

dividends shall be devoted to the payment of a dividend not exceeding the said rate of ten *per cent per annum* upon the ordinary stock, and after the payment of such rate of dividend on the ordinary stock, the whole capital stock shall rank equally in respect of dividends, provided that if in any year the holders of the preferential stock do not receive a dividend or dividends amounting to ten *per cent per annum*, the deficiency shall be made up in the future before any dividends are declared upon the ordinary stock, but without any interest upon any amounts so deficient; Provided also, that the increase of capital stock authorised by this section, shall not be made until a by-law to that effect shall have been adopted by two-thirds in value of the shareholders present or represented at a general meeting specially convened for the purpose of considering the same.

2. This act shall come into force immediately after its sanction.

CAP. LXVIII.

An Act to incorporate "The St. Henri Gas Company."

[Assented to 24th December, 1875.]

WHEREAS Anthony Force, Aubery Fitch, and Alexander W. Ogilvie, all of the city of Montreal, in the province of Quebec, and Charles H. Nash, of Chicago, in the State of Illinois, and Kerr Murray, of Fort Wayne, in the State of Indiana, have by their petition prayed, that they and such others as hereafter may be associated with them in their enterprise, may be incorporated under the title hereinafter named, for the purpose of furnishing gas and other illuminating material to the said town of St. Henri and adjoining municipalities, exclusive of the city of Montreal, and it is expedient to grant the prayer of said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Anthony Force, Aubery Fitch, Alexander W. Ogilvie, Charles H. Nash and Kerr Murray, together with all such persons as now are or hereafter may become shareholders in the company hereby established, shall be a body politic and corporate to the ends and for the purposes in the preamble to this act stated, by the name of "the St. Henri Gas Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same,—and by that name shall and may sue and be sued, implead and

Proviso. be impleaded in all courts of law and equity, with power to purchase, take and hold real and personal property of every kind and description for the use of the said company, and the same to alienate and mortgage; provided always that the total annual value (over and above the works thereon erected) of the lands or real estate to be so acquired and held by the said company, shall not exceed the sum of ten thousand dollars.

Chief place of business. **2.** The head office and chief place of business of the said company shall be in the town of St. Henri, but the company's works and business may be carried on or transacted in the said town of St. Henri, or in any of the neighboring municipalities exclusive of the city of Montreal with the consent of such town, and such other municipalities.

Capital stock. **3.** The capital stock of the said company shall be the sum of one hundred thousand dollars divided into two thousand shares of fifty dollars each; the said capital stock may be from time to time increased as the wants of the company require, as hereinafter provided.

Provisional directors. **4.** The said Anthony Force, Aubery Fitch, Alexander W. Ogilvie, Charles H. Nash and Kerr Murray shall be the first directors of the said company, with power to open stock books, allot stock, convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other act necessary and proper to be done to organize the company and conduct its affairs; and they shall continue in office until the first general meeting of stockholders hereinafter mentioned.

Commencement of operations. **5.** The company may commence operations and exercise the powers hereby granted, so soon as fifty thousand dollars of the capital stock shall be subscribed and ten *per centum* thereon paid up; and over and above the said ten *per centum* paid up capital, any stock paid in part or in full, which may have been taken by parties conveying rights, privileges, rights to patents, or any real or personal property to the company, in part payment or in full payment for such rights, privileges, rights to patents or real or personal property, shall be held to have been so paid in cash, for the purposes of this section.

Annual meetings. **6.** The first general meeting of stock-holders shall take place at the said town of St. Henri on a day to be named by the said directors, but such meeting must be held within six months from the passing of this act, and the ensuing annual meetings shall be held on the same day

in each year thereafter, at such a place and hour as may be appointed by the by-laws of the company, or by the directors in their default, but a failure to elect directors on the day and in the manner prescribed shall not dissolve the company, but such election may take place at any general meeting duly called for that purpose : and the retiring directors shall continue in office until their successors are elected.

7. At such first and subsequent meetings, five directors shall be elected to hold office, until their successors are appointed as above provided. Number of the directors.

