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No 50.

4th Session, 8th Parliament, 29th Vict, 1865.

BILL

An Act to amend and consolidate the Acts
relating to the Water Works of the City
of Quebec.

No. 122 of 1865—1st Session.

Hon. Mr. ALLEYN.

QUEBEC :

PRINTED BY HUNTER, ROSE & CO ,
ST. URSULE STREET.

An Act to consolidate and amend the Acts relating to the Water Works of the City of Quebec.

WHEREAS it is necessary to consolidate and amend the Acts relating to the Water Works of the City of Quebec. Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows.—

- 5 **1.** The corporation known by the name of the mayor, councillors and General citizens of the city of Quebec, is authorized to make, erect, construct, powers repair and maintain, in the city of Quebec, and without the limits of the said city for a distance of twenty-five miles, water works, together with all appurtenances and accessories necessary to introduce, convey
 10 and conduct throughout the said city and parts adjacent, a sufficient quantity of good and wholesome water, which the said corporation is authorized by the present Act to take and distribute for the use and supply of the inhabitants of the said city and the parts thereto adjacent; and also to improve, alter or remove the said water works or any part or
 15 parts thereof, and to change the site of the several engines, and places or sources of supply thereof, and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent
 20 thereto —For this purpose the said corporation may purchase, hold and acquire any lands, tenements and immovable estates, servitudes, usufructs and hereditaments in the said city, or within a circuit of twenty-five miles from the limits of the said city, and also to make contracts for the acquisition of lands necessary for the said water works,
 25 acquire a right of way whenever it may be necessary, pay any damages occasioned by such works either to buildings or lands, enter into and make agreements and contracts with any person for the construction of the said water works in whole or in part superintend and direct the works completed, name and appoint an engineer and all officers and
 30 laborers necessary, and fix their salaries or wages; enter, during the day-time, upon the lands of private individuals for the purposes aforesaid, and also make excavations and take and remove stones, soil, rubbish, trees, roots, sand-gravel and other materials and things, but by paying or offering a reasonable compensation for the said materials or things, and
 35 by conforming in all things with the provisions of this Act
- 2.** The said corporation may assign and make over, for a period not exceeding twenty years, all the rights and privileges conferred by the present Act, and may re-purchase them after having been so assigned **Assignment of privileges, &c**
- 3.** All bodies politic or corporate, or collegiate corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, **Corporate bodies and others, authorized to**
 40 *gardiens de substitution*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the said corporation such

sell any real estate required by the corporation under this Act

lands, tenements, servitudes, usufructs and hereditaments, which the said corporation may require for the purposes of the present Act, and which they may be possessed of in their present qualities; they may also agree with the said corporation in the same way as private individuals, respecting all matters relative to the works mentioned in the tenth and eleventh clauses of the present Act; and all contracts, agreements, references to arbitrators, sentences and verdicts rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of such may be concerned

Governor may grant the corporation beach lots and lands covered with water.

4 The Governor in Council may grant or give to the corporation, on such condition as he may deem expedient, beach lots or ground covered by water, to enable the said corporation more fully to carry this Act into effect

The corporation may take possession of real estate for water works, and how.

5. The said corporation, after having paid or offered or deposited the municipal value of any real estate it may require for the purposes of the present Act, may enter upon and take possession of the same in virtue of the present Act, but not unless such payment, offer of payment or deposit shall have been made

Experts and arbitrators in certain cases

6 Whoever shall not accept the offer made in writing by the said corporation for lands, right of way, servitude or other thing or dependency thereof, may agree with the corporation to refer the subject in dispute to *experts* or arbitrators; and the award of such *experts* or arbitrators shall be final and binding in all matters, the value of which shall not exceed one hundred dollars, but in all matters where the award shall exceed this sum, the dissatisfied party may appeal to the Quarter Sessions of the District of Quebec, at the next following sitting thereof, after the rendering and publication of the said award, otherwise the sentence or award shall be final and binding; and the costs shall be paid by the party against whom the *experts* shall award them. If there be an appeal the Court shall refer the question of compensation to a jury, and the costs of appeal shall be paid by the appellant if the verdict of the jury shall confirm the said sentence, and by the respondent if the contrary be the case.

