

Railroad Company, their successors and assigns, all that tract or parcel of land, (*describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railroad. To have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my Hand and Seal, this \_\_\_\_\_ day of  
one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered, in presence of

A. B. [L. s.]

### C A P . C V I I I .

#### An Act to incorporate *The Brockville Gas Light Company.*

[Assented to 22nd April, 1853.]

Preamble.

**W**HEREAS it is desirable to provide a cheap and effective mode of Lighting the streets, squares and places in the Town of Brockville, as well as the shops and private dwellings therein; And whereas the several persons hereinafter named 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 Town with Gas Lights; And whereas the Council of Brockville have signified their assent to the establishment of the said Company, for the general benefit of the inhabitants of the said Town; 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 fifteenth day of February, in the present year, pursuant to notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company, until others shall be elected in their stead under the provisions of this Act, namely, David B. Ogden Ford, Allan Turner, John Ross, the younger, George Sherwood, James L. Schofield, Sidney Jones and Richard F. Church, and at a subsequent meeting of the Directors above mentioned they did from among their own number elect the said David R. Ogden Ford, to be President, and the said James L. Schofield, to be Vice President of the said Company, and the said Petitioners desire that the above named President, Vice President and other Directors, should 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 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

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 David B. Ogden Ford, George Sherwood, James L. Schofield, Allan Turner, Sidney Jones, Richard F. Church, John Ross, the younger, James Perry, Ormond Jones, Albert N. Richard, Richard F. Steele, William B. Simpson, Robert Peden, William Gilmour, Robert Shepherd, Alfred Poulton, Thomas Smart, 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 Brockville 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 one time shall not (over and above the value of the Works thereon erected) exceed Five Hundred Pounds currency.

Certain persons incorporated.

Corporate name and general powers.

Proviso: as to real 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 Four Thousand Pounds currency, in shares of Ten 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 Four Thousand 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 Four Thousand Pounds currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of Ten 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 Three Thousand Pounds currency, and to pledge and hypothecate the property and income of the said Company

Capital Stock. Shares.

Application.

Proviso: for increase of Capital.

Proviso: Company may borrow money in case of difficulty.

Company for the repayment of the sum so borrowed and the interest thereon.

Term of office  
of first Presi-  
dent, &c.

III. And be it enacted, That the President, Vice President and Directors hereinbefore named shall continue in office until others shall be elected in their stead under the provisions of this Act, unless they shall sooner resign, be removed or become disqualified under the provisions of this Act.

First General  
Meeting.

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 fifty-four; 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 seven persons, being each a proprietor of not less than two shares in the stock of the said Company, as Directors for managing the affairs of the said Company; which seven Directors shall continue in office until the next general election of Directors.

Election of  
Directors.

Term of office.

Quorum of  
Directors.

V. And be it enacted, That any four 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.

Who shall  
preside at their  
Meetings.

Annual General  
Meetings.

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. 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.

Accounts.

Proviso: case  
of failure of  
Election pro-  
vided for.

Election of  
President and  
Vice Presi-  
dent.

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

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, residence without the Province, disqualification (and any person disqualified to be elected shall be disqualified from remaining in office) or the removal from office 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.

Vacancies in office of President, or Directors, how filled.

Proviso: as to votes of Directors.

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 organisation 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 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, nor 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 ten of the stockholders

Powers of Directors.

Officers.

By-laws.

Meetings.

Calls.

Dividends.

Contracts.

General power.

Proviso: as to By-laws.

Proviso: as to Special Meetings.

being

Notice.

being proprietors together of not less than one hundred shares of the stock of the said Company then by such ten (or more, as the case may be) stockholders; the Directors or stockholders giving at least four weeks' notice thereof in at least one of the public newspapers of the town of Brockville, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proxies allowed.

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 stockholders 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.

Proportion of votes to shares.

What subscriptions shall be valid.

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.

Paying calls.

Recovery of calls.

What only need be alleged or proved in actions for calls.

