

of such sum or sums to be laid before the Legislature within twenty days after the meeting thereof.

VIII. And be it enacted, That this Act shall take effect and go into operation at the same time with the said recited Act.

Commencement of Act.

### CAP. XXVI.

An Act further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John.

*Passed 31st March 1842.*

**W**HEREAS a Company incorporated under the authority and by virtue of several Acts of Assembly of this Province, called *The Saint John Water Company*, has been established in the City of Saint John for the purpose of supplying the said City with Water: And whereas the operations of the said Company have been found very conducive to the security of property and the interest and convenience of the Inhabitants of the said City, and it is considered that further public advantages will be derived by authorizing the said Company to relinquish their Charter of Incorporation, and to place the future operations thereof under the controul of the Mayor, Aldermen and Commonalty of the City of Saint John: And whereas a certain Act passed in the third year of the Reign of Her present Majesty, intituled *An Act to facilitate the means of supplying the City of Saint John with Water*, did not go into final operation or take effect in consequence of certain proceedings required by the said last mentioned Act not having been had and taken within the time limited by the provisions of the said last mentioned Act, but the said Act was accepted by the Stockholders of the said Water Company and by the said Mayor, Aldermen and Commonalty;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the President and Directors for the time being of the Saint John Water Company, or the major part of them, at any time after the passing of this Act, by public notice in two or more newspapers published in the said City, to require any Stockholder or Stockholders or the legal representative of such Stockholder or Stockholders of the said Company to pay in all the residue of the Capital Stock now remaining unpaid and not heretofore forfeited, at such time and manner as the said President and Directors shall direct; and in case default shall be made in payment of any part of such residue so to be required, all such share or shares upon which such default shall have taken place, shall be forfeited to the use of the said Company; and it shall and may be lawful to and for the said President and Directors, at any time after such default, to sell every share or shares so forfeited, giving thirty days notice of such sale in two or more public newspapers published in the said City; and the proceeds of such sale shall be applied to the service and use of the said Company.

President and Directors of the Saint John Water Company may call in the outstanding Capital Stock.

On default of payment, may proceed to recover, or forfeit the shares.

II. And be it enacted, That the said President and Directors shall as soon as conveniently may be, pay off and discharge all debts, liabilities and engagements of the said Company, of what nature or kind soever, excepting only the Loan of Five thousand pounds and the interest thereof, heretofore granted to the said Company from the Province Treasury, by virtue of an Act of Assembly passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to grant a Loan of Five thousand pounds to the Saint John Water Company*.

To pay off all the Corporation Debts, except the Treasury Loan.

III.

Report of statement of the affairs of the Company, made up under Act 3 V. c. 72, to be deemed a correct statement up to its date.

An additional Report and statement to be made up.

Contents.

Persons to be appointed by the Water Company and City Corporation, to examine the same, and all the Property, Machinery, &c. and report in writing.

