

**CIHM  
Microfiche  
Series  
(Monographs)**

**ICMH  
Collection de  
microfiches  
(monographies)**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1994**

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear  
within the text. Whenever possible, these have  
been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Continuous pagination/  
Pagination continue
- Includes index(es)/  
Comprend un (des) index

Title on header taken from:  
Le titre de l'en-tête provient:

- Title page of issue/  
Page de titre de la livraison
- Caption of issue/  
Titre de départ de la livraison
- Masthead/  
Générique (périodiques) de la livraison

Additional comments: /      Pagination is as follows : p. [3] -8.  
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The copy filmed here has been reproduced thanks to the generosity of:

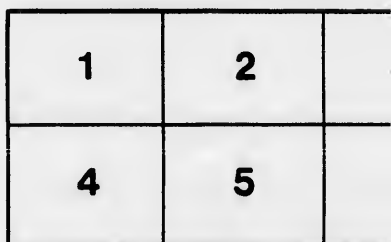
Hamilton Public Library

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemp  
généros

Les ima  
plus gra  
de la ne  
conform  
filimage.

Les exe  
papier e  
par le p  
dernière  
d'impre  
plat, sel  
originau  
première  
d'impre  
la derni  
emprein

Un des  
dernière  
cas: le s  
symbole

Les cart  
filmés à  
Lorsque  
reprodui  
de l'ang  
et de ha  
d'image  
illustren

I thanks

L'exemplaire filmé fut reproduit grâce à la générosité de:

Hamilton Public Library

uality  
ibility  
ie

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

filmed  
on  
mpres-  
All  
on the  
es-  
rinted

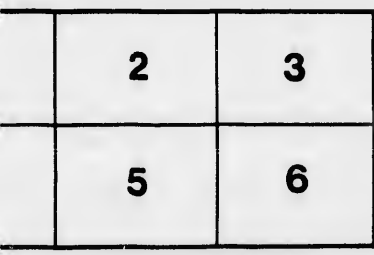
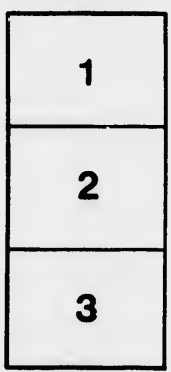
Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

e  
ON-  
D"),

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ∇ signifie "FIN".

it  
to be  
d  
ft to  
s  
the

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



# MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



4.5  
3.0  
5.6  
6.3  
7.1  
8.0  
9.0  
10  
11.2  
12.5



APPLIED IMAGE Inc

1653 East Main Street  
Rochester, New York 14609 USA  
(716) 482 - 0300 - Phone  
(716) 288 - 5989 - Fax



ANNO DECIMO-NONO

VICTORIÆ REGINÆ.

---

CAP. LXIV.

An Act for the construction of WATER WORKS in the City of Hamilton.

[ Assented to 19th June, 1856. ]

WHEREAS the construction of Water Works and a supply of water would conduce to the health and comfort of the inhabitants of the City of Hamilton: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The persons hereafter to be elected in the manner provided for in this Act, and their successors, shall constitute a Board, to be called and known as the Water Commissioners for the City of Hamilton.

II. It shall be the duty of the said Commissioners to examine, consider and decide upon all matters relative to supplying the said City of Hamilton with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and the amount of money necessary to effect that object.

III. The said Commissioners shall have power to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to fulfil their duties under this Act.

IV. It shall and may be lawful for the said Commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter in and upon the lands of any person or persons, bodies politic or corporate, in the City of Hamilton, or within twenty miles of the said city, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said Water Works, and also to divert and appropriate



suitable and  
 id lands and  
 phase thereof,  
 nired for the  
 grement be  
 f such lands,  
 al flow there-  
 purchase or  
 cause to them  
 e an infant,  
 in case such  
 person or per-  
 Court of the  
 nominate and  
 nine, adjudge  
 Commissioners  
 e, the award  
 tors shall be  
 lace, at or in  
 Commissioners  
 Commissioners,  
 such matter  
 parties inter-  
 Her Majesty's  
 worth, or the  
 ecting for that  
 n the parties  
 r under this  
 rt of Queen's  
 ordinary cases  
 to arbitration  
 be paid with  
 any motion to  
 r may resume  
 on revive; and  
 ing on all par-