8. Any three of the said directors, whether those appointed by this act or subsequently elected, shall form a *quorum*, and may exercise all the powers devolving upon and vested in the said directors. Quorum.

9. The shareholders of the said company shall be bound to pay the amount of their subscriptions as they may from time to time be called upon by the directors ; but the said directors shall only be bound to make calls at the times and in the manner they deem to be expedient for the purposes of the company, any law to the contrary notwithstanding. Calls.

10. It shall be lawful for the said company to break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places within the limits of such municipalities, as may be necessary for laying down the mains and pipes to conduct the gas or illuminating material from the works, of the company to the consumers thereof, doing no unnecessary damage in the premises, and taking care as far as may be, to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places while the works are in progress. Execution of the works.

11. 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 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 illuminating material to the property of another or in the possession of another. Idem.

12. The company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted Idem.

by this act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained, in or by the execution of the powers granted by this act; subject to which provisions this act shall be sufficient to indemnify the company, their servants, and those by them employed, for what they or any of them shall do in pursuance of the powers granted by this act.

13. The said company shall so construct and locate their works, and all apparatus and appurtenances thereunto belonging or appertaining, so as not to endanger the public health or safety, and the said works shall be subject to and bound by the existing by-laws of the corporation, and of the corporations of the municipalities hereinbefore mentioned, in so far as the said works may be situated within their respective limits; and the said gas works, apparatus and appurtenances shall, at all reasonable times, be subject to the visit and inspection of the municipal authorities of the corporation or corporations, within the limits whereof they are situated, reasonable notice thereof being previously given to the company; and the company, their servants and 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 one hundred dollars nor less than five dollars, for each offence, in neglecting or refusing to obey the same—to be recovered at the suit and for the use of said municipality, in any court of competent civil jurisdiction.

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

15. If any person lays or causes to be laid any pipe or main belonging to the said company, or in any way obtains or uses its gas, or other illuminating material, without the consent of the company, he shall forfeit and pay to the company the sum of one hundred and twenty 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.

Laying
pipes.

Penalty.

Costs.

16. If any person wilfully or maliciously breaks up, pulls down or damages, injures, puts out of order or destroys any main pipe, engine, pipe, plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing 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 the said company; or in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done, or increases the supply of gas or other illuminating material agreed for with the 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 improperly wasting the same, such person shall, on conviction thereof, before a justice of the peace, or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the company, a penalty not exceeding forty dollars, together with costs of prosecution, or be confined in the common gaol of the district for a space of time not exceeding three months, as to such justice shall seem meet.

Breaking up,
&c.

Penalty.

17. Nothing in this act contained shall prevent any person from constructing any work for the supply of gas to his own premises.

Rights pre-
served.

18. Neither the service nor connecting pipes of the said company, nor any meters, lustres, lamps, pipes, gas-fittings nor any other property of any kind whatsoever of the company, 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 person, to and for whose use, or the use of whose house or building the same may be supplied by said company, not-

Properties of
the company
not subject to
seizure for
rent.

withstanding the actual or apparent possession thereof by such person.

Damaging
pipes, lamps,
&c.

19. If any person, wilfully or maliciously, damages or causes, or knowingly suffers, to be damaged any meter, lamp, lustre, service pipe or fitting belonging to the said company, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meters or meters indicate less gas than actually passes through the same, such person shall incur a penalty to the use of the company for every such offence, of not less than four dollars, nor exceeding twenty dollars, 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.

Penalty.

Costs.

Damaging
pipes, post-
plugs, &c.

20. If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, pedestal post-plug, lamp or other apparatus or thing belonging to the company, he shall forfeit and pay to the use of the company a penalty not less than four dollars, nor more than twenty dollars, and shall also be liable to make good all damages and charges, to be recovered with costs, as hereinafter provided.

Penalty.

Neglecting to
pay the rate.

21. If any person supplied by the company with gas neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company or any person acting under their authority, on giving forty-eight hours previous notice, may stop the supply of gas from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by any such other means as the company or its officers see fit, and may recover the rent or charge due up to such time, together with the expenses of cutting off the gas, in any competent court, notwithstanding any contract to furnish for a longer time.

