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No. 397.

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to incorporate a Company in the
City of Toronto to be called "*The
Metropolitan Gas and Water Com-
pany.*"

Received and Read a first time, Monday, 16th
May, 1853.

Second Reading, Wednesday, 18th May, 1853.

Mr. SHERWOOD.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

1189.

An Act to incorporate a Company in the City of Toronto, to be called "*The Metropolitan Gas and Water Company.*"

WHEREAS the rapidly-increasing population of the City of Toronto, Preamble.
 and its largely extending business, promoted by the railways now
 in course of construction and those about to be commenced, with the
 consequent demand, not only for greater facilities in supplying the citi-
 5 zens with Gas, but the so supplying it of an improved quality and at
 cheaper rates, and further the growing demand for a better supply of
 pure and wholesome Water at moderate rates, renders it desirable that
 more than one Joint Stock Company should be established for the pur-
 10 pose of furnishing cheap and well rectified Gas, and also cheap, and
 pure, and wholesome Water, to the inhabitants of Toronto and its vicinity ;
 And whereas a large number of the influential citizens of Toronto have,
 by their Petition, prayed that certain persons, and such others as may be
 hereafter associated with them in the undertaking, may be incorporated
 under the style and title hereinafter mentioned, for the purpose of sup-
 15 plying the said City of Toronto and vicinity with Gas in greater quantity,
 of better quality, and at a cheaper rate, as also of Water in greater
 quantity, of a much purer and more wholesome quality, and at cheaper
 rates ; And whereas the Mayor, Aldermen and Commonalty of said City
 of Toronto have signified their assent to the establishment of the said
 20 new Gas and Water Company, and to their having the powers hereinafter
 given them with regard to the opening of the streets and other mat-
 ters connected with the establishment and construction of the works of
 said Company ; And whereas it is expedient to grant the prayer of the
 said Petitioners ; Be it therefore enacted, &c.,

25 That Joseph C. Morrison, Philip M. Vankoughnett, Henry Rowsell,
 George Michie, Samuel Zimmerman, Frederick Chase Capreol, Martin
 P. Hayes, Hon. James Hervey Price, and George A. Barber, or such of
 them and such other persons as shall hereafter become Shareholders in
 the Company to be hereby established, shall be and are hereby ordained
 30 and constituted a body Politic and Corporate, by the name of "*The*
 "*Metropolitan Gas and Water Company,*" and by that name they and
 their successors, Shareholders in the said Company, shall and may have
 perpetual succession and a Common Seal, with power to make, break
 and change the same at pleasure ; and shall and may by the same name
 35 have, enjoy and exercise all the powers incident to corporate bodies
 generally ; and shall and may have full power to purchase, take and
 hold, besides personal property, lands, tenements, and other real prop-
 erty, for the erection, construction, and convenient use of the Gas and
 Water Works, or either of them, hereinafter mentioned, and for the pur-
 40 poses and uses generally of the said Company ; and such lands, tenements,

Certain persons incorporated.

Corporate name and powers.

ments and real property, or any of them, to sell, alienate and convey, and others in their stead to purchase, take and hold from time to time for the purposes and uses aforesaid; Provided always, that such lands, tenements and real property to be holden by the said Company, shall not exceed twenty thousand pounds, and be so holden for the constructing, maintaining and carrying on the Works of the said Company, and for the purposes, uses and business operations of the said Company, and in and towards accomplishing the same and effecting the objects for which such Company is hereby incorporated, and not otherwise.

Proviso. II. And be it enacted, That the said Company may erect, maintain and carry on, under the provisions of this Act, both Gas and Water Works, or either the one or the other, as the said Company may feel themselves enabled to do and may think expedient, and may at one and the same time, or at different times, commence the construction of such several Works, and open books for the subscription of stock therefor jointly as hereinafter mentioned.

Company empowered to erect Gas and Water Works. III. And be it enacted, That the said Company may raise and constitute among themselves in shares of £12 10s. each for the Gas Works of the said Company, and for the Water Works of the said Company, such joint sum as shall not altogether exceed the sum of £150,000, and the President and Directors of the said Company may and are hereby authorized for the purposes and uses of the said Company, to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may pledge and hypothecate to such individual or corporate body the property and income of the said Company, for the repayment of the said sum or sums so borrowed and the interest thereon, or the President or Directors of the said Company may issue scrip or debentures in the name of the said Company for sums not less than £12 10s each, and the same shall be transferrable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the said Company.