If parties do not agree upon the choice of *experts*

7. If the corporation and the party who shall not accept the offer of the corporation shall not agree respecting the nomination of the *experts*, the said party shall name one and notify the corporation of the fact, and call upon the corporation to name the second *expert*, and if the said corporation shall not choose him within three days after the date of such demand, or if the *expert* appointed or chosen by the corporation shall refuse to act within the three days after his appointment, one of the Judges of the Superior Court for Lower Canada, residing in Quebec, shall, upon the petition of the dissatisfied party, and upon proof upon oath of one credible witness that the facts are such as above recited, name an *expert* for the said corporation, and the said two *experts*, before acting, shall name a third *expert*, and if they should not agree upon the choice of such third *expert* the said Judge shall name him, upon the request of the dissatisfied party, and all that is mentioned in the next preceding section with reference to the award of arbitrators, the right of appeal and costs of appeal, shall also apply to the award of the *experts* named in virtue of the present section

8. If there shall be any doubt as to whom the compensation for any real estate required by the corporation shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall in such case deposit the amount of the said compensation in the hands of the Prothonotary of the said Superior Court, at Quebec, to abide the judgment of the said Court relative to the distribution of the said sum among the parties who shall be entitled thereto; and the said Court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same as in its discretion shall seem just and reasonable.

If doubts exist as to whom compensation is to be made.

9. The preceding clauses shall apply to the case where the said corporation shall desire to exercise a right of way or servitude, or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit, of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation respecting the amount, or the award and choice of the *experts*, the proceedings above mentioned shall be followed according as the case may be.

How preceding clauses shall apply.

10. 10. The said corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements and gravelled ways, of any public highways, roads, streets, squares, hills, market-places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, tollgates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage; and to enter upon and make use of any private lands, and use the same, and to dig and sink branches; and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages, for the laying and fixing of pipes and all such matters and things as may be necessary thereto, and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the present Act.

Corporation may break up streets, &c.

11. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case shall indemnify the proprietors for any damage occasioned to, or sustained by them.

May pass pipes along the outside of house, &c.

Indemnity.

12. Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place, while the works are in progress, and shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process, and upon oath of one credible witness. This fine shall not deprive any person injured by the said excavation of a right to an action of damages against the corporation.

Precaution to be observed by those making trenches.

Public health and safety. **13.** The said water works and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety.

Penalty against persons making use of water from water works without right thereto.

14. Whoever, not having any right thereto and without the authority or permission of the Council of the said city, shall take or use, in any manner whatsoever, water from the said water works, shall incur, on conviction for the said offence, before the Recorder's Court of the said city, a fine not exceeding twenty-five pounds (£25), and in default of payment of the said fine with costs, shall be imprisoned and kept at hard labor, in the common gaol of the District of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid.

Punishment for polluting water in reservoirs.

15. If any person shall bathe or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the said city is obtained or conveyed, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars of which one-half shall belong to the said corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by the next preceding section. If the said Recorder's Court, before which shall be brought any complaint for the commission of any of the offences above mentioned, shall deem it expedient, the offender shall be condemned, in addition to the fine or fines above mentioned, to an imprisonment not exceeding three months in the common gaol of the District of Quebec.

Punishment for interrupting water works.

16. If any person shall prevent the said corporation, or any person employed by the said corporation, from erecting, repairing or completing any of the works of the said water works, or from exercising any of the powers and rights accorded by this Act, or shall embarrass or shall interrupt them in the exercise of such rights, or cause any injury to the said water works, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said water works, or the apparatus, or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall be liable in addition to the punishment prescribed by the present Act, to the damages that the said corporation shall or may suffer from any or all of such acts, and the said corporation may recover such damages by complaint or suit before the said Recorder's Court, and on the evidence upon oath of any credible witness, with costs of suit.

By-laws for the protection of the water works.

