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4th Session, 6th Parliament, 24 Vic., 1861.

BILL.

An Act to authorise the Mayor, Aldermen and Citizens of the City of Montreal to borrow an additional sum for the purpose of completing the new Water Works in the said City, and to restrict the annual expenditure of the Council of the said City within certain limits.

[PRIVATE BILL.]

Received and read, 1st time, Tuesday, 16th
April, 1861.

Second reading Friday, 19th April, 1861.

Hon. Mr. ROSE.

QUEBEC.

PRINTED BY THOMPSON, HUNTER & CO.

ST. URSULE STREET.

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow an additional sum for the purpose of completing the new Water Works in the said City, and to restrict the annual expenditure of the Council of the said City within certain limits.

WHEREAS it is necessary for the good working of the Water Works of the City of Montreal, to complete certain works and to make new ones; and whereas the Council of the said City have, by their Petition, asked for the authority they require to borrow the sum necessary for that purpose; and whereas it is expedient to restrict the annual expenditure to be made by the said Council within certain limits; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. All the powers, privileges and authority already possessed by the Corporation of the said City, in and by the Act 7 Victoria, chapter 44, and by the Act 16 Victoria, chapter 127, are hereby conferred upon and shall appertain to the said Corporation, in so far as they may apply to the purposes of this Act, and the same may be required for the objects hereinafter mentioned; and each and every section of the two above cited Acts shall be held to form part of the present Act, in so far as the same may be consistent with the provisions of this Act.

Acts 7 Vic. c. 44, and 16Vic. c. 127, incorporated with this Act.

II. The said Corporation is hereby authorised to increase the motive power of the wheel-house by means of which the water conveyed through the newly constructed aqueduct is forced into the reservoirs of the said City, either by adding one or more wheels to the said wheel-house, or otherwise, and to construct and open, upon such site as will appear most convenient, a tail-race, by which the waste water coming from the new aqueduct into the wheel-house, may be carried into the river St. Lawrence; and for that purpose to acquire, in the manner and form and upon the conditions prescribed in and by the said Act, 16 Victoria, chapter 127, all real estate, or any part thereof, which may be required for the construction of the said tail-race.

Corporation may increase the power in the wheel-house, and construct a tail-race.

III. The said Corporation is hereby authorised to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said City, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and seal of the said Corporation, Debentures or Corporation Bonds, to the amount of two hundred thousand dollars, aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be

Corporation may borrow \$200,000 for certain purposes relating to the Water Works.

Debentures.

deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said 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 said 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 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 a special privilege on the Water Works of the said City, on the property to be acquired, and on the works to be made under the authority of this Act; the same being hereby specially mortgaged for the payment of the Debentures, both in capital and interest; provided, however, the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for securing payment of principal and interest.

How and where debentures may be made payable.

IV. The amount which the said Corporation is empowered to borrow by the preceding section, 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 sterling money aforesaid, or the currency of this Province, 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.

Yearly appropriations to be made by the City Council.

V. From and after the civic year which shall commence for the said City on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said City to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing—

1. For the payment of the interest, and sums required for the sinking fund on the debt due by the said City;
2. For the general and ordinary expenses of the City;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per centum to meet unforeseen expenditure;

Appropriations limited.

Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Council to limit the City expenditure to the said appropriations, &c.

VI. It shall not be lawful for the said Council to expend beyond the amount so appropriated, and the amount of the other sums at their disposal out of the receipts of the current year, except in the cases and under the conditions hereinafter set forth; but the Council may at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure.

- VII. The Mayor and Councillors who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with the foregoing sections, shall alone be personally responsible therefor. Penalty on Councillors authorising any excess.
- 5 VIII. In cases of urgent necessity, the said Council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-Law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year Except in cases of urgent necessity, &c., on imposing a special tax, &c.
- 10 in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said City.
- IX. All the provisions of any law inconsistent with the provisions of this Act shall be, and the same are hereby repealed. Inconsistent enactments repealed.
- 15 X. This Act shall be held and taken as a Public Act. Public Act.