Company may raise a certain sum of money in Shares. IV. And be it enacted, That so soon as £50,000 of the Capital Stock of the said Company, shall have been taken and subscribed in the said Company, and the sum of ten shillings per share paid thereon, it shall be lawful for the Subscribers of the said Stock or any of them, to call a public meeting of the said Subscribers by a notice therefor, to be inserted at least ten days previously to the time of such meeting, in two of the newspapers in the City of Toronto, in which notice shall be specified the time and place in the City of Toronto where such meeting shall be held, and that the same is for the election of Directors of the said Company, and at such meeting when so convened, the Shareholders in the said Company may proceed to the election by Ballot of seven of the Shareholders in the said Company for and as Directors of the said Company; each such Shareholder to be elected being a holder of not less than fifty shares in the said Company, and the said Directors may then forthwith or at any subsequent meeting of themselves, elect from among their own number a President of the said Company, and such Directors and President shall continue in office until the first Monday in July in the year then next following that in which they shall be so elected, and on such first Monday of July, and on every first Monday of July in each succeeding year, a General Annual Meeting of the Stockholders shall be held in the office of the said Company at eleven o'clock, A. M. or in such

Public Meeting for election of Directors,

Directors to elect President.

General Annual Meeting.

other more convenient place, and at such other more convenient time as the Directors of the said Company shall appoint and have given notice of in two of the newspapers in the said City of Toronto at least one week previously to the said Annual Meeting, and at such Annual Meeting the Shareholders present shall proceed to elect from among themselves, seven persons holding not less than twenty shares each in the Stock of the said Company, to be Directors in the room of the Directors for the then past year; Provided that any of the Shareholders then or who had been Directors shall be eligible for re-election, and such Directors so elected shall at such time as shall be appointed by any By-law of the Company, or in case of no such By-law, at their first meeting after such election, elect one of their number to be the President of such Company; Provided that in all matters the Directors shall vote per capital and not according to the number of shares held by them, and the President or Chairman *pro tempore* shall in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors.

V. And be it enacted, That any four of the said Directors shall form a quorum for the transaction of business quorum and any majority of such, assembled according to the provisions of this Act and the By-laws of the Company then in force may exercise any or all of the powers hereby vested in the Directors and the President, or in his absence a Chairman chosen by the Directors present *pro tempore* shall preside at the meetings of Directors; Provided always that no person being a Shareholder in any other Gas or Water Company, formed for the purpose of furnishing Gas or Water to the said City, shall be a Director of the Company hereby established.

VI. And be it enacted, That at the General Meetings of the Shareholders to be held annually for the purpose of electing Directors as aforesaid, on the first Monday in the month of July in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President under his hand and seal; Provided always that in the event of their being no election of Directors on the first Monday in July in any year, in consequence of the said Shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case, the Directors of the previous year shall continue and remain in office until an election shall take place at a future special meeting of the said Shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

VII. And be it enacted, That it shall be lawful for the said Directors from time to time, in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office) or the removal of any person so chosen to be President or Director, or either of them to choose in their or his stead from among the said Directors another person to be President, or from amongst the other Shareholders another person to be Director or Directors respectively, to continue in office until the next annual election as aforesaid.

VIII. And be it enacted, That the Directors shall and may have the Directors

may appoint
officers of
Company,
make By-laws
&c.

