

Laws of Her Majesty's Province of Newfoundland, passed in the year 1844.

7 Victoria – Chapter 12

**An Act to incorporate a Company under the style and title of “the St. John’s Gas Light Company.”
(Passed 29th April, 1844.)**

Whereas the lighting of the Streets, Houses and Public Places of the Town of St. John’s with Gas would be of great public utility; and whereas the several persons hereinafter named are desirous of being united into a Company for carrying into effect the purpose aforesaid, but the same cannot be effectually accomplished without the authority of the Legislature.

I. Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that Robert Job, Peter McBride, Henry P. Bowring, Lawrence O’Brien, Kenneth McLea, Henry P. Thomas, John Stuart, and Walter Grieve, and their respective successors, executors, administrators find assigns, and all such other persons as may have associated with them for the purpose aforesaid, and also all such other persons as shall hereafter become Stockholders in the Company hereby established in manner hereinafter provided, and their respective successors, executors, administrators, and assigns, shall be and they are hereby united into a Company for the purpose aforesaid, and shall be a Body Corporate and Politic, in law, in fact and in name, by the style and title of the “St. John’s Gas light Company,” and by that name shall have perpetual succession, and a common seal, with power to alter the same; and shall and may be capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever; and shall and may purchase, hold, receive, enjoy, assign and convey, any Lands and Tenements, Goods and Chattels; and to do and execute all other things, in and about the same, as may be necessary for the advantage of the said Corporation; and also that they the said Company, or the major part of them, shall and may, from time to time, and at all times, have full power and authority to ordain, make and establish all such rules and bye-laws, and to do and perform all such other acts, deeds, matters and things, whatsoever, as may be necessary for the good government of the said Corporation, and as to them as such Body Politic and Corporate shall appertain to do; Provided always that the said Lands, Tenements and Hereditaments to be holden by the said Corporation shall not exceed in yearly value the sum of One Thousand Pounds; and provided also that such rules and byelaws shall not be in any wise inconsistent with the true intent and meaning of this Act, nor repugnant to the laws of this Colony.

II. And be it further enacted, that the said Company may raise and contribute among themselves, as the Stock of the said Company, a sum not exceeding in the whole Six Thousand Pounds, in Six Hundred Shares of Ten Pounds each; and such sum shall be paid by the Stockholders respectively, at such times and in such manner as the Directors of the said Company may from time to time appoint, and shall be appropriated to the purpose of constructing, completing and maintaining the Gas-works of the said Company, and for carrying into effect the purposes of this Act: Provided always, that whenever the business of the said Company shall be thought to require a further and additional amount of Capital Stock, it shall and may be lawful for the said Stockholders, at any general or special meeting to be called for that purpose, and of which due notice of not less than twenty days shall be first given in two of the Newspapers published in this Colony, of which the Royal Gazette shall be one, to increase the said

Capital Stock by the further sum of Six Thousand Pounds, in Shares of Ten Pounds each; and such additional Stock may be made and added either in one gross amount and at one time, or at two or more distinct and separate times, and in such amounts severally as shall be resolved and agreed upon at the said or at any subsequent meeting of such Stockholders to be called as aforesaid.

III. And be it further enacted, that so soon as Five Hundred Shares shall be subscribed of the said Capital Stock, the first General Meeting of the Stockholders shall be holden at such place as the majority of Stockholders shall appoint—Fourteen days' notice of the time and place of such meeting being given in one or more of the Public Newspapers, of which the Royal Gazette shall be one; and such meeting shall appoint Seven persons, being each a proprietor of Ten or more share in the said Company, to be Directors thereof, and shall make, ordain, and establish, such Rules and Bye-Laws for the good conduct and management of the affairs of the said Company, and the carrying into effect the purposes of this Act, as may be deemed necessary.

IV. And be it further enacted, that the said Directors so to be appointed as aforesaid, shall commence the operations of the said Company, and shall continue in office until the first Monday in May, 1845, and that on the said first Monday in May, and on the first Monday in May in each succeeding year, a General Meeting of the Stockholders of the said Company shall, upon due notice as aforesaid, be holden, at which meeting the Directors for the then past year shall exhibit a full and unreserved Statement of the affairs of the said Corporation, and such meeting shall thereupon proceed to audit the said Accounts so exhibited, to declare a dividend thereon, to elect Directors for the then ensuing year, to amend if necessary or to annul any Rule or Bye-Law of the said Company, and to transact such other business as may then be brought before them.

V. And be it further enacted, that of the said Board of Directors, Four, of whom the President or Vice President to be appointed as hereinafter prescribed, shall be one, shall be a quorum for the transaction of business; and that as soon after their election as may be, such Directors shall choose a President and Vice President, and that in case any vacancy shall, previously to any such annual meeting as aforesaid, arise by the death, resignation, or absence from the Colony, of any member of the said Board, the remaining Directors shall be and they are hereby authorized to fill up such vacancy from among the Stockholders of the said Company, and the person appointed to such vacancy shall continue in office until the time of the holding of the next annual meeting of Stockholders.

