

A.D 1886



CHAP. 27.

An Act to Incorporate the Vancouver Gas Company, and for other purposes.

[6th April, 1886.]

WHEREAS George Lawson Milne, physican; Alexander Alfred Preamble.

Green, banker; Dennis Reginald Harris, civil engineer; Henry Nathan, gentleman; Sam Brighthouse, farmer; Charles David Rand, real estate broker; George Alexander Keefer, civil engineer; and James Leonard Stamford, gas engineer, have, by their petition, prayed that a Company may be incorporated for the purpose of constructing, equipping, and maintaining gas-works, and supplying gas to consumers, at the terminus of the Canadian Pacific Railway, at Coal Harbour and English Bay, New Westminster District, and of doing all acts and things requisite or convenient for the purposes aforesaid;

And whereas, the said petitioners became incorporated on the eighth day of February, 1886, under the provisions of the "Companies Act, 1878," under the corporate name of "The Vancouver Gas Company, Limited Liability," by certificate of incorporation in the following terms:—

"CERTIFICATE OF INCORPORATION.

"*The 'Companies Act, 1878.'*

"We, the undersigned, hereby certify that we desire to form, under the provisions of the 'Companies Act, 1878,' a Company as hereinafter mentioned.

"1. The corporate name of the Company shall be 'The Vancouver Gas Company, Limited Liability.'

"2. The objects for which the Company shall be formed are the construction, equipment, and maintenance of gas-works, and the supplying of gas to consumers at the terminus of the Canadian Pacific Railway at Coal Harbour and English Bay, New Westminster District, and of doing all acts and things requisite or convenient for effecting the purposes aforesaid.

"3. The capital stock of the Company shall be one hundred thousand dollars (\$100,000), divided into five thousand (5,000) shares of twenty dollars (\$20) each.

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"4. The time of the existence of the Company shall be forty-nine years.

"5. The number of trustees shall be four, and their names are:—George Lawson Milne, Alexander Alfred Green, Charles David Rand, and Dennis Reginald Harris, who shall manage the affairs of the Company for the first three months.

"6. The principal place of business of the Company shall be at the terminus of the Canadian Pacific Railway at Coal Harbour and English Bay aforesaid.

"7. A stockholder shall not be individually liable for the debts or liabilities of the Company, but the liability of a stockholder shall be limited to his proportion (based upon the amount of his respective shares), to assessments legally levied, and charges thereon if advertised as delinquent during the time that he is a stockholder upon a share or shares of which he is the holder as shown by the Stockholders' Register Book of the Company; assessments and charges thereon when taken collectively, shall not exceed in the aggregate the value in dollars printed or shown upon each share when issued.

"Dated at Victoria this Eighth day of February, One thousand eight hundred and eighty-six.

"G. L. MILNE,

"A. A. GREEN,

"C. D. RAND,

"D. R. HARRIS."

"Witness,

"J. ROLAND HETT.

And whereas, it is expedient to grant the prayer of the said petitioners:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation
confirmed.

1. The incorporation of the said petitioners under the corporate name of "The Vancouver Gas Company, Limited Liability," is hereby established and confirmed.

Power to construct
gas-works.

2. The Company shall have power to design, construct, build, purchase, improve, equip, hold, and generally maintain, manage, and conduct gas-works, and all buildings, matters, machinery, and appliances therewith connected, or requisite, or convenient thereto, within the tract of land contained within the limits following, namely:—Commencing at the north-westerly corner of the Government Reserve at Hastings; thence southerly along the western boundary of said reserve to a point where it would be intersected by the southerly boundary of Lot 264A produced easterly; thence westerly along said produced line, and along said southerly boundary of said Lot 264A, extending westerly to Campbell street, the westerly boundary of the Government town plot at English Bay; thence northerly along the west line at Campbell street to English Bay; thence northerly across

False Creek and English Bay, and easterly through the First Narrows and Burrard Inlet to the point of commencement; and to manufacture and supply gas to consumers within the same limits.

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3. The Company shall have the right, liberty, and privilege of laying down, relaying, connecting, disconnecting, and repairing all gas pipes along, through, under, and over all the streets, roads, alleys, and thoroughfares within the said limits, that may be requisite or convenient for supplying gas, and of erecting, maintaining, repairing, and renovating lamp posts and lamps in and upon the said streets, roads, alleys, and thoroughfares during the same period; and during the period of five years from the passing of this Act, the rights, liberties, and privileges mentioned in this section shall be exclusively enjoyed by the Company. Privileges.

4. The Company shall, within eighteen months from the passage of this Act (unavoidable casualties of the sea and fire not preventing), commence to establish gas-works and buildings adequate to the supply of gas within the limits aforesaid, and within the same period shall proceed with due diligence to lay the requisite length of mains, of an adequate diameter, and supply therefrom to all persons as hereinafter mentioned an adequate amount of gas, of good quality, at the house, shop, establishment, or residence of the person requiring the same. And the Company shall within the period of two years from the passing of this Act, expend upon the construction of the said gas-works and the laying of mains as aforesaid, not less than the sum of twenty-five thousand dollars. Time for establishment of works.

