



ANNO NONO
VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act for lighting the City of Quebec with Gas.

[9th June, 1846.]

WHEREAS the lighting the streets of the City of Quebec with Gas would be of great public advantage ; And whereas the Mayor and Councillors of the said City of Quebec, incorporated by law, have not funds at their disposal or which they are now empowered by law to raise sufficient to effect the object aforesaid, unless they suspend the public works and improvements now requisite in the said City, and they have therefore prayed that further powers be granted them in the behalf aforesaid : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said Corporation of *The Mayor and Councillors of the City of Quebec* to establish Gas Works in and for the said City, and for that purpose to break up, dig and trench so much and so many of the streets, squares, and public places of the said City of Quebec, (commencing at the Gas Works to be established by the said Corporation and running throughout the said City of Quebec,) as may be necessary for laying the mains and pipes to conduct the Gas from the said Gas Works to the consumers thereof, doing no unnecessary damage in the premises, and taking all necessary precautions for the prevention of accidents to passengers and others.

Preamble.

The Corporation of Quebec authorized to establish Gas Works in the City of Quebec.

II. And be it enacted, That where there are buildings within the said City of Quebec, the 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 situate, 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 the possession of another, the pipes being carried up and attached to the outside of the building, 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 or 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 for all damages

Where buildings are owned or possessed by different proprietors or tenants, how the Corporation is to act.

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to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the said Corporation or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Penalty on persons procuring Gas from the Works of the Corporation without its consent.

III. And be it 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 said Corporation, or its Officer appointed to grant such consent, he or they shall forfeit or pay to the said Corporation the sum of twenty-five pounds, and also a further sum of twenty shillings for each day such pipe shall so remain, which said sum, together with all costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province having civil jurisdiction to the amount.

Penalty on persons damaging the Gas Pipes or other parts of the Works.

IV. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down or damage, injure, put out of order or destroy any main pipe, engine or other works or apparatus, appurtenances or dependencies of the Gas Works to be made and provided by the said Corporation as aforesaid, or any of the materials used and provided by the same, or ordered to be erected, laid down or belonging to the said Corporation, 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 shall cause or procure the same to be done, 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 by 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 or persons shall be guilty of a misdemeanor, and on conviction thereof, the Court before whom such person shall be tried and convicted shall have power and authority to condemn such person to pay a penalty not exceeding five pounds, currency, or to be imprisoned in the Common Gaol of the District for a space not exceeding three months, as to such Court may seem meet.

Corporation authorized to issue debentures or bonds to the amount of £30,000 redeemable on or before 1st November, 1868, with interest semi-annually.

Proviso: Before issuing debentures the Corporation shall have passed a certain By-law, and accepted a tender for the work for a sum not exceeding £30,000.

V. And be it enacted, That for the purpose of establishing the said Gas Works it shall and may be lawful for the said Corporation, so soon as it shall see fit after the passing of this Act, to issue, for the purposes of this Act, under the hand of the Mayor and the seal of the said Corporation, Debentures or Corporation Bonds, to the amount of thirty thousand pounds, current money of this Province, payable on or before the first day of November, in the year of our Lord, one thousand eight hundred and sixty-eight, and bearing interest, payable semi-annually, on the first day of May and November, in each and every year, and at a rate not exceeding six per centum per annum: Provided always, that before the issuing of any such Debentures or Corporation Bonds, the said Corporation shall have enacted and ordained a By-law specifying the principal streets, lanes and public places, within the limits of the City, which are to be supplied with Gas, and shall, after duly advertising for tenders, have entered into a contract with the lowest bidder, giving security to their satisfaction for the performance of the work and for keeping the same in good repair for three years, at a sum not exceeding thirty thousand pounds, including the necessary real property and materials.

VI. And be it enacted, That all the revenues arising from or out of the supplying of Gas, or from the property, moveable or immoveable, connected with the said Gas Works, to be acquired by the said Corporation under this Act, shall, after providing for the interest accruing on the Debentures or Corporation Bonds issued by the said Corporation in pursuance of this Act, and the expenses attendant upon the maintenance of the said Gas Works, be formed into a separate fund and applied towards the extinction of the principal of the debt incurred in the establishment thereof; and the said Corporation is hereby strictly prohibited and enjoined from applying any surplus revenue arising from the Gas Works to any other purpose whatsoever, until the whole of the said debt and interest shall have been fully and completely discharged and extinguished, after which such surplus revenue shall make part of the general funds of the Corporation, and may be applied accordingly.

Revenues arising from the Gas Works to be applied to the payment of the principal and interest of money borrowed.

