

# 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.

- 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
- Only edition available / Seule édition disponible
- 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 restorations 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.
- Additional comments / Commentaires supplémentaires: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

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 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
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No. 56.

5th Session, 1st Parliament, 35 V

BILL.

An Act to incorporate "The  
Waterworks Compa

PRIVATE BILL

Hon

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and

1872.

An Act to incorporate the Dominion Water Works Company.

**W**HEREAS George Henry Wilkes

Preamble.

5 have by their petition represented that one Charles Horatio Waterous has invented a new and useful improvement for supplying water in villages, towns and cities, called and known as "Waterous' improved system of Fire Protection and Water Supply," and has obtained therefor, under the Statute of the Par-  
 10 liament of Canada, a patent; And have further represented that they are desirous of forming themselves into a Company, and to become incorporated for the purpose of erecting and constructing Waterworks on the improved plan of the said patent in the several villages, towns and cities in the Dominion of Canada that  
 15 may desire the same, by means whereof, at a comparatively small outlay, a sure protection against fire will be secured, and an abundant supply of water for domestic use provided, whereby great benefits will be conferred upon the community; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her  
 20 Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said George Henry Wilkes

Certain persons incorporated.

25 together with all such other persons as shall become Shareholders in the Company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of "The Dominion Waterworks Company."

30 2. The said Company is hereby authorized and empowered to contract with the Municipal Corporation of any and every incorporated village, town, or city in the Dominion of Canada, on such terms as the said Company and any of such Municipalities shall agree upon, for the erection and construction in any of such  
 35 Municipalities of Waterworks on and after the plan of "Waterous' Improved System of Fire Protection and Water Supply," either for the extinguishment of fires only, or for the extinguishment of fires and for domestic use, and to secure, improve, and enlarge the same from time to time, as to the said Company shall seem  
 40 meet, and shall be agreed upon as aforesaid; and in pursuance of any such agreement, made with any such Municipalities, to erect, construct, enlarge, improve and complete the said Waterworks, upon and after the plan aforesaid, and to erect and construct, place and lay down, the necessary and convenient buildings, machinery,

Company may contract with Municipalities for erection of waterworks.

pipes, and all other appurtenances, matters and things requisite for the purposes aforesaid.

Power to acquire lands.

3. It shall be lawful for the said Company, and it is hereby authorized and empowered for the purposes aforesaid, to exercise all the powers, rights, and privileges in respect of the acquiring of lands in any municipality requisite and necessary for the properly erecting, constructing, maintaining, and operating the said Waterworks, and in respect of the erecting of buildings and the lands necessary therefor, and in respect of the laying down of pipes, and the lands necessary therefor, and in the respect of the laying down of pipes along the streets and public places, and in respect of the using or diverting of any stream or streams, or spring or springs of water, and in respect to all other matters and things whatsoever, requisite or necessary to be done in or about the premises, which shall be lawfully conferred upon the said Company by any municipality. 5  
10  
15

Further powers as to acquisition of real property.

4. The said Company and their agents, servants, and workmen shall have power and authority to enter into and upon the lands of any person or persons, bodies politic and corporate, and to survey, set out, and ascertain such part thereof, for the purposes and uses of the Company, and to divert and appropriate any spring, or stream of water thereon as shall be suitable and necessary for the purposes and uses of the said Company, and to contract with the owners or occupiers of such lands, and those having any interest therein, or any right or interest in the said water, or in the natural flow of the said water from such springs or streams, or any part thereof, for the purchase thereof, or any part thereof, or of any privilege that may be required, for the purposes and uses of the said Company; and, in case of any disagreement between the said Company and the owners or occupiers of such lands, or the persons having any interest therein, or any interest or right in the said water, or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation or otherwise, the owner, or occupier, or person interested so disagreeing with the said Company upon the value of the said lands, rights, or privileges, or the amount of such damages shall, within six days after being requested in writing so to do by the said Company, nominate and appoint one indifferent person as an arbitrator, and the Company shall forthwith nominate and appoint another indifferent person as an arbitrator, who, in Ontario, together with the Judge of the County Court of the County in which the said lands are situate, or the said privileges are to be exercised, and in Quebec and Nova Scotia, together with any Judge of any Court of Record, who shall be named by the said Company, shall be arbitrators to award, determine, adjudge, and order the respective sums of money, which the Company shall pay to the respective persons entitled to receive the same, for the taking of lands, or the exercise of the powers aforesaid, and the award of the majority of whom shall be final, and the said arbitrators shall attend at some convenient place, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company to the said arbitrators, and shall make the award of and concerning the premises, which shall be final and conclusive between the parties; And, upon the said Company complying with, or offering to comply with, the terms of the award so to be made as aforesaid, and paying, or offering, or ten- 20  
25  
30  
35  
40  
45  
50  
55

Arbitration in case of disagreement.