5. The Company shall in no case charge more for the gas they supply than four dollars per thousand cubic feet of gas, and shall supply as much gas as may be required for lighting the streets within the limits aforesaid, within fifty feet of any main laid by the Company, at a price not exceeding four dollars per thousand cubic feet. Price of gas.

6. The Company shall, subject to the provisions hereinafter contained, at their own expense, introduce into and through the walls or inclosures of the house, shop, establishment, or residence of any person requiring the same, a proper service pipe, with stop-cock, and furnish a gas meter, if required, for accurately measuring the supply of gas to the person requiring the same, at a fair market price, not exceeding the sum of fifteen dollars; and shall, during the period of the exclusive privilege hereby granted, keep such service pipe and gas meter in proper order and repair: Provided that it shall not be compulsory on the Company to furnish or introduce the same as aforesaid into any shop, house, establishment, or residence, at a distance of more than fifty feet from their mains. Service pipes and meters.

7. Provided that any person desiring a supply of gas may, if the place wherein such gas is required be distant more than fifty (50) feet Ditto.

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from any main, require the Company to supply such service pipe, stop-cock, and meter for the price above mentioned, in addition to a sum not exceeding one dollar a foot on each foot of the distance over and above the said fifty (50) feet.

Opening of streets
and laying pipes.

8. The Company may, subject to the control of the Chief Commissioner of Lands and Works of the Province, or of the proper authority for the time being, having management of the streets and bridges within the limits specified in the second section hereof, open and break up the soil and pavement, and any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, pipes, conduits, service pipes, and other works, and from time to time repair, alter and remove the same; and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid may remove and raise all earth and materials in and under such streets and bridges; and they may, in such streets, erect any pillars, lamps, and other works, and do all other acts which the Company shall from time to time deem necessary for supplying gas to the inhabitants within the limits specified in the second section hereof, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Consent of private
owners.

9. Nothing herein contained shall authorize or empower the Company to lay down or place any pipe or other works into, through, or against any building, or any land not dedicated to public use, without the consent of the owners or occupiers thereof, except that the consent of the occupier or tenant under a term of not less than one year, and of the immediate landlord of such tenant, shall be sufficient authority to the Company, and upon obtaining such consent, the Company is hereby empowered to lay down or place any pipe, or other works, into or through, or against any building, or in any such land occupied or owned by such tenant or landlord, notwithstanding that the consent of other persons interested in the premises has not been obtained.

Notice to Chief
Commissioner.

10. Before the Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Chief Commissioner of Lands and Works, or other authority under whose control or management the same may be, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency, arising from defects in any of the pipes or other works, and then as soon as possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets opened up to
be reinstated.

11. When the Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall, with

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all convenient speed, complete the work for which the same shall be broken up, and shall fill in the ground, reinstate and make good the road, or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained, against or near such road or pavement where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

12. The Company may, from time to time, enter into any contract with any person or corporation for lighting or supplying with gas any public or private building, or the streets within the said limits, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof, and the Company may, save as hereinbefore mentioned, let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings within any building for gas, for such remuneration in money as shall be agreed upon between the Company and any person or corporation to whom the same may be let.

Contracts for
lighting.

13. The clerk, engineer, or other officer duly appointed for the purpose by the Company, may, at all reasonable times, enter any building or place lighted with gas supplied by the Company, in order to inspect the meter, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied, provided that the Company shall publicly exhibit and keep exhibited in their office the names of all persons appointed to enter and inspect as aforesaid.

Inspection of
meters.

14. If any person supplied with gas by virtue of this Act neglects to pay the rent due for the same to the Company, the Company may stop the gas from entering the premises of such person, by cutting off the service-pipe, or by such means as the Company shall think fit, and recover the rent due from such person, together with the expense of cutting off the gas, and the cost of recovering the rent; and in such cases, the Company, their agents, or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the Company, but without prejudice to the rights of any person whose property is damaged by removal aforesaid.

Recovery of gas
rent.

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Bond to the
Government.

15. Within thirty days from the passing of this Act the Company shall deposit with the Government of British Columbia a bond to the satisfaction of that Government in the sum of \$4,000, to secure the due performance of the provisions of the fourth section of this Act. In the event of the Company failing to comply with any of the provisions of this Act, the privileges hereby conferred shall cease and determine.

Chinese restriction.

16. This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about, or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace or functionary having the power of two Justices of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars or less than ten dollars for every Chinese employed; and in default of immediate payment of the penalty the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors, or sub-contractors, contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable, upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese employed; and in case of default in immediate payment of such last mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

Ditto.

17. The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

Ditto.

18. The term "Chinese" wherever used in this Act, shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Ditto.

19. Upon any prosecution under sections 16 and 17 of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act, is a Chinese, shall be prima facie evidence that

such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

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20. No conviction or warrant for enforcing the same or any other Chinese restriction. process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process, or proceeding, that the same was made for an offence against some provision of this Act, and provided there is evidence to prove such an offence, and that it can be understood from such conviction, warrant, or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way of certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus, or by way of certiorari or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

21. This Act may be cited as the “Vancouver Gas Company Act, Short title. 1886.”