



ANNO UNDECIMO  
VICTORIÆ REGINÆ.

CAP. XIII.

An Act to incorporate *The City of Kingston Gas Light Company.*

[23d March, 1848.]

**W**HEREAS it is desirable to provide a cheap and effective mode of lighting the streets, squares and places in the City of Kingston, as well as the shops and private dwellings therein; 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 undertaking may be incorporated as a Company under the style and title hereinafter also mentioned, for the purpose of supplying the said City with Gas Lights; and whereas the City Council of the City of Kingston have signified their consent to the establishment of the said Company, for the general benefit of the inhabitants of the City; and whereas a large number of the shares of Stock of the said Company has been already subscribed for, and at a General Meeting of the holders of such Stock held on the twelfth day of February in the present year, pursuant to public notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company for one year from the first Monday in March in this present year, namely, John Counter, William Wilson, John Richardson Forsyth, William Ford, the younger, John Watkins, Henry Gildersleeve, Francis Manning Hill, John Mowat, and William Ferguson; and at a subsequent meeting of the Directors above mentioned, they did from among their own number elect the said John Counter to be President, and the said William Wilson to be Vice-President of the said Company; and the said Petitioners desire that the above named President, Vice-President, and other Directors, shall continue in office and be confirmed as such until others shall be elected in their stead under the provisions of this Act; and whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 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 John Counter, William Wilson, John Richardson Forsyth, John Watkins, William Ford, the younger, Francis Manning Hill, Henry Gildersleeve, John Mowat, William Ferguson, Augustus Thibodo, Thomas Augustus Corbett, Thomas Kirkpatrick, Charles Stuart, Charles W. Jenkins, John Fraser, Charles Brent, John Patterson, James Patterson, Robert McCormick, Archibald John Macdonell, William J. Goodeve, Donald Christie, Matthew Drummond, Francis Henderson, and Allan

Preamble.

Certain persons incorporated.

Corporate name and powers.

Property.

Proviso as to real property.

Allan Neil McLean, or such of them and such other persons as now are, or shall hereafter become Shareholders in the Company hereby established, shall be and are hereby ordained and constituted a body corporate and politic by the name of *The City of Kingston Gas Light Company*, and by that name they and their successors being such Shareholders shall and may have perpetual succession and a common seal, with full power to make, change, break, or alter the same at their pleasure; and shall and may by the same name, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall and may have full power to purchase, take and hold personal and real property for the purposes of the said Company, and for the erection, construction and convenient use of their Gas Works, and also to sell and alienate such personal and real property, and to purchase, take and hold other instead thereof for the purposes and uses aforesaid: Provided always that such real property to be holden by the said Company shall be so holden for the purposes and business of the said Company as hereinbefore mentioned, and for no other purposes whatsoever; and that the total yearly value of the real property to be so holden at any one time shall not (over and above the value of the works thereon erected) exceed one thousand pounds, currency.

Capital of the Company.

Proviso for increase.

Power to borrow money and pledge property.

II. And be it enacted, That the said Company may raise and contribute among themselves such sum as shall not exceed the sum of twelve thousand five hundred pounds, currency, in shares of twenty-five pounds, currency, each; and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining their said Gas Works, and to the purposes of this Act, and to no other object or purpose whatever: Provided always, that if the said sum of twelve thousand five hundred pounds, currency, should be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their Capital Stock by a further sum not exceeding twelve thousand five hundred pounds, currency, either among themselves or by the admission of new Shareholders, such new Stock being divided into shares of twenty-five pounds, currency, each: Provided also, that in the event of difficulty arising in procuring subscribers for such increase of Capital, it shall be lawful for the Directors for the time then being of the said Company to borrow a sum or sums of money, for the purposes aforesaid, not exceeding the sum of ten thousand pounds, currency, and to pledge and hypothecate the property and income of the said Company for the repayment of the sum so borrowed, and the interest thereon.

Present Directors continued for a time.

III. And be it enacted, That the President, Vice-President, and Directors hereinbefore named, shall continue in office until the first Monday in March, in the year of Our Lord, one thousand eight hundred and forty-nine, or until the next General Election, if no Election be had on that day, unless they shall sooner resign, be removed, or become disqualified, under the provisions of this Act.

Annual General Meeting when to be held.

Hour and place to be fixed by By-law.

