

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

10 & 11 Victoria – Chapter 80

An Act to amend the Act of Incorporation of The Montreal Gas Light Company. 23th July, 1847.

Whereas it is expedient to amend an Act of the Legislature of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, *An Act to provide for the Lighting of the City of Montreal by Gas*: 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 Capital Stock of the said Company may be increased to the sum of fifty thousand pounds currency, and the present proprietors or their successors are hereby authorized to raise and contribute amongst themselves or in such manner as may seem expedient for the purpose of increasing and extending their Gas works the sum of twenty-live thousand pounds, in one thousand two hundred and fifty shares of twenty pounds each; and the money so raised is hereby appropriated in the first place to pay and satisfy all fees, expenses and disbursements incurred and made in and about the obtaining and passing of this Act, and other expenses thereunto relating, and the remainder of the said money to the purpose of extending, maintaining and completing their Gas Works, and to no other use, object or purpose whatever.

II. 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 Board of Directors or their Officer appointed to grant such consent, he or they shall forfeit or pay to the said Company the sum of twenty-five pounds, and also a further sum of one pound for each and every 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 to the amount.

III. And be it enacted, That if any person or persons shall increase the supply or Gas agreed for with the said Company, 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 shall wrongfully or improperly waste 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 five pounds currency, or to 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.

IV. And be it enacted, That the main pipes that may at any future time be laid by the said Company shall be at least three feet apart from the main pipes of any other Gas Company which

may exist at the time of the passing of this Act or may at any time hereafter be established, also the same distance of three feet apart from the water pipes belonging to the Corporation of the City of Montreal, or when that shall be impracticable, then as nearly so as the circumstances of the case will admit: and the said Montreal Gas Light Company shall have all their service pipes and stop cocks, which they shall in future lay or construct (particularly the ends of the pipes which are exposed in the cellars of the houses or buildings to be supplied by them with Gas) legibly and permanently stamped or marked Montreal Gas Light Company, to distinguish them from the service pipes and stop cocks of any other Gas Company, under a penalty of five pounds currency, for each and every case of neglect, and of one pound said currency for each day the said service pipes or stop cocks shall remain without being so stamped or marked as aforesaid, after notice in writing shall have been given by any other Gas Company of the default thereof; the said penalties to be paid to the Gas Company so complaining, and to be recovered by action in any Court of Law in this Province having jurisdiction to the amount; and in like manner it shall not be lawful, at any future period, for any other Gas, Company to lay any of their pipes at a less distance than three feet apart from the Montreal Gas Light Company's pipes, nor at a less distance than three feet from the water pipes belonging to the Corporation of the City of Montreal; And any new Gas Company which shall at any future period lay or construct any main pipes, service pipes or stop cocks, shall have the same legibly and permanently stamped or marked with the style, name and title of the said Gas Company, particularly the end of the pipes and the stop cocks which are exposed in the cellar of any house or building, under a penalty of five pounds currency for each case of neglect, and of one pound said currency for each and every day the said main pipes, service pipes and stop cocks, shall remain without being so stamped and marked as aforesaid, after notice in writing shall have been given to them by the Montreal Gas Light Company of the default thereof. The said penalties to be paid to the said Montreal Gas Light Company, and to be recovered by Action in any Court of Law in this Province having jurisdiction to the amount; 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's 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 distances 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 decisions of the said Surveyor to the Mayor's Court of the said City of Montreal at any sitting of said Court held after the day on which the decision of the said Surveyor shall be notified to the parties.

V. And be it enacted, That within three months after the passing of this Act, a General Meeting of the Stockholders of the Montreal Gas Light Company shall be held at such place as the present Directors of the said Company or a majority of them shall appoint, for the purpose of carrying this Act into effect, and to choose nine persons, being each a proprietor of ten or more shares in the said undertaking, as Directors for managing the affairs of the Company, a majority of whom may exercise all the powers of the Directors; and in the event of there not being nine Shareholders in the Company, then and in that case the number of Directors shall be limited to the number of

Shareholders, the qualification of each Director nevertheless being the ownership of at least ten shares as aforesaid, held in his own name and right.

VI. 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-eight, 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 General Meetings of the 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 Company, 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 in consequence of the said Shareholders 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; 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; 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 amongst them, 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 Meeting 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 shall have a double or casting vote.

VII. And be it enacted, That the Act incorporating the said Montreal Gas Light Company and mentioned in the Preamble to this Act as well as this Act, shall be and continue in force for fifty years from the passing of this Act, and no longer.

VIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend 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.

IX. And be it enacted, That this Act shall be a Public Act, and shall be so construed and held in all Her Majesty's Courts in this Province.