power to appoint a Manager or a Secretary and Treasurer, Clerks, and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, and also shall and may have the power to make and repeal or alter such By-laws, to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well ordering of the said Company, the management and disposition of its stock, property, estate, and effects, the callings of Special Meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company, and the conduct of the affairs thereof, and also shall and may have the power to make calls for instalments on shares subject to the provisions herein after made, and to declare such yearly or half yearly dividends out of the profits of the said undertaking as they may deem expedient: Provided that no dividend shall be made, if the payment thereof would render the said Company insolvent or would in any way diminish the amount of its Capital Stock; and to make contracts or by such By-laws to empower the President or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the common seal of the Company to such contracts, and generally to manage the affairs of the said Company, and to do, and empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided. Provided always that such By-laws shall be in nowise inconsistent with the true intent and meaning of this Act, and the powers hereby granted, nor repugnant to the laws of this Province, and shall before they shall have force, be approved by the Shareholders at some annual or special meeting, at which such Shareholders shall have full power to alter or amend the same; and provided also that until it be otherwise ordered by the By-Laws of the Company a special meeting of the Shareholders may be called by the Directors, or in their default on being thereunto requested, by at least five of the Stockholders, being proprietors together of not less than one hundred shares of the Stock of the said Company, the Directors or Stockholders giving at least six weeks notice thereof in at least two of the Public Newspapers of the City of Toronto and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proviso as to
payment of
dividends.

Proviso.

Votes of
Shareholders.

IX. And be it enacted, That Shareholders may vote by proxy (duly appointed in writing or in person), and all elections shall be by ballot, and all questions to be decided at any annual or special meeting of the Shareholders shall be so decided by a majority of votes, and the number of votes to which each Shareholder in the said undertaking or Company shall be entitled to give, on every occasion when in conformity with the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be equal to the number of shares held by him or her not exceeding one hundred, and for every five shares over a hundred shares one vote.

Payment of
sums sub-
scribed may
be enforced.

X. And be it enacted, That all subscriptions for shares in the Capital Stock of the said Company or to the undertaking for carrying out which the said Company is incorporated shall be good and valid and binding on the Shareholder, whether made before or after the passing of this Act, and the several persons who have subscribed or who may hereafter subscribe for shares in the said undertaking or Company shall and they are

hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed or required by the Directors, and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of Law in this Province having jurisdiction in civil cases to the amount : and in any such action whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount, and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some Book or Paper, by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking, be proved, by one witness whether in the employment of the Company or not, and that the number of calls in arrear have been made and the suit may be brought in the Corporate name of the Company.

XI. And be it enacted, That no one instalment to be paid on account of the Shares in the Stock of the said Company shall exceed £2 10s. 9d., Currency, on each Share, and notice thereof shall be given by advertisement in the newspapers during at least two months before such instalment shall be called for ; Provided always that no instalment shall be called for except after the lapse of two calendar months from the time when the last instalment was called for ; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in, as aforesaid at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten nor less than five per cent. on the amount of his or their respective Share or Shares ; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective Share or Shares upon which former instalments shall have been paid, and such Share or Shares shall be sold by order of the Directors by public auction, and the proceeds of the sale, after deducting costs and the forfeiture above mentioned, shall be paid over to such defaulter ; and the President or Manager of the Company shall have power to transfer the Stock to the purchaser or purchasers thereof ; Provided always, that no advantage shall be taken of the forfeiture of any Share or Shares unless the same shall be declared to be forfeited at some special meeting of the Shareholders assembled at any time after such forfeiture shall have been incurred, and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Works.

Amount of instalments, and how called in.

Proviso.

XII. And be it enacted, That the Capital Stock of the said Company. Application of

Capital Stock. is hereby directed and appointed to be laid out and applied in the first place for, and towards the payment, discharge and satisfaction of all fees and disbursements, for obtaining and passing this Act, and for making surveys, plans, and estimates incident thereto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Gas and Water Works, and for efficiently and properly carrying out and accomplishing the purposes and uses generally of the said Company. 5

Shares in Stock to be deemed personal property. XIII. And be it enacted, That the Shares in the Stock of the said Company shall be assignable and transferable according to such rules and subject to such 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. 10 15

