

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 65

An Act to Incorporate a Company under the style and title of “The City of Toronto Gas Light and Water Company.” 18th September, 1841.

Whereas the Lighting of the Streets and Public Places of the City of Toronto, with Gas, and supplying the said City with good and wholesome water, would be of great public advantage; and whereas the “City of Toronto” under their Common Seal, and divers Inhabitants of the said City of Toronto, as well as Joseph Masson, Albert Furniss, and John Strang, have by their Petitions prayed that the said Joseph Masson, Albert Furniss and John Strang, and others who may become associated with them in the undertaking, may be incorporated under the style and title of “The City of Toronto Gas Light and Water Company,” the better to enable such Institution to conduct and extend the business of manufacturing Gas and Lighting the said City of Toronto with Gas, and of supplying the same with Water; 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 Joseph Masson, Albert Furniss, and John Strang, and all such persons as shall hereafter become Stockholders of the said Company, shall be and are hereby 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 and Water Company,” and by that name and style their assigns or successors shall and may have continued succession, and shall and may 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 assigns or successors may have a Common Seal, and may change and alter the same at pleasure, and shall and may have the power to purchase lands, tenements and hereditaments for them and their assigns and successors, for the use of the said Gas and Water Works, and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, may give, grant, sell, bargain or convey to the said Company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may repurchase from the said Company: Provided always, that the said lands, tenements and hereditaments to be holden by the said Corporation, shall be held for the purposes and business of the said Gas Light and Water Company, in constructing their necessary works, and for no other purposes whatsoever, and shall not exceed at any time the yearly value of one thousand pounds, currency.

II. And be it enacted, that the said Company of Proprietors may raise and contribute among themselves, such sum as shall not exceed the sum of forty thousand pounds, currency, in four hundred Shares of one hundred pounds, currency, each; and the money so raised shall be

appropriated to the purpose of constructing, completing and maintaining the said Gas and Water Works, and to the purposes of this Act, and to no other object or purpose whatever.

III. And be it enacted, that within one month after the passing of this Act, the first General Meeting of the Proprietors for carrying this Act into effect, shall be held at such place as the majority of such Proprietors shall appoint, to choose nine persons, being each a proprietor of ten or more shares in the said undertaking, as Directors, of whom any three or more shall be a Committee for managing the affairs of the Company; and in the event of there not being nine Proprietors or Shareholders in the Company, then, and in that case the number of Directors shall be limited to the number of Proprietors or Shareholders, the qualification of each Director nevertheless being the ownership of at least ten shares as aforesaid, held in his own name and right.

IV. And be it enacted, that the Directors so chosen shall serve until the first Monday in the month of May, one thousand eight hundred and forty two, and shall, immediately after their election, at their first meeting, choose out of their number a President and Vice President, who shall hold their offices, respectively, during the same period for which the said Directors shall have been elected, as aforesaid, and shall thereupon commence the business and operations of the said Corporation; and general meetings of the Proprietors or Shareholders shall be held annually for the purpose of electing Directors, as aforesaid, on the first Monday in the month of May in each year, at which meetings the Directors of the then passed year, shall exhibit a full and unreserved statement of the affairs of the Corporation, and 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; and in the event of there being no meeting of Shareholders or Proprietors in consequence of the said Shareholders or Proprietors neglecting to attend, in conformity with the requirements of this Act, 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 meeting of the said Shareholders or Proprietors; and such Directors subsequently elected, or remaining in office, shall, at their first meeting after such election, or the period named in this Act for holding such annual meeting, choose out of their number a President and Vice President, who shall hold their offices, respectively, for the then ensuing twelve months, or until such subsequent election at a future meeting of the said Shareholders or Proprietors, as the case may be; and it shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province, or removal of the persons so chosen to be President or Vice President, or Director, or either of them, to choose in their or his stead from among them, the said Directors, another person or persons to be President or Vice President, or from amongst the other Shareholders or Proprietors, another person or persons to be Director or Directors, respectively, to continue in office until the next annual meeting, as aforesaid.

V. And be it enacted, that Stockholders or Proprietors may vote by proxy or in person, and all elections shall be by ballot; and each Stockholder or Proprietor shall have one vote for every five Shares held by such Stockholder or Proprietor.