III. 'And whereas, in pursuance of the provisions of the said Act so as aforesaid passed in the third year of the Reign of Her present Majesty, intituled *'An Act to facilitate the means of supplying the City of Saint John with Water,* the President and Directors of the said Company did prepare a just, true and correct statement of the affairs of the said Company, which said statement did shew all the matters and things required by the said Act; and in pursuance of the said Act certain persons were duly appointed to report, and did make a full and true report of the state of the affairs and business, and also of the property, machinery and works of the said Company, as required by the said Act;' Be it therefore enacted, That the said Report so made as aforesaid, in pursuance of the said Act, shall be held and taken to be a just, true and correct statement made in pursuance of the said Act, up to the date and time of the making thereof; and that it shall be the duty of the President and Directors of the said Company for the time being, as soon as conveniently may be after the passing of this Act, to make up and prepare a just, true and correct statement of the affairs and transactions of the said Company since the making of the said first Report, which statement shall shew the whole amount expended and paid by the said Company for any purposes whatever since the making of the said first Report, the debts, obligations, liabilities and claims of every nature and kind against the said Company since that time contracted or incurred, all sums of money since that time and when received, as well on account of the Capital Stock of the said Company as otherwise, and all sums of money upon any account whatever, due and owing to the said Company; and also all real property, (if any,) and all personal property or effects of any nature or kind whatever, acquired by the said Company since the making of the said first Report, and not contained therein; and also a general account, shewing a balance either for or against the said Company, upon the transactions and operations of the said Company since the making of the said statement heretofore made; which said accounts and statement shall be verified under the respective oaths of the President and Secretary of the said Company, and shall be rendered to the Mayor of the said City for the time being, for the information of the Mayor, Aldermen and Commonalty; and as soon as conveniently may be after the delivery of such accounts and statements, the said President and Directors of the said Saint John Water Company shall nominate and appoint two fit and proper persons, not being Directors or Stockholders of the said Company for the time being, and the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall nominate and appoint three fit and proper persons, being Members of the Common Council or otherwise; which five persons, so nominated and appointed, shall forthwith proceed to investigate the affairs and operation of the said Company, so far as contained in the said accounts and statements so to be rendered of the transactions of the said Company, since the making and approval of the said first report, and to examine and inspect the books, documents, papers and vouchers relating to the business of the said Company, since the making of the said first report, and also all such of the property, machinery and works of the said Company as may be necessary for the making of the report hereinafter mentioned; and after such examination and inspection, the said persons so nominated and appointed, or the major part of them, shall make a full Report in writing, under their hands, of the state of the affairs and business of the said Company from the making of the said first Report, and also of all property, machinery or works of the said Company acquired since the making of the said first Report, and of all monies expended in the same; one copy of which said Report shall be furnished to the said President and

and Directors of the said Water Company, and another copy thereof shall be delivered to the Mayor of the said City for the use and information of the Common Council thereof.

IV. And be it enacted, That after the second Report so to be made shall have been finished and delivered as hereinbefore provided, in case an agreement for that purpose shall be made between the Saint John Water Company and the said Mayor, Aldermen and Commonalty, it shall and may be lawful for the said Saint John Water Company, by good and sufficient assurances in the law to assign, transfer, convey and assure to the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors and assigns for ever, all the lands, tenements and hereditaments, machinery, engines, water pipes, goods, merchandise, chattels, fixtures and effects of the said Company, of what nature or kind soever and wheresoever, and all debts and evidences of debt, monies, agreements, contracts, books of accounts, and every other description of property and right of property to the said Company belonging, together with a correct plan shewing clearly and particularly the whole manner in which the Pipes for conveying Water through the Streets, are now laid down, with the Pipes branching therefrom, including the precise position of the stop cocks, &c. &c., and all their estate and interest therein, with all rights, privileges and appurtenances to the same belonging, for such sum or sums of money as a consideration for the same, as may be fixed and determined by agreement between the said Mayor, Aldermen and Commonalty of the City of Saint John and the said Saint John Water Company, and to be paid as hereinafter mentioned.

V. And be it enacted, That upon the said transfer and assignment to the said Mayor, Aldermen and Commonalty of the City of Saint John, of all the property and effects of the said Saint John Water Company being completed in manner hereinbefore provided, and notice thereof under the hand of the Mayor of the said City and the President of the Water Company, published in two or more of the newspapers printed in the City of Saint John, then the establishment of the said Company by the name of the Saint John Water Company, shall cease and be dissolved: and all the provisions contained in any Act or Acts of Assembly, so far as they relate to the establishment, constitution and regulation of the said Company, shall be void and of no effect; and such transfer and notice shall be deemed and taken in all Courts of Law and Equity as conclusive evidence that all the matters and things required by this Act to be done, in order to effect such transfer, and vest the property in the said Mayor, Aldermen and Commonalty of the said City, and enable them to exercise the rights, duties and privileges by this Act, have been rightly and truly done and performed, according to the provisions of this Act and by the Acts hereinbefore recited; and the Directors then in office shall take immediate and effectual measures for dividing the securities or debentures hereinafter mentioned, and to be received for the consideration money for such transfer among the Stockholders of the said Company, in proportion to their respective interests.