Supply of
gas, stopped.

Power to
enter into the
houses, &c.

22. In all cases where the company may lawfully cut off and take away the supply of gas from any house, building or premises, the company, their agents and workmen, upon giving forty-eight hours previous notice to the person in charge or the occupier, may enter into the house, building or premises, between the hour of nine o'clock in the forenoon, and four o'clock in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fitting or other apparatus, the property of, and belonging to the company, and any servant of the company duly authorized may, between the hours aforesaid,

enter any house in which gas has been taken, for the purpose of repairing and making good in any such house, building or premises, or for the purpose of examining any meter, pipe or apparatus belonging to the company or used for their gas ; and if any person refuses to permit, Refusing to permit. or does not permit the servants and officers of the company to enter and to perform the acts aforesaid, the person so refusing or obstructing, shall incur a penalty to the Penalty. company for every such offence, of forty dollars and a further penalty of four dollars for every day during which such refusal or obstructing shall continue, to be recovered with costs as hereinafter provided.

23. All fines, penalties and forfeitures imposed by this act may be sued for and recovered with costs by the company either in the manner hereinbefore directed, or before a justice or justices of the peace in the district where the offence has been committed, on oath of any one credible witness. Recovery of the penalties.

24. 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 provided by this act. Mode of recovery.

25. In any action brought by or on behalf of the company, in any court, or in any proceedings before a justice of the peace, on behalf of such company, the president and any share-holder shall be competent witnesses, notwithstanding their interest in such suit or otherwise. Share-holders may be witnesses.

26. The directors of the said company, if they see fit, at any time after the whole capital stock of one hundred thousand dollars above mentioned, shall have been subscribed and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding two hundred and fifty thousand dollars which they may consider requisite, in order to the due carrying out of the objects of the company. Such by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted. But no such by-law shall have force and effect until after it shall have been sanctioned by a vote of not less than two-thirds in amount of the shareholders, at a general meeting of the company, duly called for considering the same. Increase of the capital stock.

27. " The joint stock companies general clauses act " shall apply and be part of this act, except in so far as it is in contradiction to, or inconsistent with any of the provisions of this act. Joint stock comp. gen. c. act shall apply.

Conditions
required.

28. The privileges and advantages granted to the company by this act shall cease and be of no effect if works are not established and in operation in virtue hereof, within three years from the passing of this act.—capable of producing ten thousand cubic feet of gas *per diem*.

C A P. L X I X .

An Act to incorporate the Women's Christian Association of Quebec.

[Assented to 24th December, 1875.]

Preamble.

WHEREAS the persons hereinafter mentioned have, by petition, represented that they and others for some time past have maintained, by voluntary contributions, a certain institution in the city of Quebec, known as "The Women's Christian Association of Quebec," for the purpose of receiving young women, who come as strangers to the city, obtaining for them board and employment, attending generally to their temporal and moral welfare, providing a reading room and library for young women, and premises where meetings of ladies connected with different benevolent institutions may be held, and for other benevolent purposes of a like nature, and have prayed that for the better attainment of its objects the institution may be vested with corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation.

1. Mesdames Robert Cassels, Henry D. Powis, Joseph Whitehead, Richard M. Harrison, James Gibb, William F. Collins and Misses Emily Gillespie and Lucy E. Lamb, and such persons as are now or may hereafter be associated with them, in conformity with this act, and their successors, are hereby constituted a body corporate and politic with all the rights incident to corporations by the name of "The Women's Christian Association of Quebec."

Name.

General powers.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change the same if they think proper, and may under the said name contract, sue and be sued, and may acquire by any legal title, hold, possess, and enjoy, to and for the use of such corporation, any moveable or immoveable property which may be sold, exchanged, given or bequeathed to the said corporation, or to sell, hypothecate, convey, let or lease the same; provided always that such real estate shall not exceed the annual value of five thousand dollars, beyond that actually re-

Proviso.