

nothing herein contained shall be construed to authorize the said Commissioners or any person acting under their authority to take for the purposes of the said works, any house, garden, or orchard without the consent of the owner.

- 5 VI. If any person shall wilfully or maliciously hinder or interrupt or
cause or procure to be hindered or interrupted, the said Commissioners or
their managers, contractors, servants, agents or workmen, or any of them
in the exercise of any of the powers and authorities in this Act authorized
and contained, or if any person shall wilfully or maliciously let off or dis-
10 charge any water so that the same shall run waste or useless out of the
said works, or if any person shall throw or deposit any thing or noisome
or offensive matter into the said water or water works, or in any way foul
the same or commit any wilful damage or injury to the works, pipes, or
water, or encourage the same to be done, every person offending in any
15 of the cases aforesaid shall besides being subject to an action at law for
the damages done thereby, be held guilty of a misdemeanor, and upon
conviction thereof before any of the Courts of Criminal Jurisdiction in
the County of Wentworth, or a Magistrate of the said County or City, shall
be punished by the said Court, by fine and imprisonment or either, at the
20 discretion of the Court as in other misdemeanors at Common Law or
by summary conviction.
- Penalties in
certain cases.
- How re-
covered.

- VII. All materials procured or partially procured under contract with
the Commissioners, shall be exempt from execution, but it shall be the
duty of the Commissioners to pay the monies due to such contractor for
25 such materials to the judgment creditor of the contractor under whose
execution such materials ought otherwise to have been sold upon his pro-
ducing to them due proof that his execution would have so attached, and
such payment shall be held as valid payment on the contract.
- Materials of
Commissioners
free from exe-
cution.

- VIII. The Commissioners shall keep regular books of account and
30 books for recording the whole of their official proceedings, and the said
Commissioners and the Clerks employed in their service shall be sworn to
the faithful performance of their duties, and all such books shall be open
to the examination of any person or persons appointed for that purpose by
the Mayor, Aldermen, and Commonalty of the City of Hamilton. The
35 Commissioners shall also on the 30th day of June and the 31st day of
December in each and every year make a report to the said the Mayor,
Aldermen and Commonalty of the City of Hamilton, of the condition of
the works under their charge, accompanied by a statement of their receipts
and expenditures on account of the same.
- Books to be
kept.
- Report to be
made yearly to
Mayor of
Hamilton.

- 40 IX. The Board of Commissioners for the time being, shall regulate the
distribution and use of the water in all places and for all purposes where
the same may be required and from time to time shall fix the prices for
the use thereof, and the times of payment, and they may erect such num-
ber of public hydrants and in such places as they shall see fit and direct
45 in what manner and for what purposes the same shall be used, all which
they may change at their discretion; Provided always, that all hydrants,
conduits, or other appliances required and furnished for the purpose of
extinguishment of fires shall be placed as the Mayor, Aldermen and Com-
monalty of the City of Hamilton shall direct, and shall be under their
50 exclusive control and direction.
- Board to regu-
late distribu-
tion and price
of water.
- Proviso.