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No. 162.

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3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

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## BILL.

An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with water, and to establish a Board of Direction for the management and superintendence of the Water Works to be constructed according to the provisions of the said Act.

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Received and Read a first time, Monday, 8th July, 1850.

Second Reading, Thursday, 11th July, 1850.

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MR. ROSS.

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## BILL.

An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with water, and to establish a Board of Direction for the management and superintendence of the Water Works to be constructed according to the provisions of the said Act.

**W**HEREAS by an Act of the Legislature of this Province passed in the tenth year of Her Majesty's Reign intituled "*An Act for supplying the City of Quebec and parts adjacent thereto with water,*" powers were conferred upon the Mayor and Councillors of the said City with the intention of enabling them to obtain a supply of good and wholesome water from sources in the vicinity of said City: And whereas the inhabitants of the said City, in a public meeting duly convened, as well as the said Corporation, have expressed their desire that further statutory provisions should be made by the Legislature, for the attainment of an object in a great degree conducive to the public health and at the same time affording a protection against fires and disastrous conflagrations, to which the said city hath been exposed from the want of an early supply of water: Be it therefore enacted, &c.

That the restriction imposed upon the said Corporation, by the twelfth section of the said Act, shall be and the same is by this Act removed; and it shall be lawful for the said Corporation, when and so soon as they are prepared to supply the said City, or any parts thereof, with water, to specify and declare by a Bye-law, that the proprietors or occupiers of houses, stores, and similar buildings in the said City, or in such parts thereof as they are ready to supply as aforesaid, shall be subject to the annual rate or assessment, payable at the periods to be fixed by the said Bye-law, to the said Corporation, which rate or assessment shall not, however, be made payable before the water is ready to be supplied to the proprietors or occupiers, by the said Corporation, and shall not exceed *one shilling and three pence* in the pound on the assessed annual value of the houses occupied and one half that amount on stores and similar buildings: *Provided* always, that such rate shall not be chargeable on the excess of such annual value over *one hundred and fifty pounds*.

Restriction in sect. 12, removed. Water-rate may be imposed by the Corporation.

Proviso.

All proprietors  
and occupants  
to be subject  
to water-rate.

II. And inasmuch as the establishment of the said water works will be for the advantage and protection of the said inhabitants generally, and the imposing of a general rate or assesment will render the procurement of the loan hereafter mentioned more easy, and contribute to the reduction of the rate of interest thereon: Be it enacted, 5  
that the said rate or assesment shall be payable by the said proprietors or occupiers in the event of they or any of them refusing to receive into their houses, stores or other buildings the water pipe to provide the same: Pro- 10  
vided always, that the expense of introducing the said water into the said house, stores or other buildings shall be borne by the said Corporation and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings after 15  
being introduced into them shall be borne by such proprietors or occupiers if required by them.

Proviso.

Sect. 13  
repealed.

What sum the  
Corporation  
may borrow  
and on what  
conditions, &c.

III. And as it is necessary to substitute other provisions in lieu of those contained in the thirteenth section of the said Act, which authorizes the issuing of de- 20  
bentures or Corporation bonds: Be it enacted that the said thirteenth section shall be and the same is hereby re-  
pealed; and it shall and may be lawful for the said Corporation to borrow a sum of money not exceeding one  
*hundred and twenty-five thousand pounds* current money 25  
of this Province, for the purpose of establishing the said Water Works, and to issue Debentures or Corporation Bonds to that amount, under the hand of the Mayor and the seal of the said Corporation, payable on the first day of November, in the year of our Lord one thousand eight 30  
hundred and seventy, unless the said Corporation shall see fit to redeem the same at an earlier period, with the consent of the holders thereof, upon which Debentures or Corporation Bonds interest shall be payable semi-annually on the first day of November and May in every year, 35  
which interest may amount to and shall not exceed the rate of seven per centum per annum. Provided always, that all and every the provisions in the said Act contained, relating to the issuing of the Debentures or Corporation Bonds therein mentioned, and the moneys to be 40  
obtained by means thereof, shall apply equally to the provisions of this Act and the Debentures or Corporation Bonds herein mentioned and the moneys to be obtained by means thereof, except so far as altered by this Act.

Proviso.

Special agree-  
ments with  
certain parties.

IV. And be it enacted, That the said Corporation shall 45  
have power to make special agreements with parties interested for the supply of water for any steam engine, baths, breweries, distilleries, manufactories, livery stables, hotels or other special cases.

