

*Laws of Her Majesty's Province of United Canada*, passed in the year 1847. Montreal:  
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 79

**An Act to incorporate The New City Gas Company of Montreal. 28th July, 1847.**

Whereas the great and increasing extent of the City of Montreal, and the great demand for a cheap and effective mode of lighting the Public Squares, Streets and Places and the said City, as well as the Shops and private Dwellings therein, render it desirable that more than one Company should be established for the purpose of furnishing Gas for the lighting of the said City; And whereas the several persons hereinafter named, have by their petition prayed that they and such others as may be hereafter associated with them in their undertaking, may be incorporated under the style and title hereinafter also mentioned, for the purpose of supplying the said City with Gas in greater quantity, of better quality, and at a cheaper rate, than the same hath heretofore been supplied; And whereas the Mayor, Aldermen and Citizens of the City of Montreal, have signified their assent to the establishment of the said Company, and to their having the powers hereinafter given them with regard to the opening of the streets and other matters connected with the establishment, locality and construction of these works; And whereas a considerable proportion of the shares of stock of the said Company hath been already subscribed for, and at a General Meeting of the holders of such stock, held on the eighth day of the month of May, in the present year, pursuant to public notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company for one year from the date of such election: namely, John Mathewson, William Lunn, James Ferrier, David Kinnear, Dugald Stewart, Alexander Urquhart, Archibald McFarlane, Thomas Molson, Joseph Savage, James Scott, George D. Watson, Henry Mulholland, and Canfield Dorwin; and at a subsequent meeting of the Directors above mentioned, they did from among their own number elect the said John Mathewson to be President, and the said William Lunn to be Vice-President of the said Company; and the said Petitioners desire that the above named Directors, President and Vice-President should continue in office and be confirmed as such Directors, President and Vice-President, until others shall be elected in their stead under the provisions hereinafter made; And whereas it is expedient to grant the prayer of the said Petitioners: 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 John Mathewson, Thomas Molson, William Lunn, James Ferrier, David Kinnear, Joseph Savage, George D. Watson, William Molson, William Parkyn, Johnston Thompson, Andrew Dow, George McDonald, Miles Williams, Carter, Robinson and Company, John Armour, James Scott, Archibald Macfarlane, Canfield Dorwiti, Dugald Stewart, Alexander Simpson, Thomas Kay, David Torrance, Thomas H. Bryson, John Eadie, William Murray, Robert Campbell, Alexander Urquhart, and Henry Mulholland, or such of them, and such other persons as now are, or shall hereafter become Shareholders in the Company hereby established, shall be, and are hereby ordained and constituted a body politic and corporate, by the name of

The New City Gas Company of Montreal, and by that name they and their successors being such Shareholders, shall and may have perpetual succession and a common seal, with full power to make, change, break or alter the same at pleasure; and shall and may by the same name, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and shall and may have full power to purchase, take and hold personal property, and lands, tenements and other real property for the purposes of the said Company, and for the erection, construction and convenient use of the Gas Works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead, for the purposes and uses aforesaid; and that 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 re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the said Company, shall be so holden for the purposes and business of the said Company, as set forth in this Act, and for constructing their necessary works for and about the same, and for no other purposes whatsoever; and that the total yearly value of the lands and real property to be so holden at any one time, shall not (over and above the value of the works thereon erected) exceed one thousand pounds currency.

II. And be it enacted, That the said Company may raise and contribute among themselves, such sum as shall not exceed the sum of twenty-five thousand pounds currency, in shares of ten pounds currency each; and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining their said Gas Works, and to the purposes of this Act, and to no other object or purpose whatever: Provided always, that if the said sum of twenty-five thousand pounds currency should be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their Capital Stock by a further sum not exceeding twenty-five thousand pounds currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of ten pounds currency each: Provided also, that in the event of difficulty arising in procuring subscribers for such increase of capital, it shall be lawful for the President and Directors, for the time then being, of the said Company, to borrow a sum or sums of money, for the purposes aforesaid, not exceeding the sum of fifteen thousand pounds currency, and to pledge and hypothecate the property and income of the said Company for the re-payment of the sum so borrowed and the interest thereon.

III. And be it enacted, That the President, Vice-President, and Directors hereinbefore named, shall continue in office until the first Monday in March, in the year of our Lord one thousand eight hundred and forty-nine, or until the then next General Election, if no Election be had on that day, unless they shall sooner resign, be removed, or become disqualified under the provisions of this Act.

IV. And be it enacted, That the first General Meeting of the subscribers to the Stock of the said Company, shall be held on the first Monday in March, in the year of our Lord one thousand eight hundred and forty-nine, and a General Meeting on the first Monday in March in each year thereafter, and at such place and hour as shall be appointed by the By-laws of the Company then in force, to choose by ballot and by a majority of votes, thirteen persons being each a proprietor of

not less than ten shares in the Stock of the said Company, as Directors for managing the affairs of the said Company; which thirteen Directors shall continue in office until the next General Election of Directors.