VI. And be it enacted, That upon the dissolution of the said Saint John Water Company, as hereinbefore provided, it shall be the duty of the said Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby required forthwith to proceed with and continue the operations for supplying the said City and its vicinity with Water, in manner contemplated by the said Acts of Assembly hereinbefore mentioned, and according to the true intent and meaning thereof; and the said Mayor, Aldermen and Commonalty of the City of Saint John, shall have and exercise all the powers, privileges and authorities, and be subject to all

After Reports finished, if an agreement can be made, the Water Company may assign all their property to the City Corporation.

Upon the transfer being completed, and Public Notice given, the Water Company to be dissolved, and the Acts of Assembly relating thereto, to be void.

Transfer and Notice to be evidence of the fulfilment of the purposes of this Act.

Upon the dissolution of the Water Company, the City Corporation to continue the operations for supplying the City with water, and exercise the powers, and be subject to the regulations mentioned in the Act 2 W. 4, c. 26.

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the regulations and provisions mentioned and contained in the fifteenth, sixteenth, seventeenth and eighteenth Sections of the Act passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, as far as the same may be applicable to the said Mayor, Aldermen and Commonalty of the City of Saint John, and as fully and effectually to all intents and purposes as if the said Mayor, Aldermen and Commonalty of the City of Saint John had taken up and subscribed for the whole of the said Capital Stock, within one calendar month after the passing of the said last recited Act as mentioned and expressed in the nineteenth Section thereof.

Vents and openings to be made for supplying water in cases of fire.

VII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the City of Saint John, do and shall in every Street or Road through which the Pipes for conducting the Water shall be laid, make and provide proper vents and openings at convenient and proper places and distances from each other, for supplying Water whenever Fires shall happen in the said City or the vicinity thereof.

City Corporation to cause accounts relating to the supply of water to be kept separate from other City affairs.

VIII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the said City, shall cause all the matters and accounts relating to or connected with the operations of supplying the said City and its vicinity with Water, to be kept separate and distinct from all the other affairs and accounts of the said City, and shall, for the purpose of carrying on such operations, nominate and appoint, from time to time as to them in Common Council shall meet, one or more person or persons to superintend and manage the same under their directions, and such person or persons may displace, and appoint others in his or their stead, and shall have full power and authority in Common Council to make, ordain, establish and declare by ordinance or otherwise, such rules, regulations and orders for the due government and regulation of the persons employed or connected with such establishment, and of all other persons whomsoever, as well with respect to the use of the Water as otherwise howsoever, and shall and may enforce obedience to such rules, regulations and orders, by penalty and fine, to be recovered and levied in the name of the Chamberlain of the said City, before the Mayor, Recorder, or any of the Aldermen of the said City, in the same manner as any fine or penalty may be recovered or levied by or before any Justice of the Peace, under and by virtue of the Act of Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables*, and when recovered, to be paid into the hands of the Chamberlain of the said City for the use of the Mayor, Aldermen and Commonalty thereof.

To appoint persons to manage the operations.

To make rules for persons employed and supplied with water.

City Corporation may issue Notes or Debentures for the payment of the Water Company, Province Loan, and carrying on future operations.

IX. And be it enacted, That for the purchasing and paying for the rights and interests of the Stockholders in the said Company, and also the sum of five thousand pounds loaned by the Province, and likewise for carrying on the future operations connected with the supplying the said City and its vicinity with Water, it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by Resolution from time to time duly passed and entered in the Minutes of their proceedings, to issue Notes or Debentures for such sum or sums of money and in such amounts as they may deem advisable, the amounts named and expressed in such Notes or Debentures to bear interest at and after the rate of six pounds, per centum per annum, and the principal of such Notes or Debentures to be redeemed and redeemable at such time and times as the said Mayor, Aldermen and Commonalty, may in their discretion

discretion from time to time declare and appoint; which Notes or Debentures shall be sealed with the Seal of the said City, and signed by the Mayor of the said City, and countersigned by the Common Clerk of the said City, and shall be in the following form, namely :

## FORM OF NOTES OR DEBENTURES.

Number ———.