VI. And be it enacted, that the Directors or the Committee thereof, shall and may have the power to appoint Clerks and such other persons as may appear to them necessary for 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 the power to make and 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 the 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 the Province.

VII. And be it enacted, that the Stock of the said Company 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 also, that such transfer be entered and registered in a Book or Books, kept for that purpose for the said Company.

VIII. And be it enacted, that it shall and may be lawful to and for the said Corporation after three days notice in writing to the Chamberlain of the said 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, commencing at the Works of the said Corporation, and running throughout the said City of Toronto, as will be necessary for laying the mains and pipes to conduct the Gas and Water from the Works of the said Corporation to the consumers thereof, 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 work is in progress, and making such openings in such parts of the said streets, squares, and public places, as the City Inspector, under the direction of the Common Council of the said City, shall reasonably permit and require; also placing guards or fences, with lamps, and providing watchmen during the night, and taking all other 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, in as good a 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 Corporation shall be subject to pay a fine of five pounds, currency, for every day such neglect shall continue, to be recovered by information in Her Majesty's Court of Queen's Bench on behalf of Her Majesty, Her Heirs and Successors, for the public uses of the Province, over and above such damages as may be recovered against the said Corporation in any civil action.

IX. And be it further enacted, that in case the said Corporation 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 any 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 Inspector, under the direction of the Common Council of the said City, shall cause the duty so neglected to be forthwith performed,

and the expense thereof, shall be defrayed by the said Corporation, on demand of the City Inspector, from the Cashier, or Treasurer, or any Director of the said Corporation, or in default of such payment the amount of the said claim shall and may be recovered from the said Corporation at the suit of the Mayor, Aldermen, and Commonalty of the said City in an action of debt in any Court of competent jurisdiction.

X. And be it enacted, that the said Corporation shall be held and obliged to make, erect, construct, repair, and keep in good order, at their own charges and expense, in such parts of the City of Toronto as may be fixed upon by the Common Council thereof, such number of good and sufficient fire plugs, not exceeding twenty, as may by the said Common Council be found necessary for the purposes of supplying fire engines, and of giving such other assistance as may be useful and necessary for extinguishing fires and preventing the communication thereof: Provided always, that the said Corporation shall not be compelled to make, erect or construct any fire plugs, as aforementioned, in any part of the City of Toronto, where they have not made or constructed pipes for conveying water.

XI. 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 this Corporation, or in any way obtain or use the Gas or Water 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 a further sum of one pound for each day such pipe shall so remain, which said sum, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having jurisdiction competent to the same.

XII. 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 main, pipes, engine, water-house, pipe, plug, or other work, 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 anywise 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 who shall bathe, or wash or cleanse any cloth, wool, leather, skins, animals, or any noisome, or offensive thing, or cast, throw or put any filth, dirt, or any noisome or offensive thing, or cause permit or suffer the water of any sink, sewer, or drain to run, or be conveyed into, or cause any other annoyance to be done to the water within any reservoirs, cisterns, ponds, sources, or fountains, from which the water to supply the said City is to be conveyed, or shall increase the supply of Gas or Water, agreed for with the said Corporation by increasing the number or size of the holes in the Gas burners, or using the Gas without burners or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the water; 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 five 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 may seem meet.

XIII. 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 Water or Gas to his or to their own premises, or to prevent the Legislature of this Province at any time hereafter, altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Corporation.

XIV. 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 in Her Majesty's Courts in this Province.

XV. And be it enacted, that the penalties by this Act imposed, appertaining to Her Majesty, Her Heirs, and Successors, shall be reserved for the public uses of the Province, and for the support of the Government thereof; and the due application of the same shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

XVI. And be it enacted, that nothing herein contained shall affect, or be construed to affect, in any manner or way whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

XVII. And be it enacted, that the Gas Works hereinbefore mentioned, shall be in full operation within one year, and the Water Works be in operation within two years from the passing of this Act, in default thereof, the privileges and advantages granted by this Act to the said Company shall cease and be of no effect.

XVIII. And be it enacted, that this Act shall be and remain in force for fifty years, and no longer.