

XXXV. And be it enacted, That the said Company shall submit to the three Branches of the Legislature, within the first fifteen days of each Session, a Statement shewing the amount of landed or other property held by the said Company, the total amount of money borrowed by them under the provisions of this Act, with the rates of interest paid thereon. Annual re-ports by Com-pany.

XXXVI. And be it enacted, That this Act be and is hereby declared a Public Act, and the Interpretation Act shall apply to this Act. Public Act, &c.

XXXVII. And be it enacted, That this Act shall be null and void unless the Company shall go into operation within five years from the passing thereof. Forfeiture by non-user.

C A P . C C L .

An Act to incorporate a Company in the City of Toronto, to be called The Metropolitan Gas and Water Company.

[Assented to 14th June, 1853.]

WHEREAS the rapidly increasing population of the City of Toronto, and its largely extending business, promoted by the railways now in course of construction and those about to be commenced, with the consequent demand, not only for greater facilities in supplying the citizens with Gas, but the so supplying it of an improved quality and at cheaper rates, and further the growing demand for a better supply of pure and wholesome Water at moderate rates, renders it desirable that more than one Joint Stock Company should be established for the purpose of furnishing cheap and well rectified Gas, and also cheap, and pure and wholesome Water, to the inhabitants of Toronto and its vicinity; And whereas a large number of the influential citizens of Toronto have, by their petition, prayed that certain persons, and such others as may be hereafter associated with them in the undertaking, may be incorporated under the style and title hereinafter mentioned, for the purpose of supplying the said City of Toronto and vicinity with Gas in greater quantity, of better quality, and at a cheaper rate, as also of Water in greater quantity, of a much purer and more wholesome quality, and at cheaper rates; And whereas the Mayor, Aldermen and Commonalty of the said City of Toronto have signified their assent to the establishment of the said new Gas and Water Company, and to their having the powers hereinafter given them with regard to the opening of the streets and other matters connected with the establishment and construction of the works of the said Company; 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

Certain persons incorporated.

Corporate name and general powers.

Proviso.
As to real estate.

Company empowered to erect Gas and Water Works.

Company may raise a certain sum of money in shares of £12 10 each.

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 Joseph C. Morrison, Philip M. Vankoughnett, Henry Rowsell, George Michie, Samuel Zimmerman, Frederick Chase Capreol, Martin P. Hayes, the Honorable James Hervey Price, and George A. Barber, or such of them and such other persons as shall hereafter become Shareholders in the Company to be hereby established, shall be and are hereby ordained and constituted a Body Politic and Corporate, by the name of The Metropolitan Gas and Water Company, and by that name they and their successors, Shareholders in the said Company, shall and may have perpetual succession and a common Seal, with power to make, break and change the same at pleasure; and shall and may by the same name have, enjoy and exercise all the powers incident to corporate bodies generally; and shall and may have full power to purchase, take and hold, besides personal property, lands, tenements, and other real property, for the erection, construction and convenient use of the Gas and Water Works, or either of them, hereinafter mentioned, and for the purposes and uses generally of the said Company; and such lands, tenements and real property, or any of them, to sell, alienate and convey, and others in their stead to purchase, take and hold from time to time for the purposes and uses aforesaid: Provided always, that such lands, tenements and real property to be holden by the said Company, shall not exceed Twenty Thousand Pounds in value, and be so holden for the constructing, maintaining and carrying on the Works of the said Company, and for the purposes, uses and business operations of the said Company, and in and towards accomplishing the same and effecting the objects for which such Company is hereby incorporated, and not otherwise.

II. And be it enacted, That the said Company may erect, maintain and carry on, under the provisions of this Act, both Gas and Water Works, or either the one or the other, as the said Company may feel themselves enabled to do and may think expedient, and may at one and the same time, or at different times, commence the construction of such several works, and open books for the subscription of stock therefor jointly as hereinafter mentioned.

III. And be it enacted, That the said Company may raise and constitute among themselves in shares of Twelve Pounds Ten Shillings each for the Gas Works of the said Company, and for the Water Works of the said Company, such joint sum as shall not altogether exceed the sum of One Hundred and Fifty Thousand Pounds, and the President and Directors of the said Company may and are hereby authorized for the purposes and uses of the said Company, to borrow money in one sum or several sums

sums from any individual or corporate body willing to lend or advance the same, and may pledge and hypothecate to such individual or corporate body the property and income of the said Company, for the repayment of the said sum or sums so borrowed and the interest thereon, or the President or Directors of the said Company may issue scrip or debentures in the name of the said Company for sums not less than Twelve Pounds Ten Shillings each, and the same shall be transferable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the said Company.