Form of Debentures.

City of Saint John,  
Province of New Brunswick.

Whereas by virtue of an Act of the General Assembly of this Province, made and passed in the fifth year of the Reign of Queen Victoria, Chapter ———, intituled *An Act to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John*, authority was given to the Mayor, Aldermen and Commonalty of the City of Saint John, on the purchase by the said Corporation of the Stock of the Saint John Water Company, to give Notes or Debentures to the Stockholders of the said Company, pursuant to the terms of the said Act and (here insert name, Parish, County and Province, and occupation, as the case may be) being the owner of ——— shares of the Capital Stock of the Saint John Water Company, at £—— — — per share, being the rate agreed to be paid by the said Mayor, Aldermen and Commonalty for the respective shares thereof, and amounting in the whole to the sum of £—— — —, (or in case of Loan for carrying on the operations of the said Saint John Company, or for the purpose of paying off the Loan of five thousand pounds hereinbefore mentioned,) ——— *name of* (here insert place of residence and other particulars as before) having loaned to the said Mayor, Aldermen and Commonalty the sum of £—— — —.

Now therefore, this Note or Debenture is chargeable as respects the interest of the sum mentioned in the said Note or Debenture, on all the Estate, Lands, Tenements and Hereditaments, Revenues, Goods, Chattels and Effects, whatsoever and wheresoever belonging to the said Mayor, Aldermen and Commonalty, or which shall hereafter belong to the said Mayor, Aldermen and Commonalty. for the interest which may be due on the said sum of £—— — — at and after the rate of six per centum, the said interest to be paid half yearly agreeably to the provision of the said Act; and this Note or Debenture is further chargeable as respects the said principal sum of £—— — — on all the Estate, Lands, Tenements and Hereditaments, Revenues, Goods, Chattels and Effects which the said Mayor, Aldermen and Commonalty hold by transfer or otherwise from the said Saint John Water Company, or hereafter may become possessed of for the purposes of carrying on the future operations thereof or otherwise under the provisions of this Act, and on the said last mentioned property only for the said principal sum of £—— — — payable at such time and times and in such proportions as the said Mayor, Aldermen and Commonalty shall in Common Council from time to time declare, pursuant to the provisions of this Act, the said principal sum and interest money aforesaid or either of them, to be paid to the said ——— or to such person or persons as he or they shall authorize by indorsement or writing on the face thereof, according to the form in Schedule A to receive the same. Given under my Hand and the Common Seal of the said City this ——— day ——— in the year, &c.

Debenture, £

Half yearly Interest, £

L. S.

Mayor of the City of Saint John.

By order of the Common Council.

Common Clerk.

## Schedule A.

## FORM OF TRANSFER.

Form of Transfer. I (the person named in the Note or Debenture) do hereby authorize ——— or such person as he shall appoint, to receive the amount of the within (or this) Note or Debenture and the interest.

Interest to be paid half yearly. and shall be transferrable by indorsement and shall be redeemed and redeemable at such time or times and in such proportions, as the said Mayor, Aldermen and Commonalty in Common Council convened, shall from time to time appoint and determine and the interest thereof at the rate aforesaid shall be paid half yearly, on the thirty first day of December and the thirtieth day of June in each and every year, and in case of delay or default in payment of such interest monies, it shall

Proceedings in case of default. and may be lawful to and for the holder or holders of any such Notes or Debentures from time to time to compel the said Mayor, Aldermen and Commonalty, after demand being made for the payment of the same interest money upon the Common Council of the said City, by action at Law or otherwise, to pay the same with costs of suit and interest thereon from the time of such demand being made on the said Common Council, in which action the holder of such Note may declare generally for so much money due to him for interest from the said Mayor, Aldermen and Commonalty of the said City, and this Act together with the Note or Debenture upon which action is brought, shall be sufficient evidence to enable the Plaintiff to recover the amount of interest, and interest from the time of the demand of such interest due upon such Note with costs; provided that no Note or Debenture for a less sum than one hundred pounds shall be issued by virtue or under the authority of this Act, (except in cases arising from the issues of Debentures given for the purchase of the Stock,) any thing herein contained to the contrary thereof notwithstanding.

