

Individual
liability.

Bank notes.

such directors, officers, agents or servants of the company thereby become individually liable to any third party therefor, but the company shall issue no bank note, or note to circulate as money.

Commence-
ment of opera-
tions.

13. The company shall not commence operations until at least ten per centum on the amount of their capital stock shall have been paid in.

When this
act shall come
into force.

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

CAP. LIII.

An Act to incorporate the "Consumers' Gas Company of the City and District of Montreal."

[Assented to 28th January, 1874.]

Preamble.

WHEREAS the great present and prospective increase of population and buildings, both in the city of Montreal, and in the neighbouring municipalities, and the great 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 therein, render it desirable that the inhabitants thereof should not be entirely dependent upon the existing gas company, but that more ample provision should be made than now exists to meet these requirements; and that more than one company should be established for that purpose within the said limits; and whereas the several persons hereinafter mentioned have, by their petition, prayed that they, and such others as now are or hereafter may be associated with them in their enterprise, may be incorporated under the title hereinafter mentioned, for the purpose of furnishing gas and other illuminating material to said city and municipalities more extensively and on better terms than hath heretofore been done; and whereas a large amount of the stock of said undertaking hath been already subscribed for by a numerous and influential body of the inhabitants of the said city and neighbouring municipalities, 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:

Corporation.

1. Sir A. T. Galt, K. C. M. G., the Hon. Charles J. Coursol, Andrew Allan, Esq., Edwin Atwater, Hon. M. Justice Berthelot, Charles John Brydges, F. James Claxton, Thomas Cramp, Maurice Cuvillier, George A. Drummond,

Theodore Hart, Jacques Grenier, Alfred Larocque, Michel Laurent, J. W. McGauvran, D. Lorn McDougall, John Molson, Gilbert Scott, J. F. Sincennes, Hon. Henry Starnes, Harrison Stephens, F. Wolferston Thomas, Samuel Waddell, Alexander Walker, William Workman and Thomas Workman, all of the city of Montreal, 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 Consumers' Gas Company of the City and District of Montreal," 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 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 per annum.

2. The head office and chief place of business of the said company shall be in the city of Montreal, but the company's works and business may be carried or transacted in all or any of the neighbouring municipalities hereinafter mentioned.

3. The capital stock of the said company shall consist of one million of dollars (with power to increase as hereinafter provided) in shares of one hundred dollars each: five hundred 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.

4 The said Sir A. T. Galt, Hon. Charles J. Coursol, Andrew Allan, Edwin Atwater, Hon. M. Justice Berthelot, Charles John Brydges, F. James Claxton, Thomas Cramp, Maurice Cuvillier, George A. Drummond, Jacques Grenier, Theodore Hart, Alfred Larocque, Michel Laurent, D. Lorn McDougall, John Molson, Gilbert Scott, J. F. Sincennes, Hon. Henry Starnes, Harrison Stephens, F. Wolferston Thomas, Samuel Waddell, Alexander Walker, William Workman and Thomas Workman, shall be the first directors of the said company, and shall continue in office until the first general meeting of stockholders hereinafter mentioned.

Annual meet-
ings.

5. The first general meeting of stockholders shall take place at the city of Montreal, 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.

Election of
seven
directors.

6. At such first and subsequent meetings, seven directors shall be elected to hold office until their successors are appointed as above provided.

Quorum, board
of manage-
ment.

7. That 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.

Payments.

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 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.

Consent of the
corporation re-
quired to
begin the
works

9. That when and so soon as the assent of the corporation of the city of Montreal, of the corporation of the municipality of the parish of Montreal, of Côteau St. Louis, of St. Jean-Baptiste, of Hochelaga, or of any one of said corporations shall have been obtained, 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 corporation or corporations assenting, 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.

Powers re-
lating to these
works.

Idem.

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, and such pipes shall be carried up and attached to the outside of the building.

11. The company may also break up and uplift all passages Idem. 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 Proviso: 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.

12. The said company shall so construct and locate their Works. 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 and bound by the existing by-laws of the corporation of the city of Montreal, and of the corporations of the municipalities Municipal control. hereinbefore mentioned, in so far as the said works may be situate 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 situate, 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 said municipal authorities in that respect, under a penalty of not more than one hundred dollars, nor less Penalty. 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, except the Recorder's court of the city of Montreal.

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 Responsibility in cases of damage.