May borrow money, issue scrip or Debentures, &c.

IV. And be it enacted, That so soon as Fifty Thousand Pounds of the Capital Stock of the said Company shall have been taken and subscribed and the sum of Ten Shillings per share paid thereon, it shall be lawful for the Subscribers of the said Stock, or any of them, to call a public meeting of the said Subscribers by a notice therefor, to be inserted at least ten days previously to the time of such meeting, in two of the newspapers in the City of Toronto, in which notice shall be specified the time and place in the City of Toronto where such meeting shall be held, and that the same is for the election of Directors of the said Company, and at such meeting when so convened, the Shareholders in the said Company may proceed to the election by Ballot of seven of the Shareholders in the said Company for and as Directors of the said Company; each such Shareholder to be elected being a holder of not less than fifty shares in the said Company, and the said Directors may then forthwith or at any subsequent meeting of themselves, elect from among their own number a President of the said Company, and such Directors and President shall continue in office until the first Monday in July in the year then next following that in which they shall be so elected, and on such first Monday of July, and on every first Monday of July in each succeeding year, or on the next following day, if such Monday be a holiday, a General Annual Meeting of the Stockholders shall be held in the office of the said Company at eleven o'clock in the forenoon, or in such other more convenient place, and at such other more convenient time as the Directors of the said Company shall appoint and have given notice of in two of the newspapers in the said City of Toronto at least one week previously to the said Annual Meeting, and at such Annual Meeting the Shareholders present shall proceed to elect from among themselves, seven persons holding not less than twenty shares each in the Stock of the said Company, to be Directors in the room of the Directors for the then past year: Provided that any of the Shareholders then or who had been Directors shall be eligible to re-election, and such Directors so elected shall at such time as shall be appointed by any By-law of the Company, or in case of no such By-law, at their first meeting after such election, elect one of their number to be the President of such Company: Provided that in all matters the Directors shall vote *per capita*, and

First public Meeting for election of Directors.

Ballot.

Directors to elect President.

Term of office.

General Annual Meeting and Election of Directors.

Proviso.

Proviso.

and not according to the number of shares held by them, and the President or Chairman *pro tempore* shall, in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors.

Quorum of Directors, &c.

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 Directors 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 a Chairman chosen by the Directors present *pro tempore*, shall preside at the meetings of Directors: Provided always that no person being a Shareholder in any other Gas or Water Company, formed for the purpose of furnishing Gas or Water to the said City, shall be a Director of the Company hereby established.

Proviso.

At Annual General Meetings a Statement of affairs to be exhibited.

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 July in each year, and before the election of new Directors, the Directors of 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 under his hand and seal: Provided always that in the event of there being no election of Directors, on the first Monday in July 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.

Proviso: for the failure of Election of Directors.

Other Directors may be appointed in cases of vacancy, &c.

VII. And be it enacted, That 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 Director, or either of them, to choose in their or his stead from among the said Directors another person to be President, or from among the other Shareholders another person to be Director or Directors respectively, to continue in office until the next Annual Election as aforesaid.

Directors may appoint officers of Company, make By-laws, &c.

VIII. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Secretary and Treasurer, 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

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: Provided that no dividend shall be made, if the payment thereof would render the said Company insolvent, or would in any way diminish the amount of its Capital Stock; and to make contracts, or by such By-laws to empower the 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 and 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 five of the Stockholders, being proprietors together of not less than one hundred shares of the Stock of the said Company, the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public Newspapers of the City of Toronto, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

Proviso as to
payment of
dividends.

Proviso.

Proviso: mode
of calling Special
General
Meetings of
Company.

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 the number of votes which each Shareholder in the said undertaking or Company shall be entitled to give, on every occasion when in conformity with the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be equal to the number of shares held by him or her not exceeding one hundred, and for every five shares over a hundred shares, one vote.

Votes of
Shareholders.
Proxies, &c.

Payment of sums subscribed before or after the passing of this Act may be enforced, and how.

What must be alleged and proved in any action under this sect.

Amount of instalments, and how called in.

Proviso: calls limited.

Forfeiture for non-payment.

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 Shareholders 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 advertisement in the newspapers during at least two months before such instalment shall be called for ; Provided always that no instalment shall be called for except after the lapse of two calendar months 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 and 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

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 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 Works.

Sale of forfeited shares.

Proviso: forfeiture must be declared at a General Meeting: its effect.

XII. And be it enacted, That the Capital Stock of the said Company is hereby directed and appointed to be laid out and applied in the first place for, and towards the payment, discharge and satisfaction of all fees and disbursements, for obtaining and passing this Act, and for making surveys, plans, and estimates incident thereto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Gas and Water Works, and for efficiently and properly carrying out and accomplishing the purposes and uses generally of the said Company.