VII. And be it enacted, That the said Gas Works, and also the land to be acquired for the purposes aforesaid, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the said Debentures shall have a concurrent pledge, hypothec or privilege on the said property, for securing the payment of the said Debentures and the interest thereon.

Holders of debentures to have a special privilege on the Gas Works, &c.

VIII. And be it enacted, That receipts for any interest due on all Debentures or Corporation Bonds that shall lawfully be issued by the authority of this Act, and which shall from time to time remain undischarged and uncanceled, as well as such Debentures or Corporation Bonds themselves, shall and may, after the period therein appointed for the payment of either thereof, be received and taken, by the Treasurer of the said City, from any person making payment to him upon any account or for any cause whatever, on account of the said City, and that the same shall be deemed and taken as money, and as such shall be charged against and credited to such Treasurer aforesaid in his accounts with the said City: Provided always, that no interest shall run or be paid upon or for any such Debenture during the time such Debenture or Corporation Bond so paid shall remain in the hands of the Treasurer as aforesaid, but for such time the interest on every such Debenture or Corporation Bond shall cease.

Debentures due or the interest thereon may be paid to the City Treasurer in payment of any debt due to the City.

Interest not to run on Debentures when in the hands of the City Treasurer.

IX. And be it enacted, That the person or persons who shall pay any such Debenture or Corporation Bond so bearing interest, to the City Treasurer aforesaid, shall, at the time of making such payment, put his or her or their name or names, and write thereupon in words at length, the day of the month and year in which he, she or they so paid such Debenture or Corporation Bond, bearing interest; all which the said City Treasurer shall take care to see done and performed accordingly; and to the day so ascertained, the said City Treasurer shall be allowed the interest which he shall have paid or allowed upon such Debenture or Corporation Bond in his accounts with the said City.

Persons paying Debentures to City Treasurer, to indorse the time of payment.

X. And be it enacted, That if any person or persons shall forge, alter or counterfeit any such Debenture or Corporation Bond which shall be issued under the authority of this Act and remaining uncanceled, or any stamp, indorsement or writing therein or thereon, or tender in payment any such forged, altered or counterfeited Debenture or Corporation

Punishment on persons forging, altering or issuing forged or counterfeited Debentures.

Corporation Bond, or any Debenture or Corporation Bond with such counterfeit indorsement or writing thereon or therein, or shall demand to have such altered or counterfeit Debenture or Corporation Bond or any Debenture or Corporation Bond, with such altered or counterfeit indorsement or writing thereon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture or Corporation Bond, so tendered in payment or demanded to be exchanged, or the indorsement or writing thereon or therein to be forged and counterfeit, and with intent to defraud the said City, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof convicted, shall be adjudged a felon and shall be liable, at the discretion of the Court before which he, she or they may be tried, to be confined at hard labour in the Provincial Penitentiary, for any period not less than three years, or to be imprisoned in any other prison or place of confinement for any period not exceeding two years.

City Treasurer to indorse the payment of interest on Debentures.

XI. And be it enacted, That it shall be the duty of the City Treasurer aforesaid, whenever called upon to pay or allow the interest upon any of the Debentures or Corporation Bonds issued under the authority of this Act, to take care to have the same indorsed on such Debenture or Corporation Bond at the time of payment thereof, expressing the period up to which the said interest shall have been so paid.

Corporation by notice to call in Debentures over due, and interest to stop on all Debentures called in after six months shall have expired.

XII. And be it enacted, That at any time after the Debentures or Corporation Bonds or any of them that shall be issued under the authority of this Act, shall respectively become due according to the terms thereof, it shall and may be lawful for the Corporation aforesaid, if they shall think proper so to do, to direct a notice to be inserted in two or more of the newspapers published in the said City, in the English and French languages, requiring all holders of the said Debentures or Corporation Bonds to present the same for payment, according to the conditions thereof, and if after the insertion of such notices for three months, any Debentures or Corporation Bonds then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures or Corporation Bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Corporation may call in Debentures before they are made payable and after six months notice all interest thereon to be stopped.

