

31 Vict., chap.
24, incorpo-
rated with this
act.

14. The Joint Stock Companies General Clauses act shall be incorporated with this act and all clauses of the same, in so far as they may be applied to the present company, and are not inconsistent with or opposed to the provisions of this act.

C A P . L X X I X .

An Act to incorporate "The Saint Hyacinthe Gas Com-
pany."

[Assented to 1st May, 1882]

Preamble.

WHEREAS the reverend Jean-Baptiste Chartier, Louis Côté and G. H. Burnett, all of the city of St. Hyacinthe and Arthur O. Granger and Robert N. Hall, both of the city of Sherbrooke, all in this Province, have, by their petition, represented that they were incorporated, under the provisions of chapter 65 of the Consolidated Statutes of Canada, to furnish gas for the city of St. Hyacinthe, under the name of the St. Hyacinthe Gas Company, and have organized under the said act and acquired real estate and erected buildings in the said city and are now manufacturing and furnishing gas therein, but that it is desirable to obtain a special act of incorporation for the purposes of the said company and for other purposes, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain per-
sons incorpo-
rated.

Name of cor-
poration.

Property of
the company.

1. The petitioners, together with the other shareholders in the said company and all others, who shall hereafter subscribe for shares in the said company, shall be and are hereby constituted a body corporate and politic under the name of "The St. Hyacinthe Gas Company" and the real estate, franchises and assets of all kinds, now belonging to the said company, organized under the general act aforesaid, shall belong to and become merged in the company incorporated by the present act, to all intents and purposes, and an equal number of shares in this company shall be issued to represent the shares, issued under the said former organization, and the same shall be delivered to the person holding the said former shares, which shall thereupon be cancelled and annulled.

Certain con-
tracts &c., not
affected by
this act.

2. The present change in organization shall not affect in any way the liabilities, contracts or agreements now existing, in connection with the said company as previously

organized, all of which may be enforced by and against the present company, without formal transfer or signification.

3. The capital stock of the said company shall be the sum of one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars, each. Capital stock of the company.

4. The provisional directors of the said company shall be the said reverend Mr. Jean-Baptiste Chartier, Louis Côté, G. H. Burnett, Arthur O. Granger and Robert N. Hall, who shall have power to open stock books for the said company, transact the ordinary affairs and business of the company and to convene the first meeting of shareholders therein, by notice of at least one week in some newspaper, published in the said city of St. Hyacinthe. Provisional directors of the company. Stock books. First meeting of shareholders.

At the said meeting or at any other subsequent meeting, convened in the same manner, the shareholders, thus assembled, may adopt by-laws, regulating the management of the company's affairs, establishing the number of directors, not less than three nor more than seven, the officers of the company and their powers, fixing the time of the annual meeting. By laws for certain purposes.

5. All the powers and privileges, conferred upon the said company, as organized under the said general act, either by the terms of the act itself or by resolution, by-law or agreement of the said city of St. Hyacinthe, are hereby reaffirmed and confirmed to the Company, as incorporated under the present act, including their right to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places, within the limits of the city of St. Hyacinthe and the adjoining parishes in the county of St. Hyacinthe, as may be necessary for laying down the mains and pipes, required to make the necessary connections between their works and the premises of their patrons, doing no unnecessary damages 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 said works are in progress, and in addition, it shall be lawful for the company, in substitution for gas or in connection therewith, or in addition thereto, to manufacture, use and sell electric, galvanic or other artificial light, and to manufacture, store and sell heat and motive power, derived either from gas or otherwise, and to convey the same by pipes or wires, and with the same privilege and subject to the same liabilities as are applicable to the manufacture, use and disposal of illuminating gas under the provisions of this act. Confirmation of powers and privileges.

Placing of
pipes and
wires upon
any property.

6. Where there are buildings, within the said limits, the different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the company may carry pipes and wires to any part of the said building, passing over or through the property of one or more proprietors, or in the possession of one or more tenants, to convey the gas, electricity, steam, or motive power to the property of another or in the possession of another.

Breaking up
passages &c.,
for purpose of
laying pipes
&c.,

7. The company may also break up and uplift all passages to neighboring proprietors or occupants 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 by them sustained, in or by the execution of the powers granted by this act.

Obstruction of
streets for pas-
sage of pipes
and wires.

8. In case the company shall open or break up any street, square or public place, 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, or to repair any damage that may have been caused to such street, square or public place, by reason of any works done therein by the company, the 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 company ;

Damages
caused in so
doing.

Suit to recover
amount if not
paid.

And in default of payment of the costs by the latter, within one month after demand, they may be recovered by civil action in any court of competent jurisdiction.

Penalty for
using pipes
and wires of
company, with-
out permission.

9. If any person lays, or causes to be laid, any pipe or main to communicate with any pipe or main belonging to the company, or in any way obtains or uses its gas or other illuminating material, steam or motive power, without the consent of the company, he shall forfeit and pay to the company the sum of fifty dollars, and also a further sum of four 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, and that, besides any other recourse the company may have against such offender at common law or by virtue of any statute, by-law or enactment anent such matter.

10. Neither the service nor connecting pipes of the company, nor any meters, lustres, lamps, pipes, fittings, or other property of any kind, of the company, placed in or upon the premises of others, shall be subject to or liable for rent, notwithstanding Article 1622 of the Civil Code, 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 one, to or for whose use or the use of whose house or building the same may be applied by the company, notwithstanding the actual or apparent possession thereof by such person.

11. In all cases where the company may lawfully cut off and take away the supply of gas, electricity, steam or motive power, from any house, building or premises, the company, its agents and workmen may enter into the house, building or premises, on any day except Sunday, between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, wire, fitting or apparatus, the property of and belonging to the Company; and any servant of the Company, duly authorized by the President, General Manager or Superintendent, may, between the hours aforesaid, enter any house or building, into which gas, electricity, steam or motive power has been taken, for the purpose of examining, repairing or making good any such meter, pipe, wire or apparatus belonging to the company, or used for its lighting, heating or motive power; and if any person refuses to permit or does not permit the servant and officers of the Company to enter and perform the acts aforesaid, the person, so refusing or obstructing, shall incur a penalty to the company for every such offence, of ten dollars, and a further penalty of four dollars for every day during which such refusal or obstruction continues.

12. The joint stock companies general clauses act shall apply to and be a part of this act upon all matters not provided for by the special clause of this Act or the By-Laws of the Company; but aliens shall not be thereby disqualified as Directors of this Company.

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