IV. And be it enacted, That the first General Meeting of the subscribers to the Stock of the said Company, shall be held on the first Monday in March, in the year of Our Lord, one thousand eight hundred and forty-nine, and a General Meeting on the first Monday in March in each year thereafter, and at such place and hour as shall be appointed by the By-laws of the Company then in force, to choose by ballot and by a majority of votes nine persons, being each a proprietor of not less than five shares in the Stock of the said Company, as Directors for managing the affairs of the said Company; which nine Directors shall continue in office until the next General Election of Directors.

V. And be it enacted, That any five of the said Directors shall form a *quorum* for the transaction of business, and any majority of such *quorum*, assembled according to the provisions of this Act, and the By-laws of the Company then in force may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence the Vice-President, or in the absence of both, a Chairman chosen by the Directors present, *pro tempore*, shall preside at the meetings of the Directors.

*Quorum* of Directors.

Who shall preside.

VI. And be it enacted, That at the General Meetings of the Shareholders to be held annually, for the purpose of electing Directors as aforesaid, on the first Monday in the month of March in each year, and before the election of new Directors, the Directors for the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President or Vice-President under his hand and seal; Provided always, that in the event of there being no election of Directors on the first Monday in March in any year, in consequence of the said Shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case the Directors of the previous year shall continue and remain in office, until an election shall take place at a future Special Meeting of the said Shareholders to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Statements to be submitted at Annual Meetings.

Proviso for failure of election of Directors.

VII. And be it enacted, That the Directors elected as aforesaid shall, at their first meeting after such election, choose out of their number a President and Vice-President who shall hold their offices respectively until the next election of Directors; and it shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office), or the removal of any person so chosen to be President or Vice-President, or Director, or either of them, to choose in their or his stead from among the said Directors another person or persons to be President or Vice-President, or from among the other qualified Shareholders, another person or persons to be Director or Directors respectively, to continue in office until the next annual election as aforesaid; Provided always, that on such occasions the Directors shall always vote *per capita*, and not according to the number of shares they hold; and the President or person presiding at any meeting of the Directors or of the Shareholders shall, in case of a tie, have a casting vote.

Directors to choose President and Vice-President.  
Vacancies how filled.

Proviso: how Directors shall vote in such cases.

VIII. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable; and also shall and may have the power to make and repeal or alter such By-laws, to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well ordering of the said Company, the management and disposition of its stock, property, estate and effects; the calling of Special Meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company, and the conduct of the affairs thereof; and also shall and may have the power to make calls for instalments on shares, subject to the provisions hereinafter made; and to declare such yearly or half yearly dividends out of the profits of the said undertaking as they may deem expedient; and to make contracts on behalf of the

Powers of the Directors.  
Officers.

By-Laws.

Special Meetings.

Instalments.

Dividends.  
Contracts.

Company,

Company, or by such By-laws to empower the President, Vice-President, or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the common seal of the Company to such contracts, and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided: Provided always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, or repugnant to the laws of this Province; and shall, before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same; And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors, or in their default on being thereunto requested by at least twenty of the Stockholders being proprietors together of not less than two hundred shares of the Stock of the said Company, then by such twenty (or more, as the case may be) Stockholders; the Directors or Stockholders giving at least four weeks' notice thereof in at least two of the public newspapers of the City of Kingston, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proviso as to By-Laws.

Proviso as to Special Meetings.

Notice thereof.

Voting at Annual or Special Meetings.

Number of votes and of shares to be held by any one party limited.

Subscriptions before the passing of this Act to be valid.

Recovery of Subscriptions.

What shall be sufficient averment in actions for subscriptions.

What shall be sufficient proof in such actions.

IX. And be it enacted, That Shareholders may vote by proxy duly appointed in writing or in person, and all elections shall be by ballot; and all questions to be decided at any Annual or Special Meeting of the Shareholders shall be so decided by a majority of votes; and on every occasion when the votes of the Shareholders are to be given, each Shareholder shall for every share under and not exceeding twenty have one vote, and for shares exceeding twenty, one vote for every three shares, and no Shareholder shall be entitled to give a greater number of votes than thirty, and no Stockholder shall be allowed to hold more than two hundred and fifty shares.

X. And be it enacted, That all subscriptions for shares in the Capital Stock of the said Company or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid, and binding on the Shareholder whether made before or after the passing of this Act; and the several persons who have subscribed or who may hereafter subscribe for shares in the said undertaking or Company, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons and at such times and places as shall be directed or required by the Directors; and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of law in this Province having jurisdiction in civil cases to the amount, and in any such action, whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount; and in any such action it shall be sufficient to maintain the same that the signature of the defendant to some book or paper by which it shall appear that such defendant subscribed for a share, or a certain number of shares of the Stock of the said Company or undertaking, be proved by one witness, whether in the employment of the Company or not, and that the number of calls in arrear have been made, and the suit may be brought in the corporate name of the Company.