V. And be it enacted, That any five of the said Directors shall form a *quorum* for the transaction of business, and any majority of such *quorum*, assembled according to the provisions of this Act and the By-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence the Vice-President, or in the absence of both, a Chairman chosen by the Directors present, *pro tempore*, shall preside at the meetings of the Directors; Provided always, that no person being a shareholder in any other Gas Company formed for the purpose of furnishing Gas to the said City shall be a Director of the Company hereby established.

VI. And be it enacted, That at the General Meetings of the Shareholders to be held annually, for the purpose of electing Directors as aforesaid, on the first Monday in the month of March in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President or Vice-President, under his hand and seal: Provided always, that and in the event of there being no election of Directors on the first Monday in March in any year, in consequence of the said shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, 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 Special Meeting of the said shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

VII. And be it enacted, That the Directors elected as aforesaid, shall at their first meeting after such election, choose out of their number a President and Vice-President, who shall hold their offices, respectively, until the then next election of Directors: and it shall be lawful for the said Directors from time to time in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office,) or the removal of any persons so chosen to be President or Vice-President, or Director, or either of them, to choose in their or his stead, from among the said Directors another person or persons to be President or Vice-President, or from amongst the other shareholders another person or persons to be Director or Directors, respectively, to continue in office until the next annual election as aforesaid: Provided always, that the Directors shall always vote *per capita*, and not according to the number of shares they hold; and the President or person presiding at any meeting of the Directors or of the Shareholders shall have a casting vote only.

VIII. And be it enacted, That the Directors, shall and may have the power to appoint a manager, clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable, — and also shall and may have the power to make and repeal or alter such By-laws to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well-ordering of the said Company, the management and disposition of

its stock, property, estate and effects, the calling of special meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company and the conduct of the affairs thereof, — and also shall and may have the power to make calls for instalments on shares, subject to the provisions hereinafter made, and to declare such yearly or half-yearly dividends out of the profits of the said undertaking as they may deem expedient, and to make contracts, or by such By-laws to empower the President, Vice-President, or any Director or Officer to make contracts, on behalf of the Company, and to affix (if need be) the common seal of the Company to such contracts, — and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided: Provided always, that such By-laws 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, and shall, before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same: And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors, or in their default, on being thereunto requested by at least twenty of the Stockholders being proprietors together of not less than five hundred shares of the Stock of the said Company, then by such twenty (or more, as the case may be) Stockholders; the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public newspapers of the City of Montreal, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

IX. And be it enacted, That Shareholders may vote by proxy duly appointed in writing or in person, and all elections shall be by ballot; and all questions to be decided at any Annual or Special Meeting of the Shareholders shall be so decided by a majority of votes; and on every occasion when the votes of the Shareholders are to be given, each Shareholder shall, if he hold one share and not exceeding two shares, have one vote; for every two shares above two and not exceeding ten, one vote — making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote — making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote — making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote — making twenty votes for one hundred shares; and no Shareholder shall be entitled to give a greater number of votes than twenty, and no Stockholder shall be allowed to hold more than five hundred shares.

X. And be it enacted, That all subscriptions for shares in the capital stock of the said Company or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid and binding on the shareholder whether made before or after the passing of this Act, and the several persons who have subscribed, or who may hereafter subscribe for shares in the said undertaking or Company, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed or required by the Directors, and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of Law in this Province having jurisdiction in civil cases to

the amount; and in any such action, whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount: and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some book or paper by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking, be proved by one witness whether in the employment of the Company or not, and that the number of calls in arrear have been made, and the suit may be brought in the corporate name of the Company.

XI. And be it enacted, That no one instalment to be paid on account of the shares in the stock, of the said Company shall exceed two pounds ten shillings currency on each share, and, notice thereof shall be given by advertisement in the newspapers, during at least three weeks before such instalment shall be called for: Provided always, that no instalment shall be called for except after the lapse of one calendar month from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in, as aforesaid, at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten, nor less than five per cent, on the amount of his or their respective share or shares: and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the Directors, by public auction, and the proceeds of the sale, after deducting costs, and the forfeiture above mentioned, shall be paid over to such defaulter; and the President or Manager of the Company shall have power to transfer the stock to the purchaser or purchasers thereof: Provided always, that no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some Special Meeting of the Shareholders assembled at any time after such forfeiture shall have been incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Gas Works.

XII. And be it enacted, That the shares in the stock of the said Company shall be assignable and transferable according to such rules, and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders: Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws.