the said Commissioners, their successors and servants, are hereby empow-  
 ered to enter and pass upon and over the said grounds and lands intermediate  
 as aforesaid, and the same to cut and dig up if necessary, and to lay down  
 the said pipes through the same, and upon, over, under, and through the  
 highways, railroads and roads of and in the townships of the County of  
 Wentworth, and through the public ways, streets, lanes or other passages of  
 the said City of Hamilton, and in, upon, through, or under the lands, grounds  
 and premises of any person or persons, bodies corporate, politic or collegiate  
 whatsoever, and to set out, ascertain, use and occupy such part or parts  
 thereof as they the said Commissioners or their successors shall think ne-  
 cessary and proper, for the making and maintaining of the said works, or for  
 taking up, removing, altering or repairing the same, and for distributing  
 water to the inhabitants of the City of Hamilton, or for the uses of the  
 Corporation of the said City, or of the proprietors or occupiers of the lands  
 through or near which the same may pass, and for this purpose to sink and  
 lay down pipes, trunks, reservoirs, and other conveniences, and from time to  
 time to alter all or any of the said works as well in the position as in the  
 construction thereof, as to the said Commissioners or their successors shall  
 seem meet, doing as little damage as may be in the execution of the powers  
 hereby granted to them, and making reasonable and adequate satisfaction to  
 the proprietors, to be ascertained in case of disagreement by arbitration as  
 aforesaid: Provided always, that 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.

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 discharge  
 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 encour-  
 age the same to be done, every person offending in any of the cases afore-  
 said shall, besides being subject to an action at law for the damages done  
 hereby, be held guilty of a misdemeanor, and upon conviction thereof be-  
 fore any of the Courts of Criminal Jurisdiction in the County of Went-  
 worth, or a Magistrate of the said County or City, shall be punished by the  
 said Court, by fine and imprisonment or either, at the discretion of the  
 Court as in other misdemeanors at Common Law or by summary conviction.

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 moneys due to such contractor for such mate-  
 rials to the judgment creditor of the contractor under whose execution such  
 materials ought otherwise to have been sold, upon his producing to them  
 the proof that his execution would have so attached, and such payment  
 shall be held as valid payment on the contract.

VIII. The Commissioners shall keep regular books of account and 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 Commissioners shall also, on the thirtieth day of June and the thirty-first 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.

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 number of public hydrants and in such places as they shall see fit, and direct 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 Commonalty of the City of Hamilton shall direct, and shall be under their exclusive control and direction.

X. The owner and occupier of any house, tenement or lot, shall each be liable for the payment of the price or rent fixed by the Commissioners for the use of the water by such occupier, and such price or rent so fixed shall be a lien upon the said house, tenement or lot in the same way and manner as other taxes assessed on real estate in the said City of Hamilton are liens, and shall be collected in like manner, if not previously paid to the Commissioners.

XI. A majority of the said Commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission, and all contracts and engagements, acts and doings of the said Commissioners within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the Mayor, Aldermen and Commonalty of the City of Hamilton.

XII. The said Commissioners may prosecute or defend any actions or process at Law or in Equity by the name of the "Water Commissioners of the City of Hamilton," against any person or persons for money due for the use of the water, for the breach of any contract express or implied touching the execution or management of the works or the distribution of the water or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy or the filling any vacancy in the Board of Commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of the said Commissioners as a body to commence or maintain such action or process at law or in Equity, but in all such cases they shall be considered from the time of the organisation of the Board as a Corporation.