17. The said corporation shall have the power to make by-laws or orders prohibiting, upon pain of a fine not exceeding forty dollars, or an imprisonment not exceeding one month, or both, any occupant of a house or any other real property or of any part thereof, supplied with water from the said water works from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it.

2. The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and nature of the supply of water from the said water works, to those to whom it ought to or shall

be furnished, the price of the water, the time and mode of payment; and all and every matter or thing having reference to the said water works, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city a regular and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said corporation with regard to the water to be so supplied.

18. The said corporation shall have power to appoint one or more Inspectors empowered to enter, at all reasonable hours, into any house or building, and upon lands traversed by the water of the said water works, and to examine the cocks, pipes, service pipes, conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependencies thereof, and such entrances and examinations shall be regulated and determined by the by-laws, for this purpose made, or to be hereafter made, by the said corporation, and to which the said Inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as may or shall be fixed or prescribed by the said by-laws, and the fine in such case shall not exceed forty dollars, and the imprisonment shall not exceed two months in the common gaol in the District of Quebec; both these penalties may be imposed together, or one or the other only, at the discretion of the Court.

19. All by-laws which the said corporation is authorized by the present Act to make, shall be subject to the same formalities, with regard to their reading and passing, as those prescribed by the Act passed in the present session of Parliament, and intituled "An Act to amend and consolidate the provisions contained in the Acts and ordinances relating to the incorporation of the city of Quebec, and to vest more ample powers in the corporation of the said city."

20. As soon as the corporation is ready to furnish water to the city, or any part of the said city, the corporation shall declare it by a by-law, and after publication of the said by-law, all proprietors, tenants or occupants of houses, or other immovable property in the said city, to which the said corporation is ready to supply the water of the said water works, whether the said proprietors, tenants or occupants consent, or do not consent to receive the said water, shall pay to the said corporation an annual rate or assessment not exceeding two shillings in the pound, or ten cents per dollar, upon the assessed annual value of houses or other immovable property supplied with water as aforesaid. The said rate or assessment shall be fixed by a by-law of the said corporation.

21. If the assessed annual value of any property, or part of any property, provided with water from the said water works, shall be less than ten pounds or forty dollars, the proprietor, tenant or occupant shall pay to the corporation a fixed annual rate or assessment of five dollars as and for the price of the said water.

22. The said corporation may exact any sum or rate due to the water works as aforesaid, either from the proprietor or tenant or occupant, whether such sum or rate shall have become due and payable before the occupation by the said tenant or occupant of the property subject to the payment of the said sum or rate, or whether it shall have become due and payable during the period of the lease or occupation.

Tenant responsible in proportion only to his rent

2 But the lessee or occupant shall be held liable to pay only in accordance with the price or rent due by him, or which may become due for the said rent or occupation, computing from the day of the signification of the action to that effect, and only during the period of his lease or occupation, and at the ordinary dates of payment of the rent, or other convention to that effect agreed to between the proprietor and the tenant or occupant.

Payment of rate by tenant a discharge for so much of the rent.

3 The payment of any sum whatsoever thus made by the tenant or occupant shall discharge and free him in an equal amount towards the proprietor unless, by the lease or other agreement, the tenant or occupant shall have bound himself to pay the said sum or rate.

Judgment unsatisfied, no bar against proceedings

4 But no judgment obtained or execution issued against any one of the said proprietors, tenants or occupants, shall exempt or prevent prosecution, judgment or execution against the other for the payment of such sum or rents if payment cannot be obtained from the person against whom legal proceedings may have been instituted in the first instance.

Special water rate in particular instances of supply.

23 The said council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes on each horse, cow or other animal supplied with water from the said water works; or

2. On each bath or water-closet in which the water of the said water works is used; or

3. On each steam-engine fed by the water of the said water works, and on each other engine worked by the said water, or

4 On each court-house, gaol or other public establishment supplied with the water of the said water works, or

5. On the theatres of the said city; or

6 On the hotels, boarding-houses, coffee-houses, restaurants and other houses of public entertainment in the said city to which the water of the said water works is supplied or may be supplied according to law.