Company empowered to lay down Gas and Water pipes under certain restrictions. XIV. And be it enacted, That it shall and may be lawful for the said Company after two days notice, in writing, to the Mayor, Aldermen and Common Councilmen of the City of Toronto, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Toronto as may at any time be necessary for laying down the mains and pipes to conduct the gas or the water or either of them from the works of the said Company to the consumers thereof, or for taking up, renewing, altering or repairing the same, when the said Company shall deem it expedient, 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 and public places while the works are in progress, and making the said openings on such parts of the said streets, squares and public places as the proper City Officer, or City Surveyor, under the direction of the Common Council of the said City shall reasonably permit and point out, also placing guards or fences with lamps, and providing watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work, without any unnecessary delay, and in case of the neglect of any of the duties herein provided as aforesaid, the said Company shall be subject to pay a fine of one pound currency for every day such neglect shall continue after receiving a legal or written notice thereof, to be recovered by civil action in any Court having competent jurisdiction at Toronto, at the suit of any person or persons, or at the suit of the Mayor, Aldermen and Common Councilmen of the said City of Toronto, to and for the use of the said Corporation over and above such damages as may be recovered against the said Company by any other party. 20 25 30 35 40 45

Company empowered to enter lands, &c. XV. And be it enacted, That it shall and may be lawful for the said Company, and their successors, their agents, servants and workmen, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said City of Toronto and its vicinity, or in the said County of York if necessary for the purposes and uses of the said Company, and to survey, set 50

out and ascertain such part thereof and to divert and appropriate any spring or stream of water thereon as said Company shall judge suitable and necessary for the purposes and uses of said Company, and to contract with the owners or occupiers of said lands and those having any interest or right in the natural flow of the said water from such springs or streams or of any part thereof, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes and uses of said Company, and in case of any disagreement between said Company and the owners or occupiers of such lands, or the persons having any interest or right in the said water, or the natural flow thereof, or of any part thereof respecting the purchase or value thereof, or as to the damages caused to them by such appropriation, or otherwise, it shall and may be lawful to refer the same to impartial arbitration in the manner usual in such cases, as provided for in the *Railway Clauses Consolidation Act*, and the award given in such cases shall be final and binding; Provided always, that said Company, their Managers, Agents, Servants and Workmen, shall not take, use, injure, or damage, for the purposes and uses of said Gas and Water Works any house, garden, orchard, plantation or pleasure grounds, nor convey from the premises of any person any Water already appropriated to and necessary for his or her domestic uses, without the consent of the owners thereof or parties entitled thereto first had and obtained.

As to compensation therefor.

XVI. And be it enacted, That for the purpose of extending the mains or pipes conveying the said Gas and Water, or either of them from the works of the said Company to the consumers thereof, beyond the limits of the liberties of the said City of Toronto, or for the purpose of conveying Water or Gas into the said City, it shall be lawful for the said Company after ten days notice in writing to the Reeve and County Council of the County of York to do and perform all the necessary works for extending or carrying the said Water or Gas over or along any part of the public streets or highways in the said County of York in the same manner, and with the same precautions, and under the like penalty which are pointed out in regard to such works within the said City of Toronto by the foregoing section; the Reeve and County Council of the County of York having the same power conferred and duties imposed upon them, in regard to the said County as the Mayor, Aldermen, and Common Councilmen of Toronto in regard to the said City.

In case of extension of pipes beyond the City, notice to be given to Reeve of the County of York.

XVII. And be it enacted, That where there are buildings within the said City of Toronto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees the said Company shall have power to carry pipes to any part of any building so situated, passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the Gas or Water, or either of them 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 a common servitude to neighboring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same, the said Company 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 all or any of the said powers, subject to which provisions this Act, shall be sufficient to indemnify the Company, or their servants, or those by them employed for what they or any of them shall do in pursuance of the power granted by this Act.

In case of buildings with different tenants.

Lands, &c.,
appropriated,
vested in Com
pany.

XVIII. And be it enacted, That all the lands and waters, or the natural flow thereof which shall be set out, or acquired, or appropriated by said Company for the purposes and the uses of the same as aforesaid shall, forever thereafter be vested in said Company, and their successors; and it shall and may be lawful for the said Company and their successors to construct, erect, and maintain upon the said land, &c., and in connection with said Waters, &c., all such Reservoirs, Water Works, and Machinery requisite for the purposes and uses of the said Company, and to convey by a line or lines of pipes, said Waters, &c. through any intermediate grounds and lands lying and being between such springs, and streams, and the city of Toronto; and said Company are hereby empowered to enter upon and pass over such lands, &c., and the same to cut and dig up, if necessary, and to lay down said pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as aforesaid in case of disagreement between the Company and the proprietors of said lands, &c.

