

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.