No Debenture to be for less than £100.

Exception.

City Corporation may grant to the holders of the Debentures a portion of the gross income arising from the Water Works.

X. And be it enacted, That the Mayor, Aldermen and Commonalty of the City of Saint John may grant to the holders of any Debentures or Notes, issued under and by virtue of this Act for paying off the Loan of five thousand pounds from the Province, and for any sum raised for carrying on the future operations of the said Water Works, in addition to the interest on the said Debentures or Notes, such a portion of the income or proceeds from the Water Stock as they in Common Council shall think proper, not exceeding however in the whole one fifteenth part of the gross proceeds or income which may be received by the Mayor, Aldermen and Commonalty from the said Water Stock, for the current year in which the said money may be borrowed.

City Property made security for the payment of the Interest.

XI. And be it enacted, That for securing the payment of the said interest money at the times appointed therefor, all the Estate, Lands, Tenements, Hereditaments, Revenues and Properties whatsoever, either real or personal of the said Mayor, Aldermen and Commonalty whatsoever and wheresoever, shall be and they and every of them are hereby declared to be bound and answerable for the payment of the same.

Report to be made, on or before the third Monday in January, in each year. Particulars of Report.

XII. And be it enacted, That it shall be the duty of the said Mayor, Aldermen and Commonalty of the City of Saint John, to cause a report to be made on or before the third Monday in January in each and every year, of the then state and condition of the said Water Works; which said report shall contain an exact and particular statement of the Notes or Debentures given under the provisions of this Act, and the sums of money received on account thereof, and the names of the parties to whom such Notes or Debentures were given during the year ending the thirty first day of December then last past, and also a particular detailed statement of all sums of money received up to the said thirty first day of December

December in respect of the said Water Works, either for the sale of Water or the privilege of using the said Water or the Pipes and Machinery, or otherwise, howsoever, and the names of the parties from whom the same shall have been received, and also a statement of any sum or sums of money due, owing or payable for or in respect of the same, and the names of the parties by whom the same may be so due, owing or payable, and also a particular statement of the interest monies computed up to the said thirty first day of December, upon all Debentures or Notes issued under this Act, or sums of money borrowed to carry on the operations of said Water Works, and the said report shall also specify what sum or sums of money have been expended, and particular works have been undertaken or completed during the said year, and generally shall exhibit a full and complete account of all the affairs and business connected with the said Water Works, and shall be signed by the said Chamberlain, and person or persons superintending or in charge of the said Water Works, and if required by the Common Council shall be attested to on Oath before a Justice of the Peace in and for the City and County of Saint John.

