortgage.

7. And whereas the said company are obliged to increase their works, and plant, for supplying the Parliamentary and Government Departmental Buildings in the said city with gas light, and for extending their operations to the said villages, and require to borrow money for such purposes; Therefore it shall be lawful for the said company to mortgage the real and personal property, plant and pipes, and also the yearly income, debts, yearly gas sales or income, now existing and hereafter to be created, made, and obtained by the said company, to any person or body corporate, or politic whatsoever, either absolutely or in trust for, and as security for the payment of the money, or payment of any bonds granted for money which may be borrowed by or owing from the said company, and the interest payable thereon, such loan not to exceed twenty thousand pounds, nor to bear more than ten per cent. interest per annum, subject nevertheless to any mortgages heretofore made by the company, and not discharged at the time of borrowing such money,

but which may be paid and discharged with the money borrowed under this section, and it shall not be necessary that all the stock of the company shall be subscribed for or sold by the company, before mortgaging as aforesaid, and effecting such loan, and any deed, mortgage, or conveyance to be made by the company, shall be duly executed if signed by the President or Vice-President and Secretary, and sealed with the corporate seal of the company, and any power of sale or other provisos, covenants, or provisions which shall be contained in any such deed, mortgage or conveyance, shall be binding on the company, and their estate, present and prospective, and shall be performed and observed by the company, and may be executed by the mortgagees or grantees whether individuals or bodies corporate, or politic, as fully and effectually as if such deed, mortgage or conveyance were made or given by and from one person to another.

15 6. The laws of this Province relating to the filing of mortgages of or against personal property, or copies thereof, or statements, or affidavits of the debts secured thereby, or other affidavits in the office of the Clerk of the County Court, shall not apply to any mortgage which may be made by the company under this Act, in which real and personal property shall be conveyed and mortgaged, but the memorial registered in the city Registry office shall state the personal property as set out in such mortgage.

As to registration of mortgages made by the Company.

25 7. The provisions of the Act Chapter sixty-five of the Consolidated Statutes of Canada, intituled, "An Act to provide for the formation of Incorporated Joint Stock Companies for supplying cities, towns and villages with gas and water," shall continue to apply to this company, except as altered, amended, or extended by this Act; and this Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Provisions of Cap. 65 Con. Stat. Can. to continue to apply.