

CAP. LXXIX.

An Act to incorporate "The Sherbrooke Gas Company."

[Assented to 23rd February, 1875.]

WHEREAS there is a present and prospective increase of Preamble.
 population and buildings, both in the town of Sherbrooke, and in the neighboring municipalities, and a demand for a cheap and effective mode of supplying light as well to the streets and public places, as to the public and private buildings and manufacturing establishments therein has been made; and whereas the several persons hereinafter mentioned have, by their petition, prayed that they, and such others, as are now or may hereafter be associated with them in their enterprise, under the title hereinafter mentioned, be incorporated for the purpose of furnishing gas or other illuminating material to said town and municipalities, and for dealing in coal, coke, coal-tar and other substances used and employed in or incident to the manufacture of gas or other illuminating material, and whereas a large amount of stock hath already been subscribed by said persons and others, to promote said enterprise, 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. Charles King, Edward T. Brooks, Thomas Logan, Certain persons incorporated.
 Robert N. Hall, Francis D. Gilbert, James A. Gordon, Joseph A. Archambault, Wright Chamberlin and Richard D. Morkill, all of the town of Sherbrooke, and the honorable Matthew H. Cochrane, of the township of Compton, together with all such persons as now are or hereafter may become shareholders in the company hereby established, shall be, and they are hereby constituted a body politic and corporate to the ends, and for the purposes in the preamble to this act stated, by the name of "The Sherbrooke 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, Corporate name
 implead and be impleaded in all courts of law and equity, General powers.
 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.

2. The head office and chief place of business of the said Head office of business.
 company, shall be in the town of Sherbrooke; but the company's work and business may be carried on and transacted in all or any of the neighboring municipalities hereinafter mentioned.

- Capital stock. **3.** The capital stock of the said company shall consist of one hundred and twenty thousand dollars (with power to increase as hereinafter provided,) in shares of fifty dollars each; sixty thousand dollars to be now issued, and the remaining half at the discretion of the directors; provided always, that the subscribers, to the first issue shall be entitled to subscribe to such remaining stock *pro rata* to the stock held by them, in preference to all others.
- Power to increase the same.
- Proviso:
- First directors. **4.** The said Charles King, Edward T. Brooks, Thomas Logan, Robert N. Hall, Francis D. Gilbert, James A. Gordon, Joseph A. Archambault, Wright Chamberlin, Richard D. Morkill, and the honorable Matthew H. Cochrane, shall be the first directors of the said company, and shall continue in office until the first general meeting of stockholders hereinafter mentioned.
- 1st gen. meeting of the shareholders. **5.** The first general meeting of stockholders, shall take place at the town of Sherbrooke, on a day to be nominated by the said directors, 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 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.
- Annual meetings.
- Failure to elect directors.
- Retiring directors.
- Directors. **6.** At such first and subsequent meetings, ten directors shall be elected to hold office until their successors are appointed as above provided.
- Quorum. **7.** 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 said directors.
- Calling of shares. **8.** 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 each of the calls, to be made by said directors, shall not be for more than ten per cent, of the amounts subscribed for, and there shall be an interval of at least one month between each of the said calls, and the stock-book heretofore opened and in which signatures have been received for the stock of said company, shall be deemed to be the stock-book of said company, and the general subscriptions therein made, shall be valid, and binding upon each person who shall have subscribed his name therein.
- Amount thereof. Interval.

9. 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 the town of Sherbrooke, and the township of Ascot, of the village of Lennoxville, of the township of Orford, or of any one of said corporations, having obtained permission so to do, 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.

Power to do
certain works,
&c.

10. 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 situate, 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

Power to carry
pipes to convey
the Gas.

11. 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 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.

To do certain
works for fix-
ing them.

Damages.

12. 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.

Construction of
apparatus, &c.

13. 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, 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

Excavations,
&c., to be
guarded.

Neglect in
such case.

when notified so to do by the town inspector, or other municipal officer, 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 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 expense 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.

Damages.

