

The Provincial Statutes of Canada, passed in the year 1842. Kingston: Stewart Derbishire & George Desbarats, 1842.

6 Victoria – Chapter 23

An Act to Incorporate a Company under the style and title of “The Quebec Gas-Light and Water Company.” 12th October, 1842.

Whereas the Lighting of the Streets and public Places of the City of Quebec with Gas, and supplying the said City with good and wholesome Water, would be of great public advantage; and whereas James Gibb, John Munn, James Dean, and John Jones the younger, have by their Petition prayed that they the said James Gibb, John Munn, James Dean, and John Jones the younger, and others who may become associated with them in their undertaking, may be incorporated under the style and title of the “Quebec Gas-Light and Water Company,” the better to enable them to conduct and extend the business of manufacturing Gas and Lighting the said City of Quebec 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 James Gibb, John Munn, James Dean, and John Jones the younger, and all such persons as shall hereafter become Stockholders of the Company hereby established, 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 Quebec Gas-Light and Water Company,” and by that name and style they and 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 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, body or 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 in yearly value the sum 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 sixty thousand pounds currency, in two thousand four hundred Shares of twenty-five 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-three, 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 past 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 their 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 among 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 a majority 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 Bye-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 Bye-laws, rules, regulations and ordinances, shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers thereby 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 by 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 Mayor of the said City of Quebec, to break up, dig and trench so much and so many of the Streets, Squares and Public Places of the said City of Quebec, commencing at the Works of the said Corporation, and running throughout the said City of Quebec, 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 works are in progress, and making such openings in such parts of the said Streets, Squares, and Public Places, as the City Surveyor 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 King'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 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 Corporation 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 water or 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 Corporation doing

as little damage as may be, in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, or to the public, 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 said Corporation 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.

X. And be it 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 Surveyor under the direction of the Common Council of the said City, shall cause the duty so neglected to be forthwith performed, and the expenses thereof shall be defrayed by the Corporation hereby established, on its being demanded by the City Surveyor, 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 Citizens of the said City of Quebec, in an action of debt in any Court of competent Jurisdiction.

XI. 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 Quebec, 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 Quebec, where they have not made or constructed Pipes for conveying water.

XII. And be it enacted, that the said Corporation shall so construct and locate their Gas Works and Water Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Corporation shall with regard to the construction of such part of their said Gas Works and Water Works as shall lie within the City of Quebec, or in the Rivers St. Lawrence or St. Charles, in front of the said City, be subject to and bound by all By-Laws of the Municipal Authorities of the said City, made, or to be made for ensuring the public health, safety and convenience of the Inhabitants thereof, and the said Gas Works and Water Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moreover be at all times subject to the visit and inspection of the Municipal Authorities thereof, or their deputies or officers, and the Corporation hereby constituted, 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, for the purpose of ensuring the execution of the provisions of this section, under a penalty of not more than five

pounds nor less than fifty shillings, for each offence, in refusing or neglecting to obey the same, to be recovered from the Corporation hereby constituted, at the suit and for the use of the Mayor, Aldermen and Citizens of the City of Quebec, in any Court of competent Jurisdiction: Provided always that nothing in this Act contained shall prevent the Corporation hereby constituted, their officers, servants or workmen, from being prosecuted for public or private nuisance arising from the Gas Works or Water Works, or any apparatus or appurtenances thereof, wheresoever situated or from any neglect or want of skill on the part of the persons employed by the said Corporation, or to prevent the effect of any sentence or judgment lawfully rendered upon any such prosecution.

XIII. 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 Corporation, or in any way obtain or use its 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 Civil Jurisdiction to the amount.

XIV. 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-Pipe, Engine, Water-house, Pipe, Plug 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 Corporation, 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 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 or 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 five pounds currency, or to be confined in the Common Goal of the District for a space of time not exceeding three months as to such Court may seem meet.

XV. 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 from altering, modifying, or repealing the powers, privileges or authorities hereinbefore granted to the said Corporation.

XVI. 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.

XVII. 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.

XVIII. 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.

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

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