XI. And be it enacted, That no one instalment to be paid on account of the shares in the stock of the said Company shall exceed two pounds ten shillings, currency, on each share, and notice thereof shall be given by advertising in the newspapers during at least four weeks before such instalment shall be called for: Provided always, that no instalment shall be called for, except after the lapse of a fortnight from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time or place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors, shall thereby incur a forfeiture of not more than ten, nor less than five per cent on the amount of his or their respective share or shares; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case, such person or persons shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the Directors, by public auction, and the proceeds of the sale, after deducting costs, and the forfeiture above mentioned, shall be paid over to such defaulter, and the President or Manager of the Company shall have power to transfer the stock to the purchaser or purchasers thereof: Provided always, that no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some General or Special Meeting of the Shareholders, assembled at any time after such forfeiture shall have been incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting, against all action or actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors, with regard to carrying on the said Gas Works.

Amount and periods of instalments.

Proviso as to intervals between calls.

Forfeiture of percentage on shares for non-payment of instalments.

And of the whole shares.

Transfer of forfeited shares.

Proviso: forfeitures to be declared at a General or Special Meeting.

Effect of forfeiture.

XII. And be it enacted, That the shares in the Stock of the said Company, shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into Real Estate, and shall go to the personal representatives of such Shareholders: Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-Laws.

Shares how to be transferred.

Proviso: Transfer to be registered.

XIII. And be it enacted, That it shall and may be lawful for the said Company after two days' notice in writing to the Mayor of Kingston, or in his absence to the City Clerk, to break up, dig and trench so much and so many of the streets, squares, and public places of the said City of Kingston, as may at any time be necessary for laying down the mains and pipes to conduct the gas from the works of the said Company to the consumers thereof, or for taking up, renewing, altering or repairing the same when the said Company shall deem it expedient, 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, and public places, while the works are in progress, and making the said openings in such parts of the said streets, squares and public places, as the City Surveyor under the direction of the Council of the said City shall reasonably permit and point out, also placing guards, or fences with lamps, and taking all other necessary precautions for the prevention of accidents to passengers and

Power to break up and open streets.

Precautions to be observed.

Penalty for neglect in observing precautions.

and others, which may be occasioned by such openings ; also finishing the work, and replacing the said streets, squares, and public places in as good condition as before the commencement of the work, without any unnecessary delay ; and in case of the neglect of any of the duties herein provided as aforesaid, the said Company shall be subject to pay a fine of one pound currency, for every day such neglect shall continue, after receiving a legal or written notice thereof to be recovered by civil action, in any Court of Law of competent jurisdiction, at the suit of any person or persons, or of the Corporation of the City of Kingston, to and for the use of the said Corporation, over and above such damages as may be recovered against the said Company, by any other party.

Power to break up and open ground in passages, &c.

XIV. And be it enacted, That where there are buildings within the said City of Kingston the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Company 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 Company 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 all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the Company 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.

Satisfaction to be made for damages.

Construction of Gas Works.

XV. And be it enacted, That the said Company shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining or therewith connected and wheresoever situated, as in no wise to endanger the public health, convenience or safety ; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to the visit and inspection of the Municipal Authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company ; and the said Company, and their servants or workmen, shall at all times obey all just and reasonable orders and directions they shall receive from the said Municipal Authorities in that respect, under a penalty of not more than five pounds, nor less than one pound, currency, for each offence in refusing or neglecting to obey the same, to be recovered from the said Company, at the suit and for the use of the City of Kingston, in any Court of competent civil jurisdiction, except a Court constituted under and by virtue of any Act or Acts incorporating the City of Kingston.

Works subject to visitation by the Municipal Authorities.

Penalties for disobedience.

Power to construct and carry on works, &c.

XVI. And be it enacted, That it shall be lawful for the said Company, from time to time, to make, construct, lay down, maintain alter or discontinue such retorts, gasometers, receivers and buildings, cisterns, engines, machines and other apparatus, cuts, drains, sewers, water courses, reservoirs, machinery and other works, and also such houses and buildings upon the lands hereby authorized to be held and purchased by the said Company, and do all other acts necessary and convenient, as they shall think proper, for supplying the inhabitants, within the limits of this Act, with Gas ; and also

also to sell, dispose of or manufacture the refuse of any such gas, and any coke, tar, surplus coal, or coal not found to answer for making gas.

