

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 182

An Act to incorporate The Quebec Gas Company. 30th May, 1849.

Whereas by an Act of the Legislature of this Province, passed in the Session held in the Ninth year of Her Majesty's Reign, and intituled, *An Act for Lighting the City of Quebec with Gas*, it was among other things enacted, that it should and might be lawful to and for the Corporation of the Mayor and Councillors of the City of Quebec to establish Gas Works in and for the said City; and also, before or after the said Gas Works were commenced, to lease, assign, transfer and make over the rights, privileges, powers and authorities thereby conferred, for such period not exceeding Twenty Years, and upon such terms and conditions as might be established by a By-law to be by them made in that behalf; And whereas on the Ninth day of April, in the year of Our Lord One thousand eight hundred and forty-seven, at a Special Meeting of the Council of the said City of Quebec, held at the City Hall, in the said City, a By-law was in due form made to establish the terms and conditions upon which the powers vested in the said Mayor and Councillors of the City of Quebec to establish Gas Works in and for the said City of Quebec, by the said in part recited Act, should or might be assigned to a certain Association of persons called the Quebec Gas Company: And whereas in and by a certain Act, Deed or Instrument of Assignment duly made and executed before John Greaves Clapham, Esquire, and another, Public Notaries, and bearing date at the said City of Quebec, on the Twenty-ninth day of October, in the year aforesaid, the said Mayor and Councillors of the City of Quebec, did lease, assign, transfer and make over unto the said Quebec Gas Company, all and singular the rights, privileges, powers and authorities in and by the said Act conferred for and during the term or period of twenty years, to be computed from the First day of November, in the year last aforesaid, subject to the terms and conditions in the said By-law specified, and to the proviso or agreement for the re-purchase of the same, in the manner in the said Act, Deed or Instrument expressed and declared: And whereas the said Gas Works have been constructed by the said Quebec Gas Company upon a site given and granted by the said Mayor and Councillors of the City of Quebec for that purpose in the Lower Town of the City of Quebec, in pursuance of the agreement contained in the aforesaid Act, Deed or Instrument: And whereas the Honorable William Walker, Chairman of the Directors of the said Quebec Gas Company, and Robert Cassels, William Petry, Henry Pemberton, James McKenzie, Archibald Laurie, and Charles Langevin, all of the said City of Quebec, Esquires, Directors of the said Company, have by their Petition prayed that they and such others as are now or hereafter may be associated with them in their undertaking, may be incorporated as a Company, under the style and title hereinafter mentioned, for the purpose of supplying the said City with Gas: And whereas the Mayor and Councillors of the said City of Quebec have signified their consent to the establishment of the said Company for the general benefit of the inhabitants of the said City: 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 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 the said William Walker, Robert Cassels, William Petry, Henry Pemberton, James McKenzie, Archibald Laurie, and Charles Langevin, and such other persons as now are or shall hereafter become Shareholders in the said Company hereby established, shall be and are hereby ordained and constituted a body corporate and politic by the name of The Quebec Gas 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^l to purchase, take and hold other instead thereof for the purposes and uses aforesaid: Provided always, that such real property to be holden by the said Company shall be so holden for the purposes and business of the said Company as hereinbefore mentioned, and for no other purposes whatsoever; and that the total yearly value of the real property to be so holden at any one time shall not (over and above the value of the works thereon erected) exceed one thousand pounds currency.

II. And be it enacted, That the Capital of the said Company shall be the sum of twenty thousand pounds currency, in shares of fifty pounds currency each, which said sum hath been raised and contributed among the present Shareholders, and hath been appropriated to the purpose of constructing the said Gas Works, and shall continue so appropriated and to the completing and maintaining of the same, and to the purposes of this Act, and to no other object or purpose whatever; Provided always, that if the said sum of twenty thousand pounds currency should be found insufficient for the purposes of this Act, it shall be lawful for the said Company, should a majority representing two thirds of the shares at a Special Meeting of the Shareholders called for that purpose, consider it necessary to increase their Capital Stock by a further sum not exceeding twenty thousand pounds currency, either among themselves or by the admission of new Shareholders, such new stock being divided into shares of fifty pounds currency each; Provided also, that in the event of difficulty arising in procuring subscribers for such increase of capital, it shall be lawful for the Directors for the time then being of the said Company, to borrow a sum or sums of money for the purposes aforesaid, not exceeding the sum of ten thousand pounds currency, and to pledge and hypothecate the property and income of the said Company, for the repayment of the sum so borrowed, and the interest thereon.

III. And be it enacted, That the Directors hereinbefore named shall continue in Office until the First Monday in the Month of March, in the year following that in which this Act is passed, or until the next General Election, if no Election be had on that day, unless they shall sooner resign, be removed, or become disqualified under the provisions of this Act.