Effect of award.

dering in payment, the money (if any) thereby awarded to be paid, and filing the said award with an affidavit of the due execution thereof to be recorded in the Registry Office of the Registration division in which the said lands are situate or the said powers  
 5 are to be exercised, it shall operate as a conveyance of the said lands, or a licence in perpetuity to exercise the said powers, and the said Company shall thereupon be entitled to take and appropriate the lands, or exercise the powers in respect of which the said award was made; and the fees for the recording of the said  
 10 award shall be the same as in ordinary cases of deeds: *Proviso.* Provided always, that if the owner or owners, occupier or occupiers, or person or persons interested in the lands so to be taken or powers so to be exercised as aforesaid, shall refuse or neglect to name an arbitrator within the time aforesaid, it shall be lawful for the  
 15 said Company to apply to the Judge aforesaid, (giving the other party two clear days' notice thereof in writing,) who is hereby authorized and required to appoint an arbitrator to act for and behalf of the person or persons so interested as aforesaid; the Arbitration shall then be proceeded with, and determined the same  
 20 as though the said last-named Arbitrator had been appointed according to the provisions contained in the previous part of this section.

5. The Capital Stock of the said Company shall be Five *Capital Stock.* Hundred Thousand Dollars, to be divided into Five Thousand  
 25 Shares of One Hundred Dollars each, and the Shares of the said Capital Stock may after the first instalment of five per cent. shall have been paid thereon, be transferred by the respective persons *Transfer.* subscribing or holding the same to any other person or persons, and such transfer shall be entered or registered in a book or books  
 30 to be kept for that purpose by the said Company, and for the purpose of organizing the said Company, the persons named in the first section of this Act, shall be Provisional Directors thereof, and they or a majority of them, may cause Stock Books to be opened upon which shall be recorded, the Subscriptions of such  
 35 persons as shall become Shareholders in the said Company: *Proviso.* Provided always, that it shall be lawful for the said Company, by resolution of any General or Special Meeting of the Shareholders, to increase the Capital Stock of the said Company to One Million of Dollars.

40 6. When and so soon as one hundred thousand dollars of the *First general meeting.* said capital stock shall have been taken and subscribed, and five per cent. thereof paid thereon, it shall be lawful for the said provisional directors or any of them to call a general meeting of the said subscribers by a notice thereof to be inserted at least ten  
 45 days previously to the time of meeting in one of the daily newspapers published in the City of Toronto and in the City of Montreal, specifying the time and place where such meetings shall be held, and at such general meeting the shareholders present either in person or by proxy, who shall have paid five per cent. upon the  
 50 stock subscribed by them shall elect nine persons to be directors of the said Company, and each person so elected shall be a holder of not less than twenty shares in the said Company; and the said directors may then forthwith or at any subsequent meeting of themselves, elect from among their own number a president of the  
 55 said Company, and such directors and president shall continue in office until the first Monday in February in the year then next following the election.

Annual  
general  
meeting.

7. On the said first Monday in February, and on every first Monday in February in each succeeding year, a general meeting of the shareholders of the said Company shall be held in the office of the said Company, or in some other place and at such hour as the president or directors of the said Company shall appoint, at which meeting the shareholders present in person or by proxy shall elect from among themselves nine persons, holding not less than twenty shares in the said Company, to be directors in the room of the directors for the then past year, who shall be eligible for re-election, and such directors so elected may then forthwith or at any subsequent meeting of themselves, elect one of their number to be the president of the Company. 5

Votes.

8. In the election of directors, and in the transaction of business at all meetings of shareholders, each shareholder shall be entitled to as many votes as he has shares. 15

Quorum.

9. The number of Directors to form a quorum for the transaction of business shall be determined by a by-law to be passed by the said Directors; and the President, or in his absence a Chairman chosen by the Directors present shall preside at the meeting of the Directors; and the President or Chairman shall, in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors. 20

President.

Casting vote.

Failure of  
election not to  
dissolve cor-  
poration.

10. In case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed, and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made. 25 30

Vacancies how  
filled.