V. And inasmuch as the establishment and manage- 50  
ment of so great an undertaking as the said Water Works

are inconsistent with, and the duties connected therewith are too various and complicated for a Committee of the said Corporation to perform and further provisions are in this behalf necessary; Be it enacted, that it shall and may be lawful for the said Corporation, by a By-law, to constitute a Board to be called "*The Board of Direction of the Quebec Water Works,*" to be composed of a President who may receive a salary not exceeding *five hundred pounds* currency, per annum, and four members, of whom the Mayor of the said City for the time being shall be one, who also may receive such remuneration for their services as the said Corporation shall provide, and from time to time to alter and change the composition of the of the said Board by filling up vacancies or removing the members thereof and appointing others in their place, but in cases of vacancy the board shall be competent to act notwithstanding such vacancy until the same shall be filled up, and all the members of the said Board shall give security if the Corporation see fit.

Board of Direction may be appointed.

Vacancies.

VI. And be it enacted, that the said Board shall have power, for and in the name of the said Corporation, to dispose of the said debentures or Corporation bonds upon such terms as the said Board shall find to be most advantageous for the said City; to enter into contracts for the purchase and acquiring of land and all necessary materials connected with the said works; to acquire the right of way when necessary; to settle and adjust the amount of land damage, and pay the amount agreed upon for the same; to contract with the parties who may agree to construct the said works, or any part thereof; to superintend and manage the works when completed; to appoint their own Secretary, Engineer, and all workmen found necessary; to fix, subject to the approval of the said Corporation, their salaries or wages, and to exercise such power and authority and perform such other duties conferred and imposed upon the said Corporation, as well by the said Act as by this Act, as the said Corporation shall by any By-Law see fit to confer on the said Board from time to time; and all questions shall be decided by a majority of the said Board.

Powers of the Board of Direction.

VII. And be it enacted, That the said Board of Direction shall account monthly to the said Corporation for the moneys from time to time placed under their control by the said Corporation, and for the due performance of the duties imposed on them, and the accounts of receipts and expenditure shall be certified to be correct by the President and Secretary of the said Board.

Board to account monthly to the City.

VIII. And be it enacted, That the acts and deeds of the said Board, in execution of the powers by this Act conferred and to be conferred on them, shall be held and considered to be the acts and deeds of the said Corporation.

Its acts to be those of the Corporation.

Board may sue  
and be sued,  
&c.

IX. And be it enacted, That the said Board may, for all the purposes of the said Act and of this Act, sue and be sued, and answer and be answered unto, in all Courts of Justice and other places, as any Corporation, under the name of "*The Quebec Water Works,*" and any judgment or judgments in any suit or suits to which the said Board may be a party, may be carried into execution either for or against the said Corporation, of the City as the case may be, as if judgment had been rendered against or in favor of the said Corporation, and service of process may be made either on the President or Secretary of the said Board. 5

Compensation  
how deter-  
mined if the  
Board and any  
party cannot  
agree.

X. And be it enacted. That if any person interested in lands or other property which the said Board may require or over which a right of way or servitude may be required for the said works, or in lands in relation to which the said Board shall order any thing to be done in their opinion necessary to give effect to the provisions of the said Statute and of this Act, shall not accept a proposal in writing made by them, for compensation for his land or for damages to be occasioned by the act of the said Board, the said Board may agree with such person to refer the same to one or more disinterested persons, the award of whom, or the majority of whom, shall be binding and final in all matters under *twenty-five* pounds, and in all matters when the award shall exceed *twenty-five* pounds, the award shall be likewise binding and final unless appealed from, by one or both of the parties, by petition to the Court of Quarter Sessions for the District of Quebec, at its first sitting after the making and publishing of the award, where a jury shall be empanelled to decide the amount payable by the said Corporation, as and for compensation for land or damages, as the case may be, and if the verdict of the jury shall declare the sum awarded to be sufficient, the appellant shall pay the costs of the appeal, and if, on the contrary, the sum awarded shall be declared insufficient, the costs shall be payable by the respondent: Provided always, that it shall be lawful for the said Board to take possession of the said lands, or exercise the right of way or servitude, or perform the work required so soon as the proposal aforesaid shall be made and the money therein mentioned tendered or paid into Court as hereinafter provided. 15 20 25 30 35 40

Appeal given.

Proviso.

Provision  
where the  
Board and any  
party cannot  
agree upon  
referees.

XI. And be it enacted, That if the said parties cannot agree upon referees or *experts* for the purpose aforesaid, after the proposal or offer of the said Board shall be made, (after which, and tender of the money or payment into Court as aforesaid, the said Board may enter into possession of the lands required, servitude or right of way aforesaid or order the thing required to be done as aforesaid) the party dissatisfied with such proposal or offer, may appoint an appraiser or *expert* and notify the President of the said 45 50

Board, or their Secretary, at the office of the said Board, of such appointment, and require them to name a second appraiser or *expert*, and notify the same to him, which it shall be the duty of the said Board to do, and in the

5 event of neglect or refusal, after three days notice in writing, the said party so dissatisfied, or in case the said Board shall have named an *expert* who shall refuse to act within three days after his appointment shall have been notified to him, any one of the Judges of Her Majesty's

10 Superior Court, residing at the City of Quebec, shall, upon the summary petition of the party dissatisfied, and proof, upon the oath of one credible witness, of the refusal or neglect aforesaid, and of the service of the petition upon the President of the said Board, forthwith ap-

15 point an appraiser or *expert* to act on the behalf of the said Board or Corporation; and the appraisers or *experts* appointed as aforesaid, shall estimate the value or compensation to be paid by the said Corporation, and shall report the same to them in writing; and in case of disagreement

20 between the appraisers and *experts*, they, the said appraisers and *experts*, shall appoint an umpire, or if they cannot agree upon the appointment of an umpire one of the Judges aforesaid shall without loss of time, on the summary petition of the said appraisers or *experts*, or of the

25 said party dissatisfied, appoint an umpire, and the report of any two of the said appraisers or *experts* and umpire, shall have equal effect as if the same had been, or were made by the two appraisers or *experts*, concurrently, and upon the amount of such estimated and reported value or

30 compensation being so established, the same shall, after due payment, be a good and valid discharge to the said Corporation: Provided always, that if either party be dissatisfied with the said report, an appeal may be made as in the foregoing section of this Act is provided, to the

35 said Court of Quarter Sessions, at its first sitting after the making and publishing of the said Report, when a Jury shall be empanelled as aforesaid, and in case the Report shall be confirmed by the verdict of the Jury, the appellant shall recover costs, and in case of the same being set

40 aside or altered thereby, the respondent shall recover costs, and the costs of the reference to *experts* shall be likewise borne by the unsuccessful party, when the award shall have been in accordance with the report. Provided always, that the costs may be awarded either by the Jury

45 in cases of appeals, or by the referees, *experts* or appraisers in cases of reference.

Referees to report in writing.

Proviso : Appeal given.

As to costs.

XII. And as in certain cases it may be doubtful to whom the compensation ascertained by the award of referees, *experts* or appraisers, should be paid, and to whom

50 the said Board should make their proposal or offer for land, the right of way or servitude, or for damage done in the exercise of the powers vested in them by this Act, Be it enacted, That it shall be lawful for the said Board

Provision where it shall be doubtful who ought to receive the compensation.

to cause the amount of such compensation to be lodged in the hands of the prothonotary of the said Superior Court, sitting at Quebec, to await the distribution of the said Court to the party or among the parties lawfully entitled to such compensation or to any part thereof; And the said Court shall prescribe the mode of calling before it all parties interested, and make such orders in relation to the same as in its discretion shall seem just. 5

Bodies politic,  
and those acting  
for others  
may convey to  
the Board.

XIII. And be it enacted, That it shall be lawful for all bodies, politic or corporate, tutors, curators, tenants for life or in substitution, to agree with the said Board, in all the matters aforesaid, in relation to the said works; and any contracts or agreements, references, awards or verdicts rendered against or in favour of the said tenants for life or in substitution, tutors and curators shall be equally binding on the parties represented by them or either of hem, as if rendered against or in favour of the said parties whom they represent as aforesaid, and it shall be in the power of the said Board to act towards the said tenants or life, or in substitution, tutors or curators in the same manner and way as if they were proprietors of the land in relation to which the Board desire to become proprietors, to obtain any right of way or servitude, or do any other matter or thing in furtherance of the provisions contained in the said Act and in this Act. 10 15 20 25

Public Act.

XIV. And be it enacted, That this Act shall be deemed to be a Public Act.