IV. And be it enacted, That a General Meeting of the Shareholders in the said Company shall be held on the First Monday in the Month of March, in the year following that in which this Act is passed, and on the same day in every succeeding year, at the Principal Office of the said Company,

or at such other place as shall be appointed by the By-laws of the Company then in force, of which Meetings and the time and place of holding the same, public notice shall be given by the Manager or Clerk of the said Company, by Advertisement in one or more of the Newspapers published in the City of Quebec, seven clear days at least before the day of election, and at such meeting or meetings the said Shareholders shall choose by ballot and by a majority of votes, seven Directors, being each a proprietor of not less than five shares in the Stock of the said Company, for managing the affairs of the said Company, or so many as shall be required to supply the places of those who shall then go out of office as hereinafter mentioned.

V. And¹ be it enacted, That at the first General Meeting to be held as aforesaid, the said Shareholders shall elect and choose as aforesaid, from the Shareholders qualified as required by this Act, to be Directors, seven persons to be Directors for managing the affairs of the said Company, which said Directors shall go out of office by rotation in the following manner, that is to say: on the first Monday in the month of March, in the year following that in which the election shall take place, three of the said Directors shall go out of office, and those who shall then go out of office shall be the Directors who shall have been elected by the smallest number of votes, and on the first Monday in March in the following year three others of the said Directors shall go out of office, and those who shall then go out of office shall be the Directors who shall have been elected by the next smallest number of votes; and on the first Monday in March in every subsequent year three Directors, being those who have been longest in office, without re-election, shall go out of office; and if any two or more of the said Directors shall have been the same length of time in office, then such of them as shall have been elected by the smallest number of votes shall first go out of office; and if any two or more of such Directors shall have been elected by an equal number of votes, then it shall be determined by a majority of the whole body of Directors, which of (he said Directors so elected shall then go out of office; and in each instance the place of the retiring Directors shall be supplied by the election of a like number of Directors in the manner herein provided; Provided always, that every Director going out of office by rotation, or otherwise ceasing to be a Director, may be re-elected, if then qualified as required by this Act, and after such election he shall, with reference to going out by rotation, be considered as a new Director.

VI. And be it enacted, That if any of the Directors die or resign or be disqualified or cease to be a Director from any other cause than that of going out of office by rotation, the place of such Director shall be supplied by the election of another from the Shareholders qualified as required by this Act to be Directors, at a Special Meeting of the Shareholders to be called for that purpose by the Directors within three months from the happening of such vacancy; and every Director so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

VII. And be it enacted, That at the first meeting of the Directors after each annual election they shall, by a majority of the votes of the Directors present, elect one of their body to be their Chairman, who shall preside at the meetings of the Directors until the next annual election; and in case the Chairman die, or resign, or cease to be a Director, or otherwise become disqualified to act as such, the Directors present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy, and the Chairman so elected shall continue in

office so long only as the person in whose place he was elected would have been entitled to continue Chairman; and if at any meeting of the Directors the Chairman be not present, one of the Directors present shall be elected Chairman of such meeting by the majority of the votes of the Directors present at such meeting.

VIII. And be it enacted, That all powers vested in the Directors under this Act may be exercised by any three or more of the Directors present at any meeting holden in pursuance of this Act, or of the By-laws then in force, and no business shall be transacted at any meeting of the Directors unless the said number of Directors be present: 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 Chairman or person presiding at any meeting of the Directors or of the Shareholders shall in case of a tie have a casting vote.

IX. And be it enacted, That at the General Meeting 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 in the place of the retiring Directors, the Directors for the then past year shall exhibit a full and unreserved statement of the affairs of the Company and of the funds, property and debts due to and by the said Company, which said statement shall be certified by the Chairman under his Hand and Seal; Provided always, that in the event of there being no election of Directors on the first Monday in March in any year in consequence of the said Shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case the Directors who would on that day have retired from office by rotation 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.

X. And be it enacted, That the Directors shall and may have the power to appoint a Manager, Clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, and also shall and may have the power to make and repeal or alter such By-laws, to be binding upon Members of the Company or their Servants, as shall appear to them proper and needful, touching the well ordering of the said Company, the management and disposition of its stock, property, estate and effects; the calling of Special Meetings of its Shareholders or of meetings of the Directors and other matters connected with the proper organization of the said Company, and the conduct of the affairs thereof, and also shall and may have the power to make calls for instalments on shares, in any new stock in the said Company, 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 Chairman or any Director or Officer to make contracts on behalf of the Company, and to affix (if need be) the Common Seal of the Company to such contracts, and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided. Provided always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers hereby granted or repugnant to the

laws of this Province; and shall before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same; And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors or in their default on being thereunto requested by at least ten of the Stockholders 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 two of the public newspapers of the City of Quebec, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

XI. And be it enacted, That any Shareholder may vote by a proxy, being also a Shareholder duly appointed in writing, or in person, and all elections shall be by ballot; and all questions to be decided at any Annual or Special Meeting of the Shareholders shall be so decided by a majority of votes; and on every occasion when the votes of the Shareholders are to be given, each Shareholder shall for every share under and net exceeding twenty, have one vote, and for shares exceeding twenty, one vote for every three shares; and no Shareholder shall be entitled to give a greater number of votes than thirty, and no Stockholder shall be allowed to hold more than two hundred and fifty shares; Provided always, that no Stockholder shall be allowed to vote for any share of stock which shall not have been held by him for three months at least before the period of giving any such vote.

