

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 3 Private or Personal Acts

An Act to incorporate the Fredericton Gas Light Company. Passed 26th April 1850.

Whereas the establishment of a Company for the purpose of erecting Gas Works in the City of Fredericton, in order to furnish the means of lighting the said City in a superior manner, would be an object of public utility;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Simpson, Lemuel A. Wilmot, Charles Fisher, Frederick W. Hatheway, George J. Dibblee, James Robb, Charles M'Pherson, John A. Street, William Watts, Junior, Spafford Barker, John S. Coy, Robert Jardine, Benjamin Wolhaupter, Abraham T. Coburn, Stephen Foster, and Asa Coy, their associates, successors and assigns, shall be and they are hereby erected into a Body Politic and Corporate, by the name of "The Fredericton Gas Light Company," and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the City of Fredericton with Gas, and for all necessary works therewith connected.

II. And be it enacted, That the Capital Stock of the said Corporation shall be five thousand pounds current money of New Brunswick, and shall be divided into five hundred shares, of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen per centum of the said capital stock, amounting to seven hundred and fifty pounds, shall be actually paid in and invested in the business of the said Corporation in four years from the passing of this Act; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of ten thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per centum of the capital stock as aforesaid shall be paid in.

III. And be it enacted, That the first meeting of the said Corporation shall be held in the said City of Fredericton, and shall be called by John Simpson, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers printed in Fredericton, at least ten days previous to such meeting, for the purpose of establishing bye laws and choosing Directors for the management of the affairs of the said Company, which Directors so chosen shall serve until the first annual meeting or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

IV. And be it enacted, That a general meeting of stockholders of the said Corporation shall be held in Fredericton on the first Tuesday in May in each and every year, for the purpose of choosing

five Directors for the management of the affairs of the said Corporation, which Directors so chosen shall remain in office one year or until others are chosen in their stead, and shall at the first meeting after their election, choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number chairman for the occasion.

V. And be it enacted, That no person shall be eligible as a Director unless such person is a stockholder, and holds not less than ten shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on any occasion when according to the provisions of this Act the votes of the stockholders are to be given, shall be for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have; and that all stockholders may vote by proxy, such proxy being a stockholder, and producing sufficient authority in writing from his constituent.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a book to be kept for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member in the said Corporation.

VIII. And be it enacted, That in case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another is chosen in his room.

IX. And be it enacted, That each and every stockholder in the said Company shall be held liable to the said Company for the payment of each and every call or assessment made, (not however to exceed in amount the stock so subscribed for,) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, which shall and maybe sued for by the said Company, and recovered in any Court of Record within the Province.

X. And be it enacted, That the joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the Corporation, and that no

creditor or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more, and that such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debts, due or demand maybe recovered against said Corporation.

XI. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment may be made by the said Company, it shall be the duty of the Treasurer to give notice thereof in one or more of the newspapers published in Fredericton, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that the Directors, or a majority of them, shall have power at any time, upon giving thirty days public notice in any newspaper published in Fredericton, to call in an assessment upon the stock of the said Corporation of ten per cent of the whole capital subscribed, so that such call made by the vote of the said Directors shall not be made oftener than once in two months from any preceding call.

XII. And be it enacted, That all meetings of the said Company shall be called by public notice thereof in one or more newspapers published as aforesaid, ten days at least before the time of such meeting, and that all special meetings may be called by the Secretary, under the authority of the Directors or by shareholders representing not less than one hundred shares of stock, upon giving the like notice.

XIII. And be it enacted, That it shall and may be lawful for the said Company at a proper and convenient depth under each and every of the Streets and Roads leading into and through the said City and its vicinity, to lay down, set and place such and so many pipes, leaders and other apparatus for the said Gas, as they shall find to be necessary for conveying the same to any or every building or lamp post in the said City or its vicinity; and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders and other apparatus, or shall have occasion to alter, amend or repair the same, it shall also be lawful for said Company to break up and open any part whatsoever of the said Roads and Streets, or of the covering, pavement, or

side walks thereof, and the same to keep open and uncovered during the time necessary for said purposes; provided always, that before the said Company shall break up or open any such Road, Street, covering, pavement or sidewalks, they shall give previous notice of their intention so to do to the City Council of the said City, and shall receive their permission in writing therefor, and not otherwise; and provided also, that the said Company shall and do at their own proper costs and charges, and to the satisfaction of the said City Council, and without unnecessary delay, repair and amend the said Roads, Streets, coverings, pavements or sidewalks, in every part where they shall be so broken up and opened as aforesaid, to the conditions in which they were before breaking up or opening the same.

XIV. And be it enacted, That if the said Company shall not repair the said Streets, Roads, covering, pavement or sidewalk, or any of them so broken up, to the satisfaction of the said City Council, it shall be lawful for the said City Council to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company, in the Supreme Court of the Province, at the suit of the City of Fredericton.

XV. And be it enacted, That the said Company do and shall in every Street or Road through which their said pipes shall be laid, make and provide proper leaders and apparatus for supplying the public lamps in the several Streets with Gas, and shall make and provide such apparatus, and at such distances from each other, as the City Council of the City of Fredericton shall from time to time direct and appoint, under the penalty of forfeiting the privileges and immunities granted in and by this Act; Provided always, that the said City Council shall pay any additional expense as may be incurred by the making such leaders and apparatus for supplying Gas.

XVI. And be it enacted, That from and after the passing of this Act, the said Company or any person or persons who may in any way be employed by them, shall not throw, or cause, suffer or permit any person or persons to throw into any part of the River Saint John, or into any Cove, Creek or Stream falling into the said River, any refuse of coal tar or other noxious substance that may arise from said Gas works, under the penalty of ten pounds for each and every offence.

XVII. Provided always, and be it enacted, That unless seven hundred and fifty pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of four years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said four years.

XVIII. And be it enacted, That the City Council of the City of Fredericton shall at all times have power to regulate, restrict and control the acts and doings of the said Gas Company, which may in any manner affect the health, safety or comfort of the inhabitants of the said City of Fredericton, and to pass such bye laws relative thereto from time to time as the circumstances of the case may require, and to enforce obedience to the same by such penalties as they may deem necessary, not exceeding the sum of twenty pounds for any one offence.