Stoppage of the supply of water authorized in certain cases

24 In each and every case in which any tax or rate for water heretofore imposed by any by-law, or which may hereafter be imposed by the said council, by virtue of the preceding provis, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the said council may order the stoppage or suspension of the supply of water to any such person, institution, establishment, house or building hereinabove mentioned, by whom the said tax or rate may be due.

Yct rate shall continue due and payable

2 Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the said supply were continued.

3 The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear aforesaid.

4 The arrears due as aforesaid shall be recoverable from each and every person, proprietor, occupant, tenant or administrator of any building to whom such water shall have been supplied as aforesaid.

5. The said costs, and each and every sum due to the said water works by virtue of the foregoing provis, shall be recovered in the Recorder's Court of the said city, in the manner prescribed by the law which regulates the said court.

Corporation may agree with parties consuming

25. The said corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery-stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered

that there is, or ought to be, more than an ordinary consumption of more than water, that the corporation does not intend to furnish him with water the ordinary quantity of from the said water works at the ordinary price, and thereupon the said corporation shall and may cease to furnish water to the said proprietor, 5 tenant or occupant, who shall also cease to be held liable for the payment of the said rate or assessment with regard to such property, but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement with respect to the rate or price at which the said water shall or may be furnished to the said property; and any 10 such agreement, being reduced to writing and signed by both parties, shall be valid and binding

2. Notwithstanding any convention or contract passed or made before or subsequent to the passing of this Act, between the said council and any proprietor, tenant or occupant of any brewery or distillery, or 15 any brewer or distiller, manufacturer, fabricator or maker whatsoever; or with any proprietor, tenant or administrator of any hotel, boarding-house, bath-house, livery-stable or any public establishment, whether belonging to the Province or to private individuals, relative to the supply of water to be furnished them by the water works of the said city, 20 —the said council may, at any time, by simple resolution, terminate such contract or convention after having given to the interested party three months' notice at least of the intention of the said council to terminate the said contract or convention. Council may rescind past or future contracts for supply of water. By notice.

3. The said notice shall be by *acte* before notaries; and the party 25 thus notified shall not have any right to claim any indemnity whatsoever from the said council, in consequence of the termination or dissolution of the said contract. Notice how given and effect of

26 The said council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the 30 quantity of water to be supplied by the said water works, either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding-house; or to every distillery, factory, manufactory, establishment, or art, trade, commerce or industry 35 of any nature whatsoever, in the exercise of which the water of the water works is or may be used, or to any one of the same; and the said council may for the purpose adopt any by-law which it may deem necessary.

2 "It may compel each and every proprietor, tenant or occupant of any house or building; or each and ever person, public institution, 40 court house, gaol, hotel, house of public entertainment of any nature whatsoever, boarding-house, brewery, distillery, manufactory, art, trade, commerce or industry whatsoever, as aforesaid, to pay for the fitting up and rent of any hydrometer, such sum as as may be determined by such by-law." Rent of hydrometers, by whom paid

45 27. The said corporation is empowered to borrow for the purpose of the said water-works, a sum of two hundred and seventy-five thousand pounds currency, or one million one hundred thousand dollars, and to issue debentures to this amount. These debentures shall be signed by the mayor and have the seal of the corporation of the city, 50 and shall be payable as follows:—one hundred and seventy-five thousand pounds, or seven hundred thousand dollars, on or before the year one thousand eight hundred and seventy, and one hundred thousand pounds, or four hundred thousand dollars, on or before the year one thousand eight hundred and seventy-five. Amount of Loan Debentures