XIII. And be it enacted, That it shall and may be lawful for the said Company, after two days' notice in writing to the Mayor, Aldermen, and Citizens of the City of Montreal, to break up, dig and trench

so much and so many of the streets, squares and public places of the said City of Montreal as may at any time be necessary for laying down the mains and pipes to conduct the Gas from the Works of the said Company to the consumers thereof, or for taking up, renewing, altering, or repairing the same, when the said Company shall deem it expedient, 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 the said openings in such parts of the said streets, squares and public places as the City Surveyor, under the direction of the Council of the said City, shall reasonably permit and point out, 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 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 Company shall be subject to pay a fine of one pound currency for every day such neglect shall continue, after receiving a legal or written notice thereof, to be recovered by civil action in Her Majesty's Court of Queen's Bench for the District of Montreal, at the suit of any person or persons, or of the Corporation of The Mayor, Aldermen and Citizens of the City of Montreal, to and for the use of the said Corporation, over and above such damages as may be recovered against the said Company by any other party.

XIV. And be it enacted, That where there are buildings within the said City of Montreal, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Company 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 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 neighboring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same; the said Company doing as little damage as may be, in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, 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 Company 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.

XV. And be it enacted, That the main pipes that shall be laid down by the New City Gas Company of Montreal shall be at least three feet distant from the main pipes of the Montreal Gas Light Company, and at a like distance from the main water pipes belonging to the Corporation of Montreal, or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit, and that the said main pipes shall have the initials of the Company cast upon each of them; and also, the ends of the service pipes and stop-cocks, which shall appear in the cellars of the houses or buildings to be supplied with Gas, shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of the Montreal Gas Light Company, under a penalty of five pounds currency for each offence or neglect thereof, which

penalty shall be paid to the Montreal Gas Light Company, and be recovered by civil action in Her Majesty's Court of Queen's Bench for the District of Montreal: Provided always, that if any difference shall arise between the Montreal Gas Light Company and the New City Gas Company, or any other Company established or to be established in the City of Montreal, as to the practicability of either Company so laying its pipes that they shall be at a distance of at least three feet from those of the other Company, then such difference shall be decided by the Surveyor of the said City, who if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid: Provided always, that an appeal shall be from any such decision of the said Surveyor to the Mayor's Court of the said City of Montreal, at any sitting of the said Court, held after the day on which the decision of the said Surveyor shall be notified to the parties.

XVI. And be it enacted, That the said Company shall so construct and locate their Gas 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 Company shall, with regard to the construction of such part of their said Gas Works as shall lie within the City of Montreal, be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety and convenience of the inhabitants thereof; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to the visit and inspection of the Municipal Authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company; and the said Company, 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 in that respect, under a penalty of not more than five pounds, nor less than one pound currency for each offence, in refusing or neglecting to obey the same, to be recovered from the said Company, at the suit and for the use of The Mayor, Aldermen, and Citizens of the City of Montreal, in any Court of competent Civil Jurisdiction, except the Court constituted under and by virtue of any Act incorporating the City of Montreal.

XVII. And be it enacted, That in case the said Company 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 every 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 said Council of the City, after notice in writing to the said Company shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said Company, on its being demanded by the City Surveyor, at any time not less than one month after the work shall have been completed in any case, from the Cashier or Treasurer, or any Director of the said Company, or in default of such payment, the amount of such claim shall and may be recovered from the said Company, at the suit of The Mayor, Aldermen, and Citizens of the City of Montreal, by civil action in any Court of competent jurisdiction.

XVIII. 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 Company, or in any way obtain or use its Gas without the consent of the Directors, or their officer appointed to grant such consent, he, she or they shall forfeit and pay to the said Company 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 the costs of suit in that behalf incurred, may be recovered by civil action in any Court of competent Civil Jurisdiction.

XIX. 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, pipe, 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 Company, 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 increase the supply of Gas, agreed for with the said Company, by increasing the number or size of the holes in the Gas burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the 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 ten pounds currency, or be confined in the Common Jail of the District for a space of time not exceeding three months, as to such Court may seem meet.

XX. And be it enacted, That should The Mayor, Aldermen and Citizens of the City of Montreal, decide, as they are hereby empowered to do, upon taking the whole of the Stock of the said Company, the Shareholders therein be, and they are hereby declared to be bound to surrender and transfer the whole of their respective shares unto the said Corporation of the City of Montreal upon the terms and conditions hereinafter set forth, that is to say: that the said Corporation shall pay such an advance upon the shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province; and that they consent and agree that the charge to be made to consumers of Gas shall not exceed such price as will be sufficient to produce a net profit on the works of eight per centum per annum: And if the said Corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan, or by debentures in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose: Provided always, that the said Corporation to be entitled to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, shall take the same within ten years after the passing of this Act; and in the event of their taking the same, the said Corporation shall be and is hereby bound to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company, as well as its



engagements with mechanics, workmen, servants and others, and the said Company shall in all those respects be entirely relieved, exonerated, and held harmless from all claims, damages and demands of all person or persons as aforesaid, by the Corporation of the said City of Montreal; and generally the said Corporation shall have all the rights and be subject to all the liabilities of the said Company imposed by this Act or lawfully contracted under it.

XXI. 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 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 Company, or from incorporating any other Company for like purposes.

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

XXIII. And be it enacted, That the Gas Works hereinbefore mentioned, shall be in operation within five 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.

XXIV. 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.

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