

Laws of Her Majesty's Province of Upper Canada, passed in the year 1848. Montreal: Stewart Derbshire & George Desbarats, 1848.

11 Victoria – Chapter 14

An Act to incorporate The Consumers' Gas Company of Toronto. 23d March, 1848.

Whereas the great and increasing extent of the City of Toronto, and the great demand for a cheap and effective mode of lighting the streets and places in the said City, as well as houses, shops and other buildings therein, render it desirable that more than one Company should be established for the purpose of furnishing a further supply of Gas for lighting the said City; And whereas the Mayor, Aldermen and Citizens of the City of Toronto, have signified their assent to the establishment of the said Company, and to their having the necessary powers connected with the establishment and construction of the necessary works; And whereas a considerable proportion of the Stock of the said Company has already been subscribed for, and the first instalment at the rate of five *per centum* paid: And whereas at a General Meeting of the Stockholders of the said Company held on the twenty-ninth day of October, in the year of Our Lord, one thousand eight hundred and forty-seven, pursuant to public notice, the following persons were duly elected Directors to manage the affairs of the said Company for one year from the date of such election, namely: Charles Berczy, Richard Kneeshaw, Ezekiel F. Whittemore, Hugh Scobie, Hugh Miller, James Beatty, Richard Yates, George C. Horwood, John T. Smith, Peter Paterson, Robert H. Brett and David Paterson; And whereas, at a subsequent meeting of the said Directors, they did elect the said Charles Berczy, President, and the said Richard Kneeshaw, Vice-President of the said Company; And whereas the said several persons hereinbefore named and others, have by their Petition prayed that they may be incorporated under the style and title of The Consumers' Gas Company of Toronto, and that the above named Directors, President and Vice-President may continue in office and be confirmed as such Directors, President and Vice-President, until others shall be elected in their stead under the provisions hereinafter made, and have also prayed that they may be invested with all the necessary powers and privileges usually granted to similar Corporations, for the purpose of supplying the City of Toronto with Gas in greater quantity, of better quality and at a cheaper rate than the same hath been heretofore supplied; And whereas 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, 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 the said Directors or such of them and such other persons as now are or shall hereafter become Shareholders in the said Company, shall be and are hereby ordained and constituted a Body Politic and Corporate by the name and style of The Consumers' Gas Company of Toronto, and by that name and style 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 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 property and lands, tenements and other real property for the purposes of the said Company, and for the erection and construction and convenient use of the Gas Works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead for the purposes and uses aforesaid, and that any person or persons, Body or Bodies Politic or Corporate may give, grant, bargain, sell or convey to the said Company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the said Company shall be so holden for the purposes and business of the said Company as set forth in this Act, and for constructing their necessary works for and about the same and for no other purposes whatsoever, and that the total yearly value of the lands and real property to be so holden at any one time shall not (over and above the value of the works thereon erected,) exceed two thousand pounds, currency; and that it shall be lawful for the said Company, subject to the restrictions herein contained, 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, watercourses, 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 to do all other acts necessary and convenient as they shall think proper for supplying the inhabitants of the said City with Gas, and also to sell and dispose of coke and of all and every product or products, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of Gas in such manner as the said Company may think proper, and also to manufacture the refuse of any such Gas.

II. And be it enacted, That the said Company may raise and contribute among themselves such sum as shall not exceed the sum of twenty-five thousand pounds, currency, in shares of twelve pounds, ten shillings, 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 whatsoever; Provided always, that if the said sum of twenty-five 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 twenty-five thousand pounds, currency, either among themselves or by the admission of new Shareholders, such new Stock being divided into Shares of twelve pounds, ten shillings, currency, each: Provided also, that in the event of difficulty arising in procuring subscribers for the Capital, it shall be lawful for the President and Directors for the then time being of the said Company to borrow a sum or sums of money for the purposes aforesaid not exceeding the sum of fifteen thousand pounds, currency, and to pledge and mortgage or otherwise assign by way of security, the property, rates and income of the said Company, for the re-payment of the sum so borrowed and the interest thereon.

III. And be it enacted, that the President, Vice-President and-Directors hereinbefore named, shall continue in office until the last Monday in October in the year of Our Lord, one thousand eight hundred and forty-nine, or until the then 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.

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 last Monday of October, in the year of Our Lord, one thousand eight hundred and forty-nine, and a General Meeting on the last Monday of October 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, twelve persons, being each a proprietor of not less than four shares in the Stock of the said Company, as Directors for managing the affairs of the said Company, which twelve 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 meeting of the Directors; Provided always that no person being a Shareholder in any other Gas Company formed for the purpose of furnishing Gas to the said City shall be a Director of the Company hereby established.

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 last Monday in October 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, 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 last Monday of October 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.

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 then next election of Director 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 persons so chosen to be President, 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 amongst the other 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 the Directors shall always vote *per capita* and not according to the number of shares they hold, and in case of an equality of votes, the Presiding Officer to give the casting vote.

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 on the 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 not exceeding ten *per centum per annum*, out of the profits of the said undertaking, as they may deem expedient, and to make contracts, or 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 nowise 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 twenty of the Stockholders, being proprietors together of not less than two hundred and fifty 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 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.