VI. And be it further enacted, that the Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as maybe reasonable and proper,—all which, together with the expense of all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the Bye-Laws and Regulations of the same.

VII. And be it further enacted, that on every occasion when in conformity with the provisions of this Act the roles of the Stock-holders are to be given, each Stock-holder shall be entitled to one vote for every Share; and that in any case where, upon any question being under the consideration of the

Board of Directors, the number of votes for and against such question shall be equal, the President shall have a casting vote: Provided always that no Stock-holder of the said Corporation shall in any case be entitled to more than fifty votes.

VIII. And be it further enacted, that all Stock-holders resident within this Colony or elsewhere may vote by proxy: Provided that such proxy be a Stock-holder, and do produce a sufficient authority in writing from his constituent so to act.

IX. And be it further enacted, that all and every the Shares in the Capital Stock of the said Company, and all profits and advantages thereof, shall be deemed and shall be personal estate, and transmissible as such according to the rules and regulations to be established in that behalf; Provided always that no assignment or transfer of any Share shall be valid or effectual until such transfer be entered and registered in a Book to be kept for that purpose; and provided also that whenever any Stockholder shall transfer in manner aforesaid all his Stock or Shares in the said Company to any other Person or Persons, such Stock-holder shall cease to be a Member of the said Corporation.

X. And be it further enacted, that the Shares in the Capital Stock of the said Company shall be liable to attachment and execution, in like manner as other personal property now is, and that the process or warrant in such cases respectively shall be served on the President or Vice President of the Board of Directors, and such service shall bind the Shares of such Stockholder to the extent of such attachment or execution; and that for the purpose of ascertaining the number of Shares held by any Stockholder against whom any attachment or execution may have issued, such President or Vice President, or any Director or Officer of the said Company, may be examined in like manner as any third person, having in his or her possession any Monies, Goods, Debts or Effects of any Defendant, may now be examined; and upon sale by the Sheriff of any such Shares under any such execution, or under execution issued upon a judgment obtained in the cause wherein the attachment shall have been made on mesne process, the Clerk of the said Company shall, on production of a bill of sale from the Sheriff, transfer the number of Shares by him sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual to all intents and purposes: Provided that when the attachment shall have been made under a writ of execution, the sale by the Sheriff shall be made within thirty days after the warrant shall have been left with the President or Vice President; and when the attachment shall have been made under mesne process, the sale shall be made within thirty days alter such time as the plaintiff could have signed judgment in the cause in which such attachment on mesne process shall have issued; and provided also that the proceeds of such sale shall be subject and liable in the first instance to any debt that may be due from the said defendant to the said Corporation.

XI. And be it further enacted, that the holders of Stock in the said Corporation shall be chargeable in their private and individual capacity for the payment of all Debts due at any time from the said Corporation in proportion to the Stock they respectively hold; Provided however, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of Stock then actually held by him; Provided nevertheless, that nothing previously herein contained shall be construed to exempt the Joint Stock of the said Corporation from being also liable for and chargeable with debts and engagements of the same.

XII. And be it further enacted, That on any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in Office for closing all the concerns of the said Corporation, and for dividing the Capital and Profits thereof which may remain alter the discharge of all existing debts and liabilities, among the Stockholders, in proportion to their respective interests: Provided, that such Stockholders shall be chargeable in their private and individual capacities for the payment and discharge of all then existing debts and liabilities of the said Corporation, in proportion to the Stock they shall then respectively hold, subject, however to the proviso mentioned in the preceding section of this Act: Provided however that such liability shall continue for two years only from and after the time of such dissolution.

XIII. And be it further enacted, That any number of Stock-holders, not less than ten, who together shall be proprietors of one hundred shares, shall have power at any time to call a General Meeting of Stockholders, for purposes relating to the business of the said Corporation, giving at least ten days' previous notice in two of the Newspapers published in the Colony, of which the Loyal Gazette shall be one, and specifying in such notice the time and place of such Meeting and the objects thereof; and the Board of Directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a General Meeting as aforesaid.

XIV. And be it further enacted, that it shall be lawful for the said Company, and they are hereby empowered from time to time to break up, dig, and trench so much and so many of the Streets, Squares and Public Pieces of the said Town of St. John's, commencing at the works of the said Corporation or such other place as may be expedient, and running throughout the said Town, as may be necessary for laying or taking up the Mains and Pipes to conduct the Gas from the works of the said Corporation to the places where the same is to be consumed, or for conveying away the wastings of the said works: and also from time to time to cause such Lamps, Lamp Irons, or Lamp Posts, or other Posts, to be placed, fixed, put up or erected within or upon all or any of the said Roads, Streets, and Places, as they shall think proper, doing no unnecessary damage in any of the Premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said Streets, Squares and Public Places while such works are in progress, placing Guards or Fences with Lamps during the night, and taking such other precautions as may be necessary for the prevention of accidents by any openings, and finishing and replacing the said Streets, Squares and Public Places in as good condition as before the commencement of the works, without any unnecessary delay: and that in case of the neglect of any of the duties herein prescribed, the said Corporation shall be subject to pay a fine of Five Pounds over and above such damages as may be recovered against the said Corporation in any Civil Action.