To dispose of surplus materials, &c.

XVII. And be it enacted, That it shall be lawful for the Company to lay any pipes, branches or other necessary apparatus from any main or branch pipe into, through or against any building for the purpose of lighting the same, and to provide and set up any apparatus necessary for securing to any buildings a proper and complete supply of Gas, and for measuring and ascertaining the extent of such supply.

Power to lay pipes.

XVIII. And be it enacted, That it shall be lawful for the said Company to sell, lease, or hire meters, interior or service pipes or gas-fittings of any kind; and no service pipes, fittings or meters belonging to the said Company shall be subject to be distrained for rent due to any landlord, or be seized in execution for any debt due by any person or persons to or for whose use or the use of whose house or building the same may be supplied by the Company; any law or practice to the contrary notwithstanding.

To sell and lease meters, fittings, &c. Fittings, &c. not to be liable to the landlord for rent, &c.

XIX. And be it enacted, That if any person shall wilfully damage or cause to be damaged, any meter, service pipes or fittings belonging to the said Company, or shall wilfully alter or impair the same, so that the meter or meters shall indicate less gas than actually passes through the same, such person shall forfeit for every such offence a sum not less than one pound nor exceeding five pounds, and costs, and shall also defray all expenses necessary in repairing or replacing the said meter, pipes or fittings.

Penalty for wilful damage or alteration of fittings, &c.

XX. And be it enacted, That it shall be lawful for the said Company to contract on such terms and for such periods as may be thought proper with the Corporation of the City of Kingston, for lighting the streets, squares, and public buildings and places of the said City with Gas, at such reasonable rates and prices for the general benefit of the City as may be mutually agreed on.

Company may contract with City Authorities for public lights.

XXI. And be it enacted, That if any person shall wilfully remove, destroy, damage, fraudulently alter, or in any way injure any pipe, pedestal, post, plug, lamps, or other apparatus or thing belonging to the Company or to any person, or shall wilfully extinguish any of the public lamps or lights, or waste or improperly use, or suffer to be used, any of the Gas supplied by the Company, he shall forfeit and pay for every such offence the penalty and expenses mentioned in the nineteenth section of this Act.

Penalty for wilful damaging street lights, &c. For waste of Gas.

XXII. And be it enacted, That if any person shall carelessly or accidentally break, throw down, or damage any meter; pipe, pedestal, or lamp supplied by or belonging to the company, or any person, or keep the light or lights burning for a longer time than he shall contract to pay for, and shall not on demand make satisfaction to the Company or to such person for the damage done or the excess of Gas obtained and used, then it shall be lawful for any Justice of the Peace to summon before him the person against whom any such complaint shall be preferred, and for any two or more Justices upon hearing the allegations and proofs on both sides, or on non-appearance of the person complained against (after proof of his being duly summoned), to award such sum of money by way of damages to the Company or to such person, as the case may require, and the said Justices may deem reasonable, together with the costs, and in case of a neglect or refusal to pay any sum or sums so awarded within three days after such award,

Penalty for careless injuries to fittings, &c. And for deceit in burning Gas.

How recoverable.

award, it shall be lawful for any one of the said Justices to issue his Warrant to cause the same to be levied of the goods and chattels of the person so convicted.

Power to cut off Gas for non-payment of dues.

XXIII. And be it enacted, That if any person or persons, company or companies, or body corporate supplied with Gas by the Company, shall neglect to pay any rate, rent or charge due to them at any of the times of payment thereof, it shall be lawful for the Company or any person acting under their authority, to stop the Gas from entering the premises, service pipes, or lamps of any such person, company or body, by cutting off the service pipe or pipes, or by such means as the said Company shall think fit, and to recover the said rate, rent or charge, together with the expenses of cutting off the Gas, in any competent Court by action of debt.

Power to enter premises supplied with Gas. On giving notice.

XXIV. And be it enacted, That in all cases where it shall be lawful for the said Company to cut off and take away the supply of Gas from any house, building or premises under the provisions of this Act, it shall be lawful for the Company, their agents or workmen, upon giving twenty-four hours previous notice to the occupier or person in charge, to enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible; and to remove, take and carry away any pipe, meter, cock, branch or apparatus, the property of and belonging to the said Company; and also, to enter as aforesaid, between the hours aforesaid for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, or examining and repairing any meter, pipe or apparatus belonging to the said Company, or used for supplying their gas.