- Where loans may be effected
Rate of interest
- 28** These debentures may be made payable to bearer, either in this Province or elsewhere, and in sterling or current money, or in current money of other countries. The interest on these debentures shall be paid semi-annually, and shall not exceed seven per cent. per annum.
- Debentures due
- 29** The said corporation, after having given notice for three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall not be bound to pay the interest on debentures, the payment of which is due, after the expiration of six months from the date of the first publication of such notice. The said corporation offering to pay the capital of the said debentures
- Debentures called in
- 30.** The said corporation, after notice given during three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall have the right to call in the debentures issued for or in respect of the said water works, and such debentures as shall not be so presented for payment within six months after the first publication of such notice, shall cease to bear interest on and after the expiration of the six months. The said corporation may, however, renounce to the rights conferred upon it by the present clause in mentioning such renunciation in the debenture
- Other loans may be effected by the corporation
- 31** The said corporation continues to enjoy the right of effecting the loans authorized by the Acts incorporating the said city, as if this Act had never been passed
- Mortgage in favor of holders of water-works debentures
- 32.** Holders of water works debentures have the first mortgage or hypothec upon the said water works and everything connected therewith, for the repayment of the capital and interest of such debentures. This hypothec does not require to be enregistered.
- Punishment for forging or altering debentures
- 33** If any person shall forge, alter or counterfeit any debenture aforesaid, or any stamp, indorsement or writing therein or thereon, or tender in payment or exchange for cash, or put in circulation any such debenture, forged, altered or counterfeited, as aforesaid, knowing that it is so forged, altered or counterfeited, or that any stamp, indorsement or writing upon or on such debenture is forged, altered or counterfeited, with intent to defraud, shall, upon conviction before a court having competent jurisdiction, be condemned, at the discretion of the said court, at hard labor in the Provincial Penitentiary, for a period not less than three years, or in any other prison or house of correction for a period not exceeding two years.
- Application of water works revenues
- 34.** The revenues of the said water works shall be applied to the payment of the costs of maintenance, and current expenses and the interest of the said water works debentures, and the balance shall form a fund, separate and distinct, to extinguish the capital of the said debentures, after which the revenues of the water works shall form part of the general funds of the city.
- Treasurer may receive debentures or coupons in
- 35.** The City Treasurer may receive debentures of which the payment is due, or coupons for interest due on the debentures, in payment of whatever may be due to the city for any object or purpose whatever, and the holder of these debentures in making such payment shall

inscribe his name upon the said debentures, and indicate the day, month and year in which such payment took place, and credit shall be given to the said Treasurer in his accounts with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated. payment of corporation dues

- 5 **36.** The corporation shall keep separate and distinct accounts of the receipts and expenses of the said water works, and shall cause them to be audited by the auditors named in virtue of the Acts of Incorporation, and at the same time and as often as the corporation is bound to audit the general accounts of the said corporation; the corporation shall also publish after the first day of February in each year, in a French newspaper and in an English newspaper in the said city, a statement shewing — Separate accounts of water works.
- 10 1. The amount of the revenues and profits of the said water works ;
 2. The number of persons supplied with water ;
 15 3. The extent and the value of the movable and immovable property belonging to the corporation for the purposes of the said water works ;
 4. The amount of debentures issued and unpaid, and the interest paid during the year or remaining due,
 5. The expenses of collection and management and other contingencies ;
 20 6 The salaries of officers and servants employed for the purposes of the said water works ;
 7 The costs of repair, amelioration and alteration of the said water works ,
 25 8. The price paid for any real property bought, and the amount received or to be received for any real property sold, in a word, a statement giving a full and perfect knowledge of the affairs of the said water works

- 37** The corporation may exact from the officers and servants it shall name in virtue of this Act, sufficient security ; and they shall be subject to the same general obligations and liable to the same penalties imposed upon other officers and *employés* of the said corporation. Officers and servants of water works.

- 38** All actions or suits against any one whomsoever, for anything done under the present Act, shall be instituted within six months after the commission of the act or thing done, or in case of damages, within six months after the damage shall have been done, and the defendant may plead the general issue, offer the present Act in proof, and allege that the act or thing was done under the authority of the present Act, and if this shall appear to be the case, or if the action shall have been brought after the delay fixed by this section, judgment shall be rendered in favor of the defendant, with treble costs against the plaintiff, who shall also be bound to pay them in case where he shall make default, or discontinue the action or suit, and such costs shall be levied in the ordinary way. Limitation of certain actions.

- 45 **39.** The provisions of the Acts incorporating the said city, shall extend and apply to the Acts and things authorized to be done and performed by this Act, in so far as the provisions of any such Acts shall not be contrary to, or inconsistent with the present Act. Extension of Acts incorporating the city.