Application of Capital Stock.

XIII. 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 in Stock to be deemed personal property, and how transferable.

Proviso.

XIV. And be it enacted, That it shall and may be lawful for the said Company after two days' notice, in writing, to the Mayor, Aldermen and Commonalty of the City of Toronto, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Toronto as may at any time be necessary for laying down the mains and pipes to conduct the gas or the water or either of them 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

Company empowered to lay down Gas and Water pipes under certain restrictions.

openings on such parts of the said streets, squares and public places as the proper City Officer, or City Surveyor, under the direction of the Common Council of the said City shall reasonably permit and point out, also placing guards or fences with lamps, and providing watchmen during the night, 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 legal or written notice thereof, to be recovered by civil action in any Court having competent jurisdiction at Toronto, at the suit of any person or persons, or at the suit of the Mayor, Aldermen and Commonalty of the said City of Toronto, 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.

Penalty on
Company for
neglect.

Company em-
powered to
enter lands,
set out and ap-
propriate
waters, &c.

XV. And be it enacted, That it shall and may be lawful for the said Company, and their successors, their agents, servants and workmen, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said City of Toronto and its vicinity, or in the said County of York if necessary for the purposes and uses of the said Company, and to survey, set out and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon as the Company shall judge suitable and necessary for the purposes and uses of the Company, and to contract with the owners or occupiers of such lands and those having any interest or right in the said water or the natural flow of the said water from such springs or streams or of any part thereof, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes and uses of the company, and in case of any disagreement between the company and the owners or occupiers of such lands, or the persons having any interest or right in the said water, or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation, or otherwise, it shall and may be lawful for the owner or occupier so disagreeing with the said Company upon the value of the said lands, rights or privileges, or the amount of such damages, to nominate and appoint one indifferent person, and for the said Company to nominate an indifferent person, who together with one other person to be nominated by the persons so named shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said City, to

Arbitration 'in
case of dif-
ference as
to compensa-
tion therefor.

be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of York, or the said City, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to either of the Superior Courts of Common Law at Toronto, in the same manner, and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume the possession of his property, and all his rights shall thereupon revive. And in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the Judge of the County Court of the County of York may, upon application of the Company, as often as occasion may require, name an arbitrator in his stead, and the award of such arbitrator and those to be named as aforesaid or a majority of them, shall be binding on all parties concerned, subject as aforesaid.

Swearing Arbitrators.

Proviso:
Award to be subject to jurisdiction of Superior Courts at Toronto.

Payment of award.

If any party neglect to appoint an Arbitrator.

XVI. And be it enacted, That for the purpose of extending the mains or pipes conveying the said Gas and Water, or either of them from the works of the said Company to the consumers thereof, beyond the limits of the liberties of the said City of Toronto, or for the purpose of conveying Water or Gas into the said City, it shall be lawful for the said Company after ten days' notice in writing to the Reeve and Township Council of any Township through which such Gas or Water is to be conveyed, to do and perform all the necessary works for extending or carrying the said Water or Gas on, over or along any part of the public streets or highways in such Township, in the same manner, and with the same precautions, and under the like penalty which are pointed out in regard to such works within the said City of Toronto by the foregoing Sections; the Reeve and Township Council of such Township having the same powers conferred and duties imposed upon them, in regard to such Township as the Mayor, Aldermen, and Common Councilmen of Toronto in regard to the said City.

In case of extension of pipes beyond the City, notice to be given to Reeve of the County of York.

Powers of Reeve and Township Council.

XVII. And be it enacted, That where there are buildings within the said City of Toronto, 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 situated, passing over the property of one or more proprietors or in the possession of one

Provision in case of buildings with different tenants.

Passages in
common.

Compensa-
tion.

Lands, &c.
appropriated,
vested in
Company.

Company
may use
such lands
and waters.

Company to
construct their
works so as
not to endan-
ger the public
health or
safety.

one or more tenants, to convey the Gas or Water or either of them, 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 easement 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 as 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.

XVIII. And be it enacted, That all the lands and waters, or the natural flow thereof which shall be set out or acquired or appropriated by the said Company for the purposes and the uses of the same as aforesaid, shall for ever thereafter be vested in the Company and their successors; and it shall and may be lawful for the said Company and their successors to construct, erect and maintain upon the said land and in connection with the said water or flow thereof and Gas, all such Reservoirs, Water Works and Machinery for Water or Gas requisite for the purposes and uses of the said Company, and to convey by a line or lines of pipes, the Water and Gas through any intermediate grounds and lands lying and being between such springs and streams, and the City of Toronto; and the Company are hereby empowered to enter upon and pass over such lands, waters or flow thereof, and the same to cut and dig up, if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as aforesaid in case of disagreement between the Company and the proprietors of the lands, waters or flow thereof.