IX. And be it enacted, That at all meetings of Shareholders 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, if he hold one share and not exceeding two shares, have one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for fourteen shares, six votes; for twenty shares, seven votes; for thirty-five shares, eight votes; for sixty shares, nine votes; for one hundred shares, ten votes; and no Shareholder to have a greater number of votes than ten.

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 portion 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 together with interest, in any Court of Law or Equity in this Province having competent 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 (stating the number of shares) in the Stock, 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 at least two of the Toronto newspapers during at least three weeks before such instalment shall be called for; Provided always, that no instalment shall be called for except after the lapse of one calendar month 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 and not less than five *per centum* 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 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.

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 Shareholder; 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 a manner provided by the said By-Laws.

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, Aldermen and Citizens 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 the 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 and fences with lamps, and providing watchmen during the night, and taking all other necessary precaution 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 Her Majesty's Court of Queen's Bench at Toronto, at the suit of any person or persons or of the Corporation of the Mayor, Aldermen, and Citizens of the City of Toronto, 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.

XIV. 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 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 in common to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same; and to lay any pipes, branches or other necessary apparatus from any main or branch, pipes, 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, 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 the 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 provision 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.

XV. 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 the City of Toronto Gas Light and Water 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, shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of the said City of Toronto Gas Light and Water Company, under a penalty of five pounds, currency, for each offence or neglect thereof, which penalty shall be paid to the said City of Toronto Gas Light and Water Company, and be recovered by civil action in Her Majesty's Court of Queen's Bench at Toronto: Provided always, that if any difference shall arise between the said City of Toronto Gas Light and Water Company, and the said Consumers' Gas Company of Toronto, or any other Company established or to be established in the City-of Toronto, as to the practicability of 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 Mayor's Court of the said City 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.

XVI. And be it enacted, That the said Company shall so construct and locate their Gas Works and all apparatus and appurtenances thereto appertaining, or therewith connected, and wheresoever situated, as in nowise 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 Gas Works 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 health, safety and convenience of the inhabitants thereof, and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall be moreover, at all reasonable times, subject to the visits 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 Mayors Aldermen and Citizens of the City of Toronto, in any Court of competent civil jurisdiction.

XVII. 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 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 Cashier or Treasurer, or any Director of the said Company, or in default of such payment, the amount of such claim shall and maybe recovered from the said Company, at the suit of the Mayor, Aldermen and Citizens of the City of Toronto, by a civil action in any Court of competent jurisdiction.

XVIII. 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 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, or such supply be obtained or furnished, notwithstanding any contractor agreement which may have been previously entered into, which said sum, together with the costs of suit on that behalf incurred, may be recovered by civil action in any Court of competent civil jurisdiction.

XIX. 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 meter, mainpipe, pipe, or other works, or apparatus, appurtenances or dependencies thereof, or any matter or thing already made or provided, or which shall be made or 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 wilfully alter or impair any meter so that the same shall indicate less Gas than actually passes through the same, 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 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 District for a space of time not exceeding three months as to such Court may seem meet, and such person shall defray the expenses attending the repair or replacing of such meter.

XX. 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 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 hereinafore granted to the said Company, or from incorporating any other Company for like purposes.

XXI. 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, or of any body or bodies corporate or collegiate, such only excepted as are herein mentioned.

XXII. 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.

XXIII. And be it enacted, That in all cases where it shall be lawful for the Company to cut off and take away the supply of any Gas from any house or building or premises under the provisions of this Act, it shall be lawful for the said Company, their agents and workmen, upon giving twenty-four hours' previous notice to the occupier, to enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, 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 for the purpose of repairing and making good any such house, building and premises where such pipes or apparatus shall have been so introduced.

XXIV. And be it enacted, That if any person supplied with Gas by the said Company shall neglect to pay any rate or rent due to them at any of the times of payment thereof, it shall be lawful for the said Company or any person acting under their authority, to stop the Gas from entering the premises of such person by cutting off the service or other pipe to such premises, or by such means as the Company shall think fit; and that the said Company may recover the rate or rent due from such persons, together with the expenses of cutting off-the Gas and costs of recovering the same in any Court of competent jurisdiction in this Province.

XXV. And be it enacted, That neither the service nor connecting pipes of the said Company, nor any meter belonging to the said Company, shall be taken or seized for rent due to landlords, for the debts of 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.

XXVI. And be it enacted, That any person who shall wilfully remove, destroy, damage, fraudulently alter, or in any way falsify any meter, pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the Company or to any person, or shall wilfully extinguish any of the public lamps and lights, or waste or improperly use any of the Gas supplied by the said Company, shall for each such separate and distinct offence forfeit any sum not exceeding five pounds, and shall pay to the Company or such person three times the amount of the damage done.

XXVII. 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 said Company, or keep the 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, it shall be lawful for any Justice of the Peace or Magistrate of or for the City of Toronto or Home District to summon before him the person against whom such complaint shall be preferred, and for any two or more of the said Justices or Magistrates, upon hearing the

allegations and proofs on both sides, or on non appearance of the person so complained against, to award such sum of money by way of satisfaction to the said Company or to such person as the case may require, for such damages or excess as the said Justices or Magistrates shall consider reasonable, and in case of neglect to pay any sum so awarded within three days after demand, it shall be lawful for the said Justices or Magistrates to cause the same to be raised and levied by proceedings in due form of law.

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