

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 9 (Session 1)

An Act to Incorporate a Company under the style and title of the City of Toronto Gas Light Company. Passed 20th April, 1836.

Whereas William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis, John Craig, and others of the City of Toronto, have petitioned the Legislature praying that an Association under the style and title of “The City of Toronto Gas Light Company” may be incorporated, the better to enable such Institution to conduct and extend the business of manufacturing Gas, and Lighting the said City of Toronto therewith: And whereas, it hath been considered that it would in many respects be greatly advantageous if such Corporation were established: Be it therefore enacted by the King’s Most Excellent Majesty, by an with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’*” and by the authority of the same, That the said William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis, and John Craig, and all such persons as hereafter shall become Stockholders of the said Company, shall be and hereby are ordained, constituted, and declared to be a body Corporate and Politic, in law, in fact, and in name by the style and title of “The City of Toronto Gas Light Company,” and by that name and style and title they and their successors shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by and under the name, style, and title of “The City of Toronto Gas Light Company,” shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

II. And be it further enacted by the authority aforesaid, That a share in the stock of the said Corporation shall be ten pounds of lawful money of Upper Canada, or the equivalent thereof

in specie, and the number of shares shall not exceed two thousand, and that books of subscription shall be opened within one month after the passing of this Act.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful as soon as one thousand out of the two thousand shares shall have been taken up, or ten thousand pounds out of the aforesaid capital stock of twenty thousand pounds shall have been subscribed for, the shareholders or subscribers to proceed to the election of twelve Directors, at such time and place in the said City of Toronto as the majority of such subscribers shall appoint, giving one months notice thereof in two or more of the public newspapers in the said City of Toronto, which said Directors shall be subjects of His Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of ten shares, and shall have power to choose from among themselves a President.

IV. And be it further enacted by the authority aforesaid, That no person shall be eligible to be elected or to be allowed to continue in the office of Director, unless he shall be a resident in the said City of Toronto, a subject of His Majesty, and hold in his own name and right at the least ten shares in the capital stock of the said Corporation; and in the case of the death, resignation, or removal from the said City of Toronto of any of the said Directors, the vacancy or vacancies shall be filled up for the remainder of the year in which they may happen by the election of some one or more (if necessary) of the Stockholders by the remaining Directors.

V. And be it further enacted by the authority aforesaid, That in case it shall so happen that an election of Directors shall not be made on the day, when pursuant to this Act it ought to have been made, the said Corporation shall not therefor be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

VI. And be it further enacted by the authority aforesaid, That the Directors so chosen shall serve until the first Monday in the month of May, one thousand eight hundred and thirty-seven, and shall immediately after their said election commence the business and operation of the said Corporation; and that of the said twelve Directors six shall go out of office yearly, and six from and among the Stockholders shall be elected in their stead by the Stockholders at their annual meeting, hereinafter appointed to be held in the said City of Toronto, on the first Monday in the month of May in each year; and the six Directors who shall go out of office shall be those who had the fewest votes at the time of their election: Provided always, that nothing in this clause contained shall prevent the re-election of the said Directors so going out of office as aforesaid.

VII. And be it further enacted by the authority aforesaid, That Stockholders may vote by proxy or in person, and all elections shall be by ballot; and each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she (after the first election) shall have held in his or her name, at least one month prior to the time of voting, according to the following ratio—One vote for one share; two votes for four shares; three

votes for six shares; four votes for eight shares; five votes for ten shares; six votes for fifteen shares; seven votes for twenty shares; eight votes for thirty shares; nine votes for forty shares; and ten votes for fifty shares.

VIII. And be it further enacted by the authority aforesaid, That five of the said Directors shall form a quorum competent to transact all the business of the said Corporation, who at their weekly Board assembled shall and may have power to appoint Clerks and such other persons as may to them appear necessary for the carrying on the business of the said Corporation, with such salaries and allowances to each as shall seem meet and advisable; and also shall and may have power to make, prescribe, and alter such by-laws, rules, regulations, and ordinances as shall appear to them proper and needful touching the well ordering of the said Corporation, the management and disposition of its stock, property, estate, and effects; and also shall and may have power to declare yearly or half yearly dividends out of the profits of the said business, as they may deem expedient: Provided always, that such by-laws, rules, regulations, and ordinances shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the laws of this Province.