XV. And be it further enacted, that where there are buildings within the said Town, different parts whereof shall belong to different proprietors, or shall be in possession of different Tenants or Lessees, the said Corporation shall have power to carry Pipes to any part of any building so situated, passing over the property of one or more proprietors or in possession of one or more Tenants, to convey the Gas to that of another or in possession of another, and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down Pipes, or taking up and repairing the same; the said Corporation doing as little damage as may be in the execution of the powers granted by this Act and making satisfaction to the

owners or proprietors of buildings or other property, or to the public, for all the damage to be by them sustained in or by the execution of all or any of the said powers.

XVI. And be it further enacted, that the said Corporation shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, all such works, apparatus, and appurtenances aforesaid, shall be subject to the visits and inspection of the Stipendiary Magistrates for the said Town of Saint John's; and the said Corporation shall at all times obey all such just and reasonable orders and directions as they shall receive from the said Magistrates for the purpose of ensuring the execution of the provisions of this Section, under a penalty not exceeding Five Pounds for every such offence: Provided always that nothing herein contained shall extend or be construed to prevent the said Corporation, their Officers, Servants or Workmen, from being prosecuted for public or private nuisance arising from the said Gas Works, or any apparatus or appurtenance thereof, or to prevent the effect of any judgment or sentence lawfully rendered Upon any such prosecution.

XVII. And be it further enacted, that if any Person or Persons shall lay or cause to be laid any Pipe or Main to communicate with any Pipe or Main belonging to the said Corporation, or in any way obtain or use its Gas without the consent of the Board of Directors or their Officer appointed to grant such consent, or shall increase the supply of Gas agreed for with the said Corporation 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 Gas, every such person shall forfeit and pay to the said Corporation the sum of Ten Pounds for every such offence over and above the value of the Gas which may have been so wrongfully used, consumed, or wasted, and the same, together with costs of suit in that behalf incurred, may be recovered in any civil action to be brought by the said Corporation in any of Her Majesty's Courts of Record.

XVIII. And be it further enacted, that if any person or persons shall wilfully or maliciously breakup, pull down, injure, damage, put out of order, or destroy, any Main, Pipe, Lamp Iron, Lamp Post or any other apparatus or appurtenance of the said Corporation, or any materials used and provided for the same, 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 of the apparatus or appurtenances thereof, or shall wilfully extinguish the light of any such Lamp, as aforesaid, every such person or persons shall, on conviction therefor to be had in a summary manner before any Justice of the Peace, forfeit for every such offence any sum not exceeding Five Pounds, and shall also make full satisfaction for the damage so by them occasioned; and it shall be lawful for any person or persons who shall see the offence committed, to apprehend, without any warrant, and for any other persons to assist in apprehending, the offender or offenders, and to convey him, her, or them, to any Constable, who is to keep him, her, or them, in safe custody, and with all reasonable despatch to convey him, her or them, before any Justice of the Peace, in order to his, her, or their conviction for such offence; and in case any such offender or offenders shall not on conviction pay the said forfeiture and satisfaction, such Justice is hereby required to commit such offender or offenders to the Common Gaol, for any period not exceeding Three Calendar Months, unless such forfeiture and satisfaction shall be sooner paid.

XIX. And be it further enacted, that if any person or persons shall carelessly or accidentally break any of the said Lamps, Lamp Irons, or Lamp Posts, or do any other such injury or damage as hereinbefore is mentioned, and shall not upon demand make satisfaction for the injury so done, it shall and may be lawful for any Justice of the Peace, upon any complaint thereof, to summon the party complained of before him, and upon hearing thereof by the parties on both sides, or on the non-appearance of the party complained of, to examine the matter of complaint, and award such sum of money by way of satisfaction for such damage as such Justice shall think reasonable; and in case of neglect or refusal forthwith to pay such money, then the same and all expenses attending the recovery thereof, may be levied by distress and sale of the Defendant's goods and chattels.

XX. And be it further enacted, that all Penalties imposed by this Act, for recovery of which no method is hereinbefore prescribed, maybe sued for and recovered, together with costs of suit, by an action of debt, to be brought in any of Her Majesty's Courts of Record, or in a summary manner before any two or more of Her Majesty's Justices of the Peace, and by distress and sale of the offender's Goods and Chattels; and no conviction which may be had under this Act shall be quashed for want of form, Provided sufficient appear on the face thereof to warrant such conviction.

XXI. And be it further enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of, and have the effect of a Public Act without being specially pleaded.

XXII. And be it further enacted, that this Act shall continue and be in force for the period of Fifty years, and no longer.