XIII. And be it enacted, That whenever it shall be deemed expedient by the said Corporation to redeem the said Debentures or Corporation Bonds, or any of them, at any time prior to the date at which the same may be made payable, with a view to diminish the debt to be contracted in the establishment of the said Gas Works, it shall and may be lawful for the said Corporation to direct a notice to be inserted in all the newspapers published in the said City of Quebec, requiring all holders of the said Debentures or Corporation Bonds to present the same for payment, and if after the insertion of such notice for three months, any Debentures or Corporation Bonds, then issued, shall remain out more than six months after the first publication of such notice, all interest on such Debentures or Corporation Bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

XIV. And be it enacted, That nothing in this Act contained, shall extend or be construed to extend to diminish the power and authority of the Corporation aforesaid, hereafter to borrow money on the credit of the said City, for the general uses and purposes of the said City, as fully and effectually as though the said City were not indebted for the cost of the Gas Works as aforesaid, or that Debentures or Corporation Bonds had not been issued by them for the amount or purchase thereof, or as if this Act had not been passed; any Act, Statute or Law, or provision thereof to the contrary notwithstanding.

Corporation not to be prevented from borrowing money for the general purposes of the City as heretofore.

XV. And be it enacted, That the said Corporation shall be, and they are hereby required to keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said Gas Works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said City, and shall annually, on or after the first day of January in each and every year, cause a statement of the affairs of the said Gas Works to be published in two or more of the newspapers of the said City, in the English and French languages, wherein shall be stated, the amount of the rents, issues and profits, arising from the said Gas Works, the number of tenants supplied with Gas, the extent and value of the moveable and immoveable property thereunto belonging, the amount of Debentures or Corporation Bonds then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid; the expenses of collection and management, and all other contingencies, salaries of Officers and servants, the cost of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be required for the use of the said Gas Works, as also the value received for any real estate that may be sold and disposed of by the said Corporation, and generally such a statement of the revenue and expenditure of the said Gas Works as will at all times afford to the Citizens of the said City of Quebec, a full and complete knowledge of the state of the affairs of the said Gas Works, and the matters therewith connected.

Particular statements of the revenue and expenditure of the Gas Works to be kept and annually published.

XVI. And be it enacted, That it shall be lawful for the said Corporation, before or after the said Gas Works are commenced, to lease, assign, transfer and make over the rights, privileges, powers, and authorities hereby conferred for such period not exceeding twenty years, and upon such terms and conditions as may be established by a By-law to be by them made in that behalf; and at the end of such period (or sooner by consent of parties) it shall and may be lawful for the said Corporation to re-purchase the same in the manner and by the means aforesaid, and thereupon to establish the said Works in the same manner and way as if the same had been made and completed by the said Corporation according to the provisions of this Act.

The Corporation authorized to transfer the powers conferred by this Act.

XVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Legislature of the Province at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to or obtained by the said Corporation.

Act not to bind the Legislature.

XVIII. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any bodies politic or corporate, except such only as are herein mentioned.

Rights of the Crown, &c., saved.

Limitation of
Actions.

XIX. And be it enacted, That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this Act, the same shall be brought within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages shall cease, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and under the authority of this Act; and if it shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, then the Judgment shall be entered for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit or shall suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared, or if a Judgment shall be entered against the Plaintiff or Plaintiffs, or if upon exceptions or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble costs, and shall have such remedy for the same as any Defendant hath for costs of suits in other cases of law.

General issue
and special
matter in evi-
dence.

Treble costs.

Ordinances
and Act incor-
porating the
City of Quebec
in so far as
they are not
repugnant to
this Act, to
govern any
matter required
under this Act.

XX. And be it enacted, That all the enactments and provisions of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the third and fourth years of Her Majesty's Reign, and intituled, *An Ordinance to incorporate the City and Town of Quebec*, as amended by a certain Ordinance of the Governor and Special Council aforesaid, passed for that purpose in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Quebec*, and both Ordinances as amended by the Act passed in the last Session of the Legislature of this Province intituled, *An Act to amend the Ordinances incorporating the City of Quebec*, shall, in so far as they shall not be repugnant to or inconsistent with the express enactments and evident intent of this Act, extend to and govern each and every act and thing required or authorized to be performed and done, under the authority of this Act, as if this Act had formed part of the said last mentioned Ordinances, or of either of them.

All Acts or
Provisions or
law repugnant
to or inconsis-
tent with this
Act to be re-
pealed except
as to past
transactions.

XXI. And be it enacted, That all Acts or provisions of Law in force in this Province, or in any part thereof, before or up to the time when this Act shall come into force, which shall be inconsistent with or contradictory to this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matters, shall, from and after the time when this Act shall come into force, be and they are hereby repealed, except in so far as may relate to any circumstance, act or thing occurring, done, or effected before the commencement of this Act, which shall be dealt with, adjudged upon, and determined as if this Act had not been passed.

To be deemed
a Public Act.

XXII. And be it enacted, That this Act shall be and is hereby declared to be a Public Act, and shall as such be judicially taken notice of by all Judges, Justices and other persons in this Province, without being specially pleaded.