XIX. And be it enacted, That the said Company shall so construct and locate their Gas and Water Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Company shall, with regard to the construction of such part of their said works, whether for Gas or Water, as shall lie within the City of Toronto, be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety, and convenience of the inhabitants thereof; and the said Gas and Water Works, apparatus and appurtenances respectively, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to
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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 of the Mayor, Aldermen and Commonalty for the benefit of the Corporation of the said City of Toronto, in any Court of competent Civil Jurisdiction.

XX. 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, with lamps, or to place watchmen, or to take every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares or public places without unnecessary delay as hereinbefore provided, the City Surveyor, under the direction of the said Council of the City, after notice in writing to the said Company, shall cause the duty so neglected forthwith to be 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 Cashier or Treasurer, or any Director 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 Mayor, Aldermen and Commonalty of the City of Toronto, by civil action in any Court of competent jurisdiction.

Company neglecting necessary precautions, City Council to cause neglected duty to be performed at Company's expense.

XXI. And be it enacted, That the main pipes that shall be laid down by the said Company shall be at least three feet distant from the main pipes of any other Company, or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit, and that the said main pipes shall have the initials of the said Company cast upon each of them, and also the ends of the service pipes and stop cocks which shall appear in the cellars of the houses or buildings to be supplied with Gas or Water shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of any other Company under a penalty of Five Pounds, Currency, for each offence or neglect thereof, which penalty shall be paid to the Company prosecuting and be recovered by Civil action in any Court of Competent civil jurisdiction; Provided always, that if any difference shall arise between the Company chartered by this Act, and any other Gas or Water Company established or to be established in the City of Toronto, as to the 'practicability of either

Pipes of the Company to be laid at a certain distance from those of other Companies, and marked.

Penalty for default.

Proviso: if it be not practicable so to place the

either

Pipes of the Company.

either Company so laying its pipes that they shall be at a distance of at least three feet from those of the other Company, then such difference shall be decided by the Surveyor of the said City, who, if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid. Provided always, that an appeal shall lie from any such decision of the said Surveyor to the Recorder's Court of Toronto, at any sitting of the said Court held after the day on which the decision of the said Surveyor shall be notified to the parties.

Proviso: appeal from Surveyors to Recorder's Court.

Penalty to parties trespassing on pipes belonging to Company.

XXII. 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 water 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 per day for each day such pipe shall so remain, which said sum together with the costs of suit in that behalf incurred, or may be recovered by civil action in any Court of competent Civil Jurisdiction.

Persons hindering Company or damaging their property how punished.

XXIII. And be it enacted, That if any person or persons shall wilfully or maliciously hinder, interrupt, or cause, or induce, or procure to be hindered or interrupted the said Company or their managers, servants, agents or workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained,—or 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 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 if any person or persons shall throw or deposit any thing or nuisance or offensive matter into the water of said Company or in any way foul the same, or shall in any wise wilfully do any 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 or water, agreed for with the said Company by increasing the number or size of the holes in the gas burners, or by substituting a pipe or pipes of larger bore for the conveyance of water, or otherwise wrongfully, negligently or wastefully throwing away or wasting the said gas and water or either of them respectively, every such person or persons shall be held guilty of a misdemeanor, and on conviction thereof the Court before whom such persons shall be tried and convicted, shall have power

power and authority to condemn such person to pay a penalty not exceeding Ten Pounds currency, or to be confined in the Common Goal of the City for a space of time not exceeding three months, as to such Court may seem meet.

XXIV. And be it enacted, That should the Mayor, Aldermen and Commonalty of the City of Toronto decide, as they are hereby empowered to do upon taking the Stock of the said Company for the benefit of the Corporation of the said City of Toronto, the Shareholders of the said Company shall be, and they are hereby declared to be bound to surrender and transfer upon receiving three months' notice to that effect the whole of their respective shares unto the said Corporation of the City of Toronto, upon the terms and conditions hereinafter set forth, that is to say, that no such surrender and transfer shall be required to be made after the expiration of five years from the completion of the works of the Company, that the said Corporation shall pay such an advance upon the shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province, together with a further sum in the shape of indemnity of not less than twenty per cent. upon the amount actually expended by the said Company, and that they consent and agree that the charge to be made to consumers of Gas shall not exceed Twelve Shillings and Six Pence per thousand cubic feet, and of Water such a price as will be sufficient to produce a net profit on the works of ten per centum per annum on the said Water Works ; and if the said corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan or by debentures, in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose : Provided always that to entitle the said Corporation to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, the same shall be taken within five years after the completion of the said works ; and in the event of their taking the same, the said Corporation shall be and are hereby bound to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company, as well as its engagements with mechanics, workmen, servants and others, and the said Company shall in all these respects be entirely relieved, exonerated and held harmless from all claims, damages and demands of all or any person or persons as aforesaid by the said Corporation ; and generally the said Corporation shall acquire all the rights and be subject to all the liabilities of the said Company conferred by this Act or lawfully contracted under it.