11. In case any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification, or otherwise, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing in such place or places a Shareholder or Shareholders eligible for such office. 35

Officers.

12. The Directors shall have power and authority to appoint a Manager, Secretary and Treasurer, and such Clerks and other persons as may appear to them necessary for carrying on the business of the Company, with such powers and duties, salaries and allowances to each, as to the Directors may seem advisable; and they shall also have power and authority for the purposes and uses of the Company from time to time to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may mortgage, pledge, assign or hypothecate to such individual or corporate body the property, real estate, works, rates, revenues, income, rents, and future calls of the Company, for the repayment of the said sum or sums so borrowed, and the interest thereon, and may issue scrip or debentures in the name of the Company for sums not less than Fifty dollars each, and the same shall be transferable by delivery merely, and shall, with the interest payable thereon, form a charge upon the property and income of the Company. 40 45 50

Power to bor-  
row money.

13. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make, or cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make 5 from time to time any and all by-laws (not contrary to law or to the votes of the Company) regulating the calling in of instalments on stock and payment thereof; the issue and the registration of certificates of stock; the forfeiture of stock for nonpayment thereof; the transfer of stock; the declaration and payment of dividends; 10 the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by them to the Company; their remuneration, and that (if any) of the Directors; the time and place for holding the annual and other meetings of the Company; the calling of meetings of the 15 Company, and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of the chief place of business, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct 20 in all other particulars of the affairs of the Company; and every copy of any by-law under the seal of the Company, and purporting to be signed by any officer of the Company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Power to  
Directors to  
make by-law.

14. The company shall not be bound to see to the execution of 25 any trust whether express, implied or constructive in respect of any shares; and the receipt of the person in whose name the same shall stand on the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to 30 the company, and the company shall not be bound to see to the application of the money paid upon such trust.

Company not  
responsible for  
trusts.

15. At all meetings of the company every shareholder not being 35 in arrear in respect of any instalment called for shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy: Provided, always, 40 the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes and  
proxies.

Proviso.

16. The shareholders of the company shall not as such be held 40 responsible for any act, default or liability whatever of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount unpaid upon their shares in the stock thereof.

Liability  
limited.

17. The stock of the company shall be deemed personal estate, 45 and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

Stock to be  
personal estate

18. Aliens, as well as British subjects, and whether resident in 50 the Dominion or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to office in the said company as directors or otherwise.

All share-  
holders to have  
equal rights.

Directors may contract with Company.

**19.** It shall be lawful for any of the said directors to contract with the said Company, upon such terms as shall be specified in the contract in that behalf, for the erection, construction, completion or maintenance of any of the works aforesaid, or any of the matters and things connected therewith or appurtenant thereto, or for the supply of any machinery or material therefor. 5

Power to purchase and sell waterworks.

**20.** The said Company shall have power to purchase and acquire the plant and material and all and singular the property, franchise and privileges of any existing waterworks owned by any Company or by any Municipal Corporation, or to sell and absolutely dispose of any waterworks the property of the company, and other the lands, rights and privileges and other the premises belonging thereto to any Waterworks Company or Municipal Corporation or private person or persons, upon such terms and conditions as shall be agreed upon between the Company hereby incorporated and any existing Waterworks Company or any Municipal Corporation or any person or persons. 10 15

Power to amalgamate.

**21.** If any existing Waterworks Company or any Municipal Corporation owning waterworks shall desire so to do, it shall be lawful for them and for the Company hereby incorporated to amalgamate their said works, franchises and privileges together upon such terms and conditions as shall be mutually agreed upon between them. 20

Fire alarm telegraph.

**22.** It shall be lawful for the said Company to erect and construct fire alarm telegraphs in all places in which it shall erect the waterworks and other the premises by this Act authorized to be erected and constructed, and it is hereby clothed with all necessary powers, privileges and rights efficiently and properly to erect, construct and operate the same. 25

Part of Consolidated Statutes of Canada chapter 65 to apply.

**23.** The several sections of the Act intituled "An Act respecting Joint-Stock Companies for supplying cities, towns and villages with Gas and Water," chapter sixty-five of the Consolidated Statutes of Canada in so far as they may be applicable to the said Company, and are not inconsistent with the express provisions of this Act, shall be taken to be and shall form part of this Act the same as if they were expressly embodied in the same, namely:—Sections nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-nine, sixty, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four and seventy-six. 30 35 40