XIII. The C  
ia the exercise o  
as Justices of th

XIV. For th  
the expenses att  
Mayor, Alderm  
hereby required  
said Commission  
hereinafter ment  
rate, either in th  
willing to lend th  
hundred thousan  
of the said City  
beatures or Bond  
the Mayor and c  
time being, in su  
hundred thousan  
the Commissione  
by the said Deber  
ing thereof, and t  
annually, either in  
or elsewhere, as t

XV. The said  
Act, and also the  
matter and thing  
charged, pledged,  
or sums which ma  
this Act, and all  
upon, and all, each  
previous section m  
or privilege on th  
for securing the p

XVI. The fund  
issued under this A  
missiononers for the t  
of this Province, o  
time to time agree  
time to time be req  
may be incurred in  
and every check for  
Chairman of the sai  
for the time being.

XVII. This Ac  
Aldermen and Com  
authorizing the cons  
law being passed, it  
hereby authorized a  
for each Ward in th

XIII. The Commissioners and their officers shall have the like protection in the exercise of their respective offices and in the execution of their duties, as Justices of the Peace now have under the Laws of this Province.

XIV. For the purpose of constructing the said Water Works and paying the expenses attended thereon, it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Hamilton, and they are hereby required from time to time as the amounts may be required by the said Commissioners, to raise by loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of three hundred thousand pounds of lawful money of Canada, and for the Mayor of the said City of Hamilton for the time being, to cause to be issued Debentures or Bonds of the said City under the Corporation Seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of three hundred thousand pounds, authorized to be borrowed under this Act, as the Commissioners shall direct and appoint, and the principal sum secured by the said Debentures shall be payable within twenty years from the issuing thereof, and the interest accruing thereon shall be made payable semi-annually, either in sterling or in currency in this Province, in Great Britain or elsewhere, as the said Council shall deem expedient or necessary.

XV. The said Water Works to be erected and constructed under this Act, and also the Land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the Debentures in the last previous section mentioned, shall have a concurrent pledge, mortgage, hypothec or privilege on the said Water Works and property appertaining thereto, for securing the payment of the said Debentures and the interest thereon.

XVI. The funds derived from the negotiation of the Debentures to be issued under this Act, shall, when received, be deposited by the said Commissioners for the time being, in some one or more of the chartered Banks of this Province, on such conditions as the said Commissioners shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and every check for the withdrawal of any moneys shall be signed by the Chairman of the said Commissioners and also by the Mayor of the said City for the time being.

XVII. This Act shall not have any force or effect until the Mayor, Aldermen and Commonalty of the City of Hamilton shall pass a By-law authorizing the construction of the said Water Works, and on the said By-law being passed, it shall be lawful for the Mayor of the said City and he is hereby authorized and required to issue his warrant to the Returning Officer for each Ward in the said City for the then next preceding election for Al-

dermen and Councillors, requiring the said Returning Officer to proceed to the election of one Water Commissioner for each Ward in the said City, in the same manner in all respects, and giving the same notices as are now required in case of Municipal Elections in the said City, and all persons authorized to vote at such Election for Aldermen and Councillors, shall be entitled to vote for the said Water Commissioner for his Ward, and not otherwise.

XVIII. The said Water Commissioners shall, at their first Meeting after their Election, determine by lot or otherwise the terms during which they shall respectively hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, one four years, and one five years, all to be computed from the first Monday in the month of January next preceding.

XIX. At the Municipal Election to be held in the said City in each year after the special Elections hereinbefore authorized to be held for the Election of the said Water Commissioners, there shall be elected in the same manner as the Alderman and Councillors are elected, and by the persons now authorized to vote at such Election, one Commissioner for the Ward in which a vacancy has occurred by the retirement of the Commissioner whose term of office has expired, who shall hold his office for five years next ensuing such election; and any vacancies that shall occur in the said Commission by death, resignation or otherwise, shall be filled by a person to be named by the Mayor, Alderman and Commonalty of the City of Hamilton, but the person or persons so appointed to fill such vacancy shall hold his or their offices only for the residue of the term for which he or they may be appointed.

XX. The Chairman of the said Commissioners and the said Commissioners shall be paid for their services as the Mayor, Aldermen and Commonalty of the City of Hamilton shall annually fix, and shall also be paid all reasonable travelling expenses incurred while employed upon or about the works.

XXI. This Act shall be deemed and taken as a Public Act.