XI. And be it enacted, That no one instalment to be called for or paid on account of the shares in the stock of the said Company shall exceed Two Pounds currency on each share, and notice thereof and of such call shall be given by advertising in at least one newspaper published in Brockville aforesaid, during at least four weeks before such instalment shall be payable. Provided always, that no instalment shall be payable except after the lapse of a fortnight from the time when the last instalment was payable ; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so called for or 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 his or their proportion of such instalments or such forfeiture or forfeitures, for the space of two calendar months after the time fixed by the Directors for the payment thereof, then and in that case such person or persons shall be liable to forfeit his or their respective share or shares, upon which former instalments shall have been paid, and such share or shares shall be liable to be sold by order of the Directors by public auction, and in the event of such sale the proceeds of the sale, after deducting costs and the forfeiture or forfeitures 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 in respect of the stock so forfeited.

Calls limited.

Notice.

Proviso.

Forfeiture for neglect to pay calls, and how enforced.

Proviso: forfeiture must be declared at a General Meeting.

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 always 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 to be transferable, and how.

Proviso.

Powers of the Company for carrying on their works, opening streets, laying pipes, &c.

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 the town of Brockville, or in his absence to the Town Clerk; to break up, dig and trench so much and so many of the streets, squares and public places of the said town of Brockville 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 Town Surveyor under the directions of the Council of the said town 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 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 legibly 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 town of Brockville; 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.

Duties of Company in the exercise of such powers.

Penalty for neglect.

Powers to carry pipes over or through private property in certain cases.

XIV. And be it enacted, That where there are buildings within the said town of Brockville, 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 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.

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 town, 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 town of Brockville, in any Court of competent civil jurisdiction, except a Court constituted under and by virtue of any Act or Acts incorporating the town of Brockville.

Gas Works to be so constructed and located as not to injure the public health.

Company to obey directions of Municipal authorities.

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 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.

Further powers for carrying on works,

Selling certain articles.

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.

Fixing service 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.

Selling or leasing Gas fittings.



Penalty for  
injuring  
meters, pipes,  
&c. of the  
Company.

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.

Contract for  
lighting the  
Town.

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 town of Brockville, for lighting the streets, squares and public buildings and places of the said town with Gas, at such reasonable rates and prices for the general benefit of the town as may be mutually agreed on.

Punishment of  
persons wil-  
fully injuring  
works or  
wasting Gas.

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.

Liability of  
persons care-  
lessly dama-  
ging works,  
&c.

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, 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.

Company  
may cut off  
Gas from per-

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

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 expences of cutting off the Gas, in any competent Court by action of debt.

sons not paying.

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.

Entering premises, to cut off Gas, remove pipes, &c.

Or for repairing works.

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 obtaining Gas, without consent of Company.

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

Punishment of persons wilfully damaging works of the Company, &c.

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 Ten Pounds currency, or be confined in the Common Gaol of the County or United Counties for a space of time not exceeding three months, as to such Court shall seem meet.

Proceeding if the Company neglect to replace pavements, or to keep streets passable, &c.

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 town, 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 Town or Street Surveyors under the direction of the said Council of the Town, 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 Town or Street 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 Town of Brockville, by civil action in any Court of competent jurisdiction.

Notice to Company, &c.

Act not to prevent any person from making Gas for his own use, &c.

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.

Rights of Crown, &c. saved.

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.

Provision if the Town be enlarged.

XXX. And be it enacted, That in case the present limits of the Town of Brockville be enlarged by legal authority; it shall be lawful for the said Company to extend their operations over any such enlarged limits or the future liberties of the said town, 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 Town of Brockville.

XXXI.

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 the goods and chattels of the offender or for his imprisonment in the gaol of the United Counties of Leeds and Grenville, 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 such 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.*

Penalties how recoverable, and to what purposes applicable, to be accounted for under 4 & 5 V. c. 12.

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.

Interpretation clause.

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 shall cease, and be of no effect.

Gas works to be in operation by a certain time.

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.

Public Act.

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

Duration of Act.

## C A P . C I X .

### An Act to amend the Charter of *The City of Toronto Gas Light and Water Company.*

[Assented to 22nd April, 1853.]

**W**HEREAS *The City of Toronto Gas Light and Water Company* have petitioned for certain amendments in their Act of Incorporation, and it is expedient to grant the same: 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

Preamble.