- 50 **40** The fines and penalties imposed by this Act shall be sued for and recovered before the said Recorder's Court in conformity with the law which regulates the said Court; and shall be levied in the Penalties, how sued for and recovered

manner and form prescribed for the levying of the fines incurred for offences against the by-laws of the said Council by virtue of the Act intituled: *Act to amend and consolidate the Acts incorporating the City of Quebec, &c.*, passed in the year of Her Majesty's reign, unless it be otherwise ordained by the present 5 Act to that effect.

Things done under former Acts to be valid.

41. All things done, loans effected, debentures issued, and acts done and performed in virtue of the Acts relating to the said water works, shall continue to be and held good and valid, provided they are legally made, effected, issued and executed, notwithstanding the passing of this 10 Act.

Rights of Her Majesty reserved.

42. The present Act shall not affect the right of Her Majesty, Her Heirs and Successors.

Acts and parts of Acts repealed.

43. The following Acts are hereby repealed: The Act of the tenth year of the reign of Victoria, chapter one hundred and thirteen; the 15 thirteenth and fourteenth Victoria, chapter one hundred and thirty-one; the sixteenth Victoria, chapter one hundred and twenty-nine; the eighteenth Victoria, chapter thirty; and the parts of the following Acts which relate to the said water works, are also hereby repealed, to wit:—The twenty-second Victoria, of the year 1858, chapter thirty; the 20 twenty-second Victoria, of the year 1859, chapter sixty-three; and the twenty-third Victoria, chapter sixty-eight; and all Acts or parts of Acts repealed by the said Acts and parts of Acts, remain and shall be repealed, in so far as they refer to the said water works.

Inconsistent Acts repealed.

44. All Acts and parts of Acts inconsistent with the provisions of 25 this Act are hereby repealed; and all Acts or parts of Acts repealed by any such Acts or parts of Acts as are hereby repealed, are, and shall remain repealed.

Interpretation clause.

45. Wherever the words hereinafter mentioned are used in this Act, they shall be understood as having the meaning attached to them as 30 follows, to wit:—

1. The words "Governor General," or "Governor in Council," shall mean the Governor General and Executive Council of the Province of Canada.

2. The words "Mayor, Treasurer and Clerk," shall mean respectively 35 the Mayor, Treasurer and City Clerk, of the City of Quebec.

3. The word "Corporation," shall mean the Corporation of the said City of Quebec.

4. The words "Council, and City Council," shall mean the Council 40 of the said Corporation of the City of Quebec.

5. The words "Recorder's Court" shall mean the Recorder's Court 45 of the City of Quebec.

46. And whereas difficulties have arisen as to the correct interpretation of the words "occupied house and store" in the Acts relating to the water works of the said City; it is hereby declared and enacted 45 that the words "occupied house or houses" in the said Acts, and in the by-laws of the Council of the said City, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store; and the words "store and other simila,

buildings" in the said Acts and By-laws have signified, signify, shall be held to and will signify any building whatever used for the storage and sale by wholesale only of merchandize and effects, notwithstanding any matter, thing or enactment contrary thereto in the said Acts or By-laws 5 contained. But nothing herein contained shall be considered to affect in any manner any judgment or decision rendered prior to the passing of this Act.

47. The said Council is authorized by the present Act to issue new Council au-
debentures in the manner and form hereinbefore prescribed, for an thORIZED TO IS-
10 amount not exceeding six thousand dollars, for the introduction of the sue new de-
water works into those streets, in which the introduction of the said water bentures.
works will yield an annual revenue of not less than ten per cent. on the cost of the said introduction.

2. But nothing in this section shall prejudice in any manner the Not to preja-
15 rights or privileges acquired by the holders of debentures issued for dice rights
the purposes of the said water works, before the passing of the present acquired.
Act.

3. The holders of debentures issued in virtue of this section shall have a special preferential privilege upon the works executed with the 20 moneys received for the said debentures.

48. This Act shall be deemed a Public Act.

Public Act.