Right of action.

Pipes communicating with those belonging to the comp.

Penalty.

14. If any person lays, or causes to be laid, any pipe or main, to communicate with 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 communications remains, which sums together with costs of suit in that behalf incurred, may be recovered by civil action, in any court of competent jurisdiction.

Persons injuring maliciously the works.

Other damages.

Waste of gas.

Penalty.

15. 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 belonging to the said company; or shall in any way 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, in default of payment, as to such justice shall seem meet.

16. Nothing in this act contained, shall prevent any person from constructing any works for the supply of gas to his own premises. Reserved rights.

17. Neither the service, nor connecting pipes of the said company; nor any meters, lusters, lamps, pipes, gas-fittings, or any other property of any kind whatsoever of the company, shall be subject to or liable for rent, notwithstanding the 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 applied by said company, notwithstanding the actual or apparent possession thereof, by such person. Properties of the comp. unseizable for the debts of other persons.

18. If any person wilfully, or maliciously, damages or causes or knowingly suffers to be damaged, any meter, lamp, luster, service pipe or fittings, belonging to the said company, or wilfully impairs, or knowingly suffers the same to be altered or impaired, so that the meter 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. Damages maliciously caused. Penalty. Costs for repairing.

19. 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. Persons extinguishing lamps. Penalty.

20. 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 Power to stop gas in certain cases. Notice required.

the expenses of cutting off the gas, in any competent court, notwithstanding any contract to furnish for a longer time.

Power to enter
houses to that
end.

For repairing.

Examinators,
&c.

Penalty in
case of refusal.

Recovery of
penalties.

Where suits
shall be
brought.

How levied.

Seizure.

Gaol.

21. 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 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 fittings or 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 into which gas has been taken, 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 the company or used for their gas; 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, the person so refusing or obstructing, shall incur a penalty, to the company for every such offence not exceeding ten dollars, and a further penalty not exceeding four dollars for every day during which such refusal or obstruction continues, to be recovered with costs, as hereinafter provided.

22. 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 the oath of any one credible witness.

23. 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.

24. Where damages as well as a penalty may be given such damages and penalty may be sued for separately, and in case of any damages being obtained against any party, the amount of penalty imposed shall be deducted from such damages, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant has no goods to satisfy any penalty imposed, he shall be committed to the common gaol for such period not exceeding two months, as the justice or court may direct.

25. In any action brought by or on behalf of the company in any court or in any proceeding before a justice of the peace, on behalf of any such company, the president and any shareholder shall be competent witnesses, notwithstanding their interest in such suit or otherwise. Shareholders shall be competent witnesses.

26. The directors of the said company may, if they see fit at any time after the whole capital stock of one hundred and twenty thousand dollars above mentioned shall have been subscribed and paid in, but not sooner, make a by-law for increasing the capital stock of the company to any amount 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 the value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted, subject to the provision hereinbefore contained with reference to the right of preference in favor of the then existing body of shareholders. 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. By-laws to that effect. Sanction thereof.

27. "The joint stock companies general clauses act" shall apply to and be a part of this act, except in so far as it is in contradiction to or inconsistent with any of the provisions of this act. Application of 31 V., ch. 24.

C A P . X C .

An Act to incorporate The Wharfage Company of Sorel.

[Assented to 23rd February, 1875.]

WHEREAS Louis Adelard Senecal, Ashley Hibbard, and Charles Gill, have, by their petition, represented that they, as well as others as associated with them, desire to obtain an act of incorporation for the purpose of forming a company to construct wharves and a dock at Sorel; and whereas 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 : Preamble.

I. Louis Adelard Senecal, Ashley Hibbard, Charles Gill, M. P., the Honorable Jean-Baptiste Guévremont, the Honorable Horace Fairbanks, Waldo Brigham, the Honorable George Hendie, N. A. Smith, M. D., Samuel T. Willett, Edward Campbell Wurtele and A. A. Taillon, or those among them, or any other persons who may become share- Certain persons incorporated.