IX. And be it further enacted by the authority aforesaid, That there shall be holden a weekly Board of Directors, and also an annual meeting of the Stockholders of the said Corporation, to be holden on the first Monday in May in each year, at some place to be appointed by the said Directors within the said City of Toronto; and before the Stockholders so assembled the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Corporation, of the funds, property, and debts due to and from the said Company, which said statement shall be certified by the President, under his hand and seal.

X. And be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons, bodies politic or corporate to subscribe for such and so many shares as he, she, or they may think fit, not however exceeding fifty shares; and that at the time of subscribing, each subscriber shall pay to the person or persons who shall have the charge of the subscription books, two and one-half per cent upon each share subscribed for to the use of the said Company, and the remainder shall be paid in such instalments as the said Directors or the majority of them shall think fit: Provided always, that no instalment shall exceed ten per centum upon the capital stock, nor be called in nor become payable in less than thirty days after public notice shall have been given in two or more public newspapers in the said City of Toronto; and if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by them, him, or her at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, together with the amount previously paid thereon; and the said share or shares so forfeited it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the amount previously paid thereon, shall be accounted for and divided in like manner as the other monies of this Corporation.

XI. And be it further enacted by the authority aforesaid, That the stock of the said Corporation shall be assignable and transferable, according to such rules and subject to such restrictions and regulations as the Board of Directors shall from time to time make and establish, and shall be considered as personal property: Provided always, that such transfer be entered or registered in a book or books, to be kept for that purpose by the said Company, and that no such transfer shall be made by any Stockholder of the said Company until twelve and a half per centum upon the original stock be paid in.

XII. And be it further enacted by the authority aforesaid, That the lands, tenements, and hereditaments which it shall be lawful for the said Corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, and further the said Corporation shall not directly or indirectly deal or trade in the buying or selling any goods, wares, and merchandize or commodities whatsoever, except such articles as are requisite for the manufacturing and supplying of Gas, or the products arising from the manufacture thereof, or in any Banking operation.

XIII. And be it further enacted by the authority aforesaid, That no transferred share shall entitle the person to whom it is transferred to a vote until the expiration of one month after such transfer.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Corporation to break up, dig and trench so much and so many of the streets of the said City of Toronto, commencing at the works of the said Corporation, and running throughout the said City of Toronto as will be necessary for laying the pipes or mains to conduct the Gas from the works of the said Corporation to the consumer thereof: Provided always, that the said Company shall within a reasonable time replace, relay, and make good such parts of the said streets as shall be so broken up and made use of for the purposes of the said Corporation.

XV. And be it further enacted by the authority aforesaid, 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 this Corporation, or in any way surreptitiously obtain the Gas without the consent of the Board of Directors, or their officer appointed to grant such consent, he or they shall forfeit or pay to the said Corporation the sum of twenty-five pounds, and also the further sum of five pounds for every day such pipe shall so remain; which said sum, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time not exceeding one month, at the discretion of the Court before which such offender shall be convicted.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously break up, pull down, damage or destroy any pipes, mains, works, or device to be erected or laid down or belonging to the said Company, or improperly increase the supply of Gas agreed for with the said Corporation, by increasing the number or size of

the holes in the burner, or using without burners, or otherwise wrongfully, negligently, or wastefully burning the same, every such person or persons shall be deemed guilty of a misdemeanor.

XXVII. And be it further enacted by the authority aforesaid, That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

XVIII. And be it further enacted by the authority aforesaid, That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter, or amend this Act.

XIX. And be it further enacted by the authority aforesaid, That it shall be the duty of the said Company to make a return, under the oath of the President of the said Corporation, to the Provincial Parliament once in each year, which return shall contain a full and true account of the funds and property of the said Corporation, the amount of capital subscribed and paid in, and the amount of the sums due to and owing by the said Corporation.

XX. And be it further enacted by the authority aforesaid, That the present Act of Incorporation shall in no wise be forfeited for non-user at any time before the first day of April, one thousand eight hundred and thirty-eight.