Company to
construct their
works so as
not to en-
danger the
public health
or safety.

XIX. And be it enacted, That the said Company shall so construct and locate their Gas and Water Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Company shall, with regard to the construction of such part of their said works, whether for Gas or Water, as shall lie within the City of Toronto be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety, and convenience of the inhabitants thereof; and the said Gas and Water Works, apparatus and appurtenances respectively, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to the visit and inspection of the Municipal authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company, and the said Company and their Servants or Workmen 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 Five Pounds, nor less than One Pound Currency for each offence in refusing or neglecting to obey the same, to be recovered from the said Company at the suit of the Mayor, Aldermen, and Councilmen for the benefit of the Community of the said City of Toronto in any Court of competent Civil Jurisdiction.

Company ne-
glecting neces-
sary precau-
tions, City
Council to
cause neglect-
ed duty to be
performed at
Company's
expense.

XX. And be it enacted, That in case the said Company shall open or break up any street, square or public place in the said City, and shall neglect to keep the passage of the said street, square 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 or public places without unnecessary delay as hereinbefore provided, the City Surveyor, under the direction of the said Council of the City, after notice in writing to the said Company, shall cause the duty so neglected forthwith to be performed and the expense thereof shall be defrayed by the said Company on its being demanded by the City Surveyor at any time not less than one month after the work shall have been completed in any case, from the Cashier or Treasurer, or any Director of the said Company, or in default of such payment the amount of such claim shall and may be recovered from the

said Company at the suit of the Mayor, Aldermen and common Council men of the City of Toronto by civil action in any Court of competent jurisdiction.

XXI. And be it enacted, That if any person or persons shall lay or
 5 cause to be laid any pipe, or main to communicate with any pipe or
 main belonging to the said Company or in any way obtain or use its
 gas or water without the consent of the Directors or their Officer ap-
 pointed to grant such consent, he, she or they shall forfeit and pay to the
 said Company the sum of Twenty-Five Pounds, and also a further sum
 10 of One Pound per day for each day such pipe shall so remain, which
 said sum together with the costs of suit in that behalf incurred may be
 recovered by civil action in any Court of competent Civil Jurisdiction.

Penalty to
 parties tres-
 passing on
 pipes belong-
 ing to Com-
 pany.

XXII. And be it enacted, That if any person or persons shall wil-
 fully or maliciously hinder interrupt, or cause, or induce, or procure to
 15 be hindered or interrupted the said Company or their managers, ser-
 vants, agents or workmen, or any of them in the exercise of any of the
 powers and authorities in this Act authorized and contained—or if any
 person or persons shall wilfully or maliciously break up, pull down or
 damage, injure, put out of order or destroy any main pipe or other works
 20 or apparatus, appurtenances or dependencies thereof, or any matter or
 thing already made and provided, or which shall be made and provid-
 ed for the purposes aforesaid; or any of the materials used and provid-
 ed for the same, or ordered to be erected laid down or belonging to
 the said Company, or if any person or persons shall throw or deposit any
 25 thing or nuisance or offensive matter into the water of said Company or
 in any way foul the same, or shall in anywise wilfully do any injury
 or damage for the purpose of obstructing hindering or embarrassing the
 construction, completion, maintaining or repairing of the said works, or
 shall cause or procure the same to be done, or shall increase the supply
 30 of gas or water, agreed for with the said Company by increasing the
 number or size of the holes in the gas burners, or by substituting a pipe or
 pipes of larger bore for the conveyance of water, or otherwise wrongfully
 negligently or wastefully, throwing away or wasting the said gas and
 water or either of them respectively, every such person or persons shall
 35 be held guilty of a misdemeanour, and on conviction thereof the Court
 before whom such person shall be tried and convicted, shall have power
 and authority to condemn such person to pay a penalty not exceeding
 ten pounds currency, or to be confined in the common gaol of the City
 40 for a space of time not exceeding three months, as to such Court may
 seem meet.