And to remove and repair apparatus.

Penalty for using Gas without consent of Company.

XXV. 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 Company, or in any way obtain or use its Gas, or furnish or suffer it to be furnished to others without the consent of the Directors, or their officer appointed to grant such consent, he, she, or they, shall forfeit and pay to the said Company the sum of twenty-five pounds, and also a further sum of one pound for each day such pipe shall so remain; which said sum, together with the costs of suit in that behalf incurred, may be recovered, by the said Company, by civil action in any Court of competent civil jurisdiction.

Penalty for wilfully injuring or destroying the works, &c.

XXVI. 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, pipe, or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided, for the purposes 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 shall cause or procure the same to be done, or shall increase the supply of Gas agreed for with the said Company by increasing the number or size of the holes in the gas 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 the power and authority to condemn such person to pay a penalty not exceeding ten pounds, currency, or be confined in the

Or increasing the supply of Gas.

Common



Common Gaol of the District for a space of time not exceeding three months, as to such Court shall seem meet.

XXVII. And be it enacted, That in case the said Company shall open or break up any street, square or public place in the said City, 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, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close or replace the said streets, squares, or public places without unnecessary delay, as hereinbefore provided, the City Surveyors, under the direction of the said Council of the City, after notice in writing to the said Company, shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said Company on its being demanded by the City Surveyor, at any time not less than one month after the work shall have been completed in any case, from the President or Manager of the said Company, or in default of such payment, the amount of such claim shall and may be recovered from the said Company at the suit of the City of Kingston, by civil action in any Court of competent jurisdiction.

If the Company neglect to observe certain precautions, the City authorities may do so, and charge for expense.

How recovered.

XXVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons from constructing any works for the supply of Gas to his or their own premises, or to prevent the Legislature of this Province at any time hereafter from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Company, or from incorporating any other Company for like purposes.

This Act not to prevent the incorporation of any other Company, &c.

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

Rights of the Crown and others, &c. not to be affected.

XXX. And be it enacted, That in case the present limits of the City of Kingston be enlarged by any Act to be passed in the present or any future Session of the Parliament of this Province, it shall be lawful for the said Company to extend their operations over any such enlarged limits or the future liberties of the said City, and the provisions of this Act shall in all respects be applicable to any such enlarged limits or liberties in the same manner and to the same effect as they are made applicable to the present limits of the City of Kingston.

Rights of the Company to be extended over any future limits of City.

XXXI. And be it enacted, That unless where otherwise specially provided, the penalties to be imposed under the authority of this Act, shall be recoverable with costs by complaint before any Justice of the Peace, and on conviction upon the oath of one or more witnesses, or by the confession of the party complained of; and in default of payment of any such penalty and costs, it shall be lawful for the said Justice to issue his warrant for the distress and sale of goods and chattels of the offender or for his imprisonment in the Gaol of the Midland District for any period not exceeding one month, unless the said penalty and costs be sooner paid; and such penalty shall be accounted for by any Justice in the same manner as is provided for by an Act passed in the fourth and fifth years of Her present Majesty's Reign, intituled, *An Act to require Justices of the Peace to make returns of Convictions and Fines, and for other purposes therein mentioned.*

Certain penalties how recovered.

Penalty to be accounted for as provided by 4 & 5 Vict. c. 12.

Interpretation  
clause.

XXXII. And be it enacted, That whenever the word "Oath" is used in this Act, it shall be held to comprehend an affirmation, if legally made, and the word "Person" or "Persons" shall be taken to comprehend a body politic or corporate, or its lawful agent or agents, as well as an individual; and every word importing the singular number shall, when necessary, be deemed to extend to several persons or things, and every word importing the masculine gender shall, when necessary, extend to a female as well as a male.

Works to be  
in operation in  
five years on  
pain of  
forfeiture of  
charter.

XXXIII. And be it enacted, That the Gas Works hereinbefore mentioned shall be in operation within five years from the passing of this Act, and in default thereof, the privileges and advantages granted by this Act to the said Company shall cease, and be of no effect

Public Act.

XXXIV. And be it enacted, That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such by all Judges, Justices and Courts in this Province.

Duration.

XXXV. And be it enacted, That this Act shall be and remain in force for fifty years and no longer.

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