Corporation of Toronto empowered to assume the property of Company, and upon what terms.

How the Corporation may pay the compensation.

Proviso: the said power must be exercised within five years after completion of works: obligations of Corporation if they exercise such power.

Shareholders not to be individually liable.

XXV. And be it enacted, That no Shareholder in the said Company shall be in any manner whatever liable or charged for any debt or demand due by the said Company beyond the payment or extent of his, her or their share or shares in the Capital Stock of the said Company not paid up.

Company may sell or hire out Gas and Water fittings.

XXVI. And be it enacted, That it shall be lawful for the said Company to sell and dispose of Gas Meters, Gas and Water fittings of every description for the use of private and public houses, or for any establishment, Company or Corporation whatsoever, as well as coke, coal-tar, and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas; and the said Company shall have power and authority to let out to hire Gas Meters and Gas and Water fittings of every kind and description at such rates and rents as may be agreed upon between the consumers or tenants and the Company.

Aliens may hold Stock, &c.

XXVII. And be it enacted, That it shall and may be lawful for Aliens to hold stock in the said Company and to enjoy all the privileges in such Company, which they would have if they were subjects of Her Majesty.

Certain Municipalities authorized to take stock in and loan money to Company.

XXVIII. And be it enacted, That it shall and may be lawful for any of the Municipalities in which the works of the said Company are erected or placed, to subscribe to or take stock in the Company, or to loan any sum of money, on mortgage or otherwise, to the Company, or to contribute in any manner towards advancing the object for which the Company is incorporated; and the Head for the time being of any Municipality holding Stock in the said Company, to the extent of one tenth part or more of the whole of the Capital Stock thereof, shall be *ex officio* a Director of the Company so long as such Municipality shall continue to hold such Stock to the extent aforesaid: Provided that such Municipality shall have no voice in the election or appointment of the private Directors of the said Company.

Directors may receive certain allowances for their attendance at Meetings.

XXIX. And be it enacted, That the said Directors may provide by any By-law to be approved of by the Shareholders, at any special meeting, for the payment to the Directors of the said Gas and Water Company for their attendance at the Meetings of the Board of Directors from time to time, provided that the said allowance shall in no case exceed the sum of One Pound Five Shillings for each day's actual attendance.

Company not to purchase out stock of any other Company.

XXX. And be it enacted, That it shall not be lawful for the said Company to purchase out the stock of the present or any other Gas or Water Company or Companies in the said City, or to sell their own stock or any part thereof to any such Company or Companies.

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

This Act not to affect individuals or other Companies ;

XXXII. And be it enacted, That nothing herein contained shall affect in any way or manner whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person, or any body or bodies corporate or collegiate, such only excepted as are herein mentioned.

Or the rights of Her Majesty or corporate bodies.

XXXIII. And be it enacted, That the said works hereinbefore mentioned shall be in operation, the said Gas works within three years, and the said Water Works 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.

Time for completion of works limited.

XXXIV. And be it enacted, That this Act be and it is hereby declared to be a Public Act, and that the same shall be construed as such in all Her Majesty's Courts in this Province ; and the Interpretation Act shall apply to this Act.

Public Act, &c.

C A P . C C L I .

An Act to amend the Act, intituled, *An Act to incorporate the Hamilton Gas Light Company.*

[Assented to 14th June, 1853.]

WHEREAS the Hamilton Gas Light Company have, by their petition, prayed for certain alterations and amendments in their Act of Incorporation, and it is expedient to grant the prayer of the said petition : 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 be lawful for the said The Hamilton Gas Light Company, to hold, use, possess and enjoy all and every part of the lands with the Gas works and buildings thereon erected, and being acquired by them for the purpose of supplying the City of Hamilton with Gas, as provided by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to incorporate the Hamilton Gas Light Company*, and

Preamble.

Certain powers confirmed to the Company incorporated by 13 & 14 V. c. 136.