Persons hin-
 dering Com-
 pany or
 damaging
 their property
 how punished

XXIII. And be it enacted, That should the Mayor aldermen and com-
 mon Council men of the City of Toronto decide, as they are hereby
 empowered to do upon taking the Stock of the said Company for the
 benefit of the community of the said City of Toronto the Shareholders of
 45 the said Company shall be, and they are hereby declared to be bound to
 surrender and transfer upon receiving three months notice to that effect
 the whole of their respective shares unto the said Corporation of the
 City of Toronto upon the terms and conditions hereinafter set forth, that
 is to say that no such surrender and transfer shall be required to be made
 50 after the expiration of five years from the completion of the operations of
 said Company, that the said Corporation shall pay such an advance

Corporation
 of Toronto
 empowered
 to assume the
 property of
 Company.

upon the Shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province, together with a further sum in the shape of 5 Indemnity of not less than twenty per cent upon the amount actually expended by the said Company, and that they consent and agree, that the charge to be made to consumers of Gas shall not exceed twelve shillings and six pence per thousand cubic feet, and of Water such a price as will be sufficient to produce a net profit on the works of ten per centum 10 per annum on the said Water Works; and if the said Corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan, or by debentures in like manner as they are empowered to raise money which they are duly 15 empowered to borrow for any other purpose: Provided always that to entitle the said Corporation to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, the same shall be taken within five years after the completion of said works; and in the event of their taking the same, the said Corporation shall be and is hereby bound 20 to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company as well as its engagements with mechanics workmen servants and others and the said Company shall in all these respects be entirely relieved, exonerated and held harmless from all claims damages and 25 demands of all or any person or persons as aforesaid by the said Corporation; and generally the said Corporation shall acquire all the rights and be subject to all the liabilities of the said Company imposed by this Act or lawfully contracted under it.

Proxies.

Shareholders not to be individually liable.

XXIV. And be it enacted, That no Shareholder in the said Company 30 shall be in any manner whatever liable or charged for any debt on demand due by the said Company beyond the payment on extent of his, her or their share or shares in the Capital Stock of the said Company not paid up.

Company may sell or hire out Gas and Water fittings.

XXV. And be it enacted, That it shall be lawful for any such Com- 35 pany 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 40 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.

Aliens may hold Stock.

XXVI. And be it enacted, That it shall and may be lawful for Aliens 45 to hold stock in the said Company and to enjoy all the privileges in such Company, which they would have if they were subjects of Her Majesty.

Certain Municipalities authorized to loan money to Company.

XXVII. 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 50 sum of money, on mortgage or otherwise, to such Company, or to con-

tribute in any manner towards advancing the object for which such Company is incorporated; and the Mayor for the time being of any Municipality holding Stock in any such Company, to the extent of one tenth part or more of the whole of the Capital Stock thereof, shall be *ex officio* a Director of such Company so long as such Municipality continue to hold such Stock to the extent aforesaid.

XXVIII. And be it enacted, That the said Directors may provide by any By-law, to be approved of by the Shareholders, at any special meeting for the payment to the Directors of the said Gas and Water Company for their attendance at the Meetings of the Board of Directors from time to time, provided that the said allowance shall in no case exceed the sum of one pound five shillings for each day's actual attendance. Directors may make certain allowances for their attendance at Meetings.

XXIX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons, body politic or corporate from constructing any works for the supply of Gas to his or their own premises, or to prevent the Legislature of this Province from, at any time hereafter, altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Company, or from incorporating any other Company for like purposes. This Act not to affect individuals or other Companies.

XXX. And be it enacted, That nothing herein contained shall affect in any way or manner whatsoever, the rights of Her Majesty, Her Heirs and Successors or of any person, or any body or bodies corporate or collegiate such only excepted as are herein mentioned. Or the rights of Her Majesty or corporate bodies.

XXXI. And be it enacted, That the said works hereinbefore-mentioned shall be in operation, the said Gas works within three years, and the said Water Work within five years from the passing of this Act, and in default thereof, the privileges and advantages granted by this Act to the said Company shall cease and be of no effect. Time for completion of works limited.

XXXII. And be it enacted, That this Act be and it is hereby declared to be a Public Act, and that the same may be construed as such in all Her Majesty's Courts in this Province. Public Act.