XII. 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 may hereafter subscribe for shares in any new stock 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 the 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.

XIII. And be it enacted, That no one instalment to be paid on account of the shares in such new stock of the said Company shall exceed ten pounds currency, on each share, and notice thereof

shall be given by advertising in two newspapers during at least four weeks before such instalment shall be called for; Provided always, that no instalment shall be called for, except after the lapse of a fortnight from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time or place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or, at the option of the Directors, shall thereby incur a forfeiture of not more than ten, nor less than five per cent on the amount of his or their respective share or shares; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case, such person or persons shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the Directors, by public auction, and the proceeds of the sale, after deducting costs, and the forfeiture above mentioned, shall be paid over to such defaulter; and the President or manager of the said 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.

XIV. 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.

XV. And be it enacted, That no Shareholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company, beyond the extent of his, her or their share in the capital of the said Company not paid up.

XVI. 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 said City of Quebec, or in his absence to the City Clerk, to break up, dig and trench so much and so many of tire streets, squares and public places of the said City of Quebec, as may at any time be necessary for laying clown 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 street, 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 Road

Surveyor of the said City shall reasonably permit and point out, also placing guards or fences with lamps, and taking all 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 to the satisfaction of the said Road Surveyor in as good condition as before the commencement of the work, without any unnecessary delay.

XVII. And be it enacted, That where there are buildings within the said City of Quebec, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in possession of one or more tenants, to convey the gas to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same; the said Company doing as little damage as maybe, 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.

XVIII. And be it enacted, That the said Company shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining or therewith connected and wheresoever situated, as in no wise to endanger the public health, convenience or safety; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moveover 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 Corporation of the City of Quebec, in any Court of competent civil jurisdiction, except a Court constituted under and by virtue of any Act or Acts incorporating the City of Quebec.

XIX. 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, cistern, 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 by the said Company, and do all such 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.

XX. 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 building a proper and complete supply of Gas, and for measuring and ascertaining the extent of such supply.

XXI. 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 seized or attached 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.

XXII. 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.

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

XXIV. 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, lamp 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 twenty-second section of this Act.

XXV. 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.

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

XXVII. 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.

XXVIII. 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.

XXIX. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down, or damage, in jure, put out of order or destroy any main pipe, pipe or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to the said Company, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall increase the supply of Gas agreed for with the said Company by increasing the number or size of the holes in the Gas Burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof the Court before whom such person shall be tried and convicted shall have power and authority to condemn such person to pay a penalty not exceeding ten pounds

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

XXX. And be it enacted, That whenever the said Company shall open or break up, any Street, Square or Public Place in the said City, and shall neglect to keep the passage¹ 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 or others, or to close or replace the said Streets, Squares or Public Places, without unnecessary delay, as hereinbefore provided, the Road Surveyor 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 Road Surveyor, at any time not less than one month after the work shall have been completed in any case, from the Chairman or the 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 Mayor and Councillors of the City of Quebec, by civil action in any Court of competent jurisdiction.

XXXI. 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.

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

XXXIII. And be it enacted, That the said Company shall produce to the said Corporation of the City of Quebec at the expiration of each year, at the close thereof, and made up to the Thirty-first day of December thereof, an account of the outlay and expenditure incurred by the said Company in establishing the said Gas Works, and at particular statement of the revenue and expenditure of the said Gas Works, in the manner required from the said Corporation and prescribed by the Fifteenth Section of the said Act passed in the Ninth year of Her Majesty's Reign, intituled, *An Act for Lighting the City of Quebec with Gas*.

XXXIV. And be it enacted, That nothing hereinbefore contained shall in any manner affect or impair the covenants or agreements contained in the aforesaid Act, deed or instrument of assignment mentioned and referred to in the preamble of this Act, which said covenants and agreements shall be observed, performed, fulfilled and kept by the said Mayor and Councillors of the City of Quebec and by the said Quebec Gas Company, hereby incorporated respectively, according to the true intent and meaning of the said Act, deed or instrument, except in so far as the same shall or may at any time or times be altered or modified by the mutual agreement of the said Mayor and Councillors of the City of Quebec and the said Quebec Gas Company respectively; any thing herein contained to the contrary notwithstanding.

XXXV. 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 District of Quebec for any period not exceeding one month, unless the said penalty and costs be sooner paid.

XXXVI. And be it enacted, That the penalties by this Act imposed, and not otherwise disposed of, shall be recovered in the name of the Mayor and Councillors of the City of Quebec, and for the use of the Corporation, and shall belong to and form part of the General Funds of the said City, and in no other name and for no other use: And it shall be lawful for the Council of the said City to remit any such fine or penalty, or to accept payment of any such fine or penalty, from any party, without prosecution; and all fines and penalties that may be so paid without prosecution shall form part of the General Funds of the said City.

XXXVII. 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.

XXXVIII. 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, and shall, be judicially taken notice of without being specially pleaded or proved.

XXXIX. And be it enacted, That this Act shall be and remain in force for Fifty Years, and no longer.