'60

AN ACT

To Incorporate the "Victoria Gas Company."

WHEREAS, an Association, under the name of the "Victoria Gas Company," has been formed for the purpose of furnishing Gas for the use and consumption of the Town and Inhabitants of Victoria, Vancouver Island; and, whereas, the Members of the said Association have formed themselves into a Joint Stock Company, with limited liability, under the provisions of the Vancouver Island Joint Stock Companies Act, 1860; and, whereas, it is expedient to confer upon the said Company the powers and privileges hereinafter contained;

Be it therefore enacted by the Governor, on behalf of Her Majesty, by and with the consent and advice of the Legislative Council and Assembly of the Colony of Vancouver Island and its Dependencies, as follows:

I. That the Buildings and Erections necessary and proper for the manufacture of Gas by the Company, shall be erected and built on the Lot marked 1548, on the official plan of the Town of Victoria.

II. The said Company, subject to the provisions hereinafter contained, shall have the exclusive right, liberty and privilege of selling Gas in the Town of Victoria, and laying down, relaying and connecting, disconnecting and repairing, all pipes, along, through, under and over the streets, alleys, grounds and thoroughfares, of the said Town, that may be necessary for supplying Gas to the consumers thereof, for the term of five years from the final passage of this Act.

III. The Company shall, within one year from the passage of this Act, unavoidable casualties of the sea and fire not preventing, establish Gas Works and Buildings adequate to the supply of the Town of Victoria, and lay not less than five thousand feet 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.

IV. The Company shall in no case charge more for the gas they supply than one pound ten shillings per thousand cubic feet of gas, and shall supply as much gas as may be required for lighting the streets of Victoria, within fifty feet of any main laid by the Company, at a price not exceeding £1 5s. 0d. per thousand cubic feet.

V. The Company shall, subject to the provisions hereinafter contained, at their own expense, introduce into and through the walls or enclosure 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 five pounds ten shillings, 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 any of their mains.

VI. Provided that any person desiring a supply of gas, may, if the place wherein such gas is required be distant more than (50) fifty feet 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 eight shillings and four pence a foot on each foot of the distance over and above the said (50) fifty feet.

VII. The Company may, under the superintendance and subject to the control of the Surveyor General of the Colony, or of the proper officer having the management of the streets and bridges within the Town of Victoria aforesaid; 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 same limits, pipes, conduits, service-pipes and other works, and from time to time repair, alter or 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 of the said Town, 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.

VIII. 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.

IX. Before the Company proceed to open or break up any street, bridge, sewer, drain or tunnel, they shall give to the Surveyor General, or other person 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, excepting in cases of emergency, arising from defects in any of the pipes or other works, and then as soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

X. 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 all convenient speed, complete the work for which the same shall be broken up, and shall fill in the ground, and reinstate and make good the road, or pavement, or the sewer, drain or tunnel, so opened or broken up, and carry 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 properly 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.

XI. 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 of the said Town, 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 so let.

XII. 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.

XIII. 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.

XIV. This Act may be quoted as the "Victoria Gas Company's Act, 1860."

Read a third time, and passed the House of Assembly, 29th November, 1860.

Passed with amendments, 10th December, 1860.

As amended, passed the Council, 12th December, 1860.

Received my assent, this 19th day of December, A. D. 1860.

JAMES DOUGLAS.