Powers of the corporation.

when notified so to do by the city surveyor, as hereinbefore provided, 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. The location of the said company's main pipes in any of the streets of the city of Montreal, shall not be made until the plans thereof, shewing the position of such pipes and other works to be done by the company in such street, shall have been submitted to, and approved of, by the road committee and the city surveyor.

Approval previous to laying the main pipes.

Notice required.

14. Before opening or breaking up any of the streets of the said city, for the laying down of any of its main pipes, the said company shall give a written notice thereof to the city surveyor, and obtain his permission.

Where the pipes shall be laid.

15. The main pipes, and the service pipes when practicable, that shall be laid down by the said company in the city of Montreal, shall be at least six feet distant from the main pipes of the New City Gas Company of Montreal, and at like distance from the main water pipes, sewers of the corporation of Montreal; or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit; and that the said main pipes shall have the initials of the company cast upon each of them; and also the ends of the service pipes and stop-cocks, which shall appear in the cellars of the houses or buildings shall be legibly and permanently stamped or marked with the initials of the company, to distinguish them from those of the New City Gas Company of Montreal, under a penalty of twenty dollars for each offence or neglect thereof, which penalty shall be paid to the said New City Gas Company of Montreal, and recovered by civil action in any court of competent jurisdiction. Provided always, that if any difference shall arise between the New City Gas Company of Montreal and the said Consumers' Gas Company, or any other company established or to be established in the city of Montreal, as to the practicability of either company so laying its pipes, that they shall be at the distance above mentioned from those of the other company, then such difference shall be decided by the surveyor of the said city, who, if he shall be of opinion that it is not practicable to lay the

Marks on the pipes, &c.

Penalty.

Case of differing between companies.

pipes at such distance, shall direct the mode in which the pipes of the respective companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid. An appeal shall lie from any such decision of said surveyor to the recorder's court of the said city of Montreal, at any sitting of the said court held after the day on which the decision of the said surveyor shall be notified to the parties. Appeal.

16. 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 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. Penalty.

17. 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 dependences 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 shall 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 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. Penalty.

18 Nothing in this act contained shall prevent any person from constructing any works for the supply of gas to his own premises. Rights reserved.

Lusters, &c.,
not liable to
seizure for
rent, &c.

19. 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, 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, notwithstanding the actual or apparent possession thereof by such person.

Penalty.

20. 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.

Penalty.

21. 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.

Non-payment
of the gas.

22. 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.

Right to enter
houses.

23. 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 ^{Penalty.} 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 of forty dollars, and a further penalty of four dollars for every day during which such refusal or obstruction continues, to be recovered with costs as hereinafter provided.

24. All fines, penalties and forfeitures imposed by this act ^{Recovery of penalties.} 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.

25. All actions for damages or penalties, or both, given by ^{Idem.} this act, shall be brought in courts having jurisdiction to the amount involved in such suit, unless otherwise provided by this act.

26. Where damages as well as a penalty may be given, ^{Imprisonment} such damages and penalty may be sued for separately, 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 the same, he shall be committed to the common gaol for such period not exceeding two months as the justice or court direct.

27. In any action brought by or on behalf of the company ^{President and shareholders competent witnesses;} 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.

28. The directors of the said company, if they see fit at ^{Increase of the capital stock.} any time after the whole capital stock of one million of

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 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, 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.

Sanction re-
quired.

Application of
act 31 V, ch.
24.

29. "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.

Conditions re-
quired, for the
city of Mon-
treal.

30. The privileges and advantages granted to the company by this act shall cease and be of no effect in so far as respects the establishment of works within the limits of the city of Montreal, if the assent of the corporation thereof be not applied for within six months, and obtained within one year from the passing of this act, and if works are not established and in operation in virtue hereof within three years from the passing of this act, capable of producing one hundred thousand cubic feet of gas *per diem*.

C A P . L I V .

An Act to incorporate the Montreal Stock Exchange.

[Assented to 28th January, 1874.]

Preamble.

WHEREAS Donald Lorn MacDougall, E. Ford, Frank Bond, G. W. Simpson, Hartland S. MacDougall, G. C. MacDougall, F. L'Estrange Hart, Charles G. Geddes, J. D. Crawford, H. S. Strathy, H. G. Strathy, Henry A. Budden, J. Try-Davies, W. R. Oswald, Henry A. Scott, J. Burnett, and others, resident, and carrying on business in the city of Montreal, have petitioned for the incorporation of themselves and others, as the "Montreal Stock Exchange," and to be invested with certain powers hereinafter mentioned, 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:

