

No. 250.
(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to authorize the Mayor and Corporation of the City of Montreal to borrow a certain sum of money, and to erect, therewith, Water Works for the use of the said City.

Received and read a first time, Friday, 25th
February, 1853.

Second reading, Tuesday, 1st March, 1853.

HON. MR. BADGLEY.

QUEBEC:
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An Act to authorize the Corporation of the City of Montreal, to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto.

WHEREAS the present supply of water for the City of Montreal, and Preamble.
 the mode adopted for supplying the same, have been found to be insufficient; And whereas it is necessary greatly to increase that supply; And whereas the Mayor and Corporation of the said City of Montreal by
 5 their Petition have prayed that powers be granted them for that purpose; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the
 10 United Kingdom of Great Britain and Ireland, and intituled, "*An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada,*" and it is hereby enacted by the authority of the same,

That all and every the powers, privileges and authority of the Corporation Provisions of
 of the said City of Montreal, under the Act of the Parliament of this 7 Vic., cap. 44,
 15 Province passed in the seventh year of Her Majesty's Reign, and extended.
 intituled, "*An Act to authorize the Mayor, Aldermen and citizens of Montreal, to purchase and hold the property now known as the Mont-*
 "*real Water Works,*" shall, in and so far as the same shall apply to the
 20 construction and extension of Water Works in the City of Montreal and the parts adjacent thereto, be and belong to the said Corporation for the
 erection and construction of the Water Works constructed or erected, or
 intended so to be under this Act, and all and every the clauses of the said
 Act shall be held to be a portion of this Act, in every particular thereof
 not inconsistent with the provisions thereof.

25 **II.** And be it enacted, That for the purpose of establishing the said Corporation
 Water Works as aforesaid, it shall and may be lawful for the said Corpora- Corporation
 tion to borrow a sum not exceeding one hundred and fifty thousand pounds empowered to
 sterling money of Great Britain, before or after the completion of the said borrow
 Water Works, to issue under the hand of the Mayor and the seal of the said £150,000; and
 30 Corporation, Debentures or Corporation Bonds, to the said amount of one issue Debentures.
 hundred and fifty thousand pounds, sterling aforesaid, payable on or before
 the first day of November, in the year of our Lord, one thousand eight hundred
 and seventy-eight, and bearing interest, payable semi-annually, on the
 first days of November and May in each and every year, and at a rate not
 35 exceeding six per centum per annum; and all such Debentures may be in
 any form not inconsistent with this Act, and may have Coupons thereunto

annexed for the half yearly interest thereon, which Coupons being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation, and the possession of any such Coupon by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such Debenture; and all the provisions of this Section shall apply as well to the Debentures heretofore issued as to those to be issued after the passing of this Act; and all such Debentures, and as well the interest as the principal thereof, are and shall be secured on the General Funds of the said Corporation, as well as by the special privilege on the Water Works, mentioned in the fifteenth Section of the Act first above cited, which said privilege shall nevertheless only rank in order next after the privilege secured to the holders of Bonds issued under the provisions of the said Act, passed in the seventh year of Her Majesty's Reign, or of any Act or provision of law in amendment thereof.

Debentures may be payable either within or without the Province, &c.

III. And be it enacted, That any sums which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid may be made payable either in this Province or elsewhere, and either in the Currency of Canada, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Water Works pledged for the loan contracted under this Act.

IV. And be it enacted, That 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 repayment 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.

Corporation may sell existing Water Works.

V. And be it enacted, That the said Corporation shall have power to sell, alienate, lease, and convey all or any parts of the existing Water Works and property appurtenant thereto or connected therewith, and to let and lease for life or for years or for any number of years, any water privileges or ground therefor, belonging or appertaining to the said Corporation or which may be acquired by the said Corporation for the purposes of the said Water Works, upon such terms and conditions as to the said Corporation may appear just and expedient.

How compensation for property taken &c., shall be fixed in case of non-agreement.

VI. And be it enacted, That in the acquisition of real or immoveable property necessary or expedient for the purposes of the said Water Works to be erected as aforesaid under this Act, the estimation or value thereof, whenever the same shall not have been voluntarily agreed upon by and between the said Corporation, and any person or party interested in such property and having right to sell, alien and convey the same, shall be made by Ap-

praisors to be indifferently chosen, in manner following, to wit: one by the said Corporation, another by the said person or party and a third or umpire, only in case of difference of opinion between them, by the said two others; and in case of their not agreeing upon the nomination of such third or umpire, such third shall be appointed by any of the Judges of the Superior Court or Circuit Court for the District of Montreal, and the said Appraisors shall be sworn before such Judge before their operation, which shall be conducted in the manner provided by the law of Lower Canada, for proceedings by *experts*, and the decision of the said two Appraisors if they shall agree, or of any two of the said Appraisors and umpire shall be conclusive, notwithstanding any want or defect of form in their proceedings.

VII. And be it enacted, That the said Corporation shall have power to extend all or any of their works for the said Water Works, to a distance not more than thirty miles from the limits of the City of Montreal, and all and every the provisions of law under the said Act in the first Section of this Act mentioned, shall apply to the said extension.

Corporation may extend their Works thirty miles from the City.

VIII. And be it enacted, That if the said Corporation shall conduct the water for the supply of the said City and parts adjacent thereto, under this Act, by or through a Canal, the said Corporation shall have the power either to lay out a road on either or both sides of the said Canal, of such width as the said Corporation shall deem expedient for public use or for the agricultural purposes of the proprietors through whose lands the said Canal shall pass, and in that case the Corporation shall, at their own expense, construct bridges across the said Canal, from place to place not further from each other than the distance of one mile, or if the Corporation shall not lay out such road, in that case the said Corporation shall construct at their own expense a bridge sufficient for the convenience of the said proprietors, on the boundary line between every two of such proprietors having a frontage on the said Canal.

Bridges to be built by the Corporation in certain cases.

IX. And be it enacted, That this Act shall be held to be a Public Act.

Public Act.