XIII. And be it enacted, That in case it shall appear by any such yearly Report made as aforesaid, that the amount received in respect of such Water Works, either for the sale of Water, or for the privilege of using the said Water or the Pipes or Machinery, or otherwise howsoever, shall not be equal to the amount of Interest monies payable on the Debentures or Notes issued by virtue of this Act, and on the said Loan of five thousand pounds, and on all monies borrowed or to be borrowed as hereinbefore mentioned, and the expenses of superintending and managing the said Water Works, for the period ending on the thirty first day of December in each year, together with the amount of such portion of the gross income as may be allowed by the Corporation, under the tenth Section of this Act, for raising money to pay off the sum of five thousand pounds, and for carrying on the future operations of the Water Works, that then and in such case and so often as the same shall appear by any such annual Report, it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, at any time within thirty days after the said Report shall have been submitted to them, to determine, direct and order that the amount of the deficiency of funds for the payment of such monies, together with the expenses of assessing, levying and collecting the same, shall be assessed and levied on the Inhabitants on the Eastern side of the Harbour of the said City, or in any District or Districts thereof, to be particularly described and set forth, and to direct by Warrant under their Common Seal, the Assessors hereinafter mentioned, to make a rate or assessment in due proportion according to the benefit to be derived therefrom, upon all and every person or persons who do or shall inhabit, hold, occupy and enjoy any house, shop, warehouse or other tenement on the Eastern side of the Harbour aforesaid, or any District or Districts thereof, as above mentioned; and the said Assessors are hereby required and authorized forthwith to make such rate and assessment; which same rate and assessment so to be made, shall be levied and collected by such person as the said Common Council shall appoint to collect the same, in the same manner as Parish or County Rates are or may be levied and collected by virtue of any Act of Assembly in force within the said City and County at the time the same may be ordered to be levied and collected, and when recovered shall be paid over by the said Collector to the Chamberlain of the said City for the purposes hereinbefore mentioned.

If it appear by the Report, that the receipts are not equal to the amount of interest payable on the Debentures, an assessment may be made for deficiency.

How to be levied and collected.

To be paid by the Collectors to the Chamberlain.

XIV. And be it enacted, That if any person shall think himself aggrieved by any

Appeal to the Common Council allowed by parties aggrieved.

any rate or assessment to be made as aforesaid, it shall and may be lawful for such person within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, whose decision shall be final and conclusive, and that a memorandum in writing of such appeal filed in the Common Clerk's Office within the said time shall suspend further proceedings until such decision shall be had.

City Corporation to appoint three persons to act as Assessors under this Act.

XV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time and as often as may be necessary and requisite, under the provisions of this Act, to nominate and appoint three discreet persons, being freemen and freeholders of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty before the Mayor, Recorder, or either of the Aldermen of the said City, and any person so appointed who shall neglect or refuse to accept the said appointment, or to become qualified to perform the duties thereof, or having become so qualified shall neglect or refuse to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered on complaint of the Chamberlain of the said City, on conviction before any Justice of the Peace in and for the said City and County, and levied with costs of Prosecution by distress and sale of the goods and chattels of such offender, by Warrant under the hand and seal of such Justice, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the rates and assessments collected under this Act, and for no other use whatsoever; and the said Mayor, Aldermen and Commonalty of the City, in Common Council convened, shall and may appoint some other person or persons, being freemen and freeholders of the said City, in the place or places of any person or persons so refusing or neglecting, and so often as such case shall happen; which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing shall be liable to the like penalties for neglect or refusal as the said persons first appointed, to be in like manner recovered, paid and applied, and so often as the case may happen.

Penalty.

Recovery.

Vacancies to be supplied.

City Property not liable for the Debts of the Water Company, except the Treasury Loan.

XVI. And be it enacted, That none of the property either real or personal or otherwise of the said Mayor, Aldermen and Commonalty of the said City of Saint John, shall be liable and answerable for any of the debts, contracts or obligations of the Saint John Water Company, except only the sum of five thousand pounds hereinbefore mentioned loaned out of the Province Treasury as aforesaid.

Maliciously breaking or injuring any of the Pipes, &c. made felony.

XVII. And be it enacted, That if any person shall wilfully and maliciously break, damage, throw down, destroy or injure any of the houses or other buildings or erections, or of the pipes, machinery, fire plugs, apparatus, or any of the works already placed, erected or established by the said Saint John Water Company, or which may be so placed, erected or established by the said Company, prior to the transfer of the interests and estates of the said Company to the said Mayor, Aldermen and Commonalty, or which may hereafter be placed, erected and established and made under the provisions of this Act or otherwise howsoever, by the said Mayor, Aldermen and Commonalty for the purpose of supplying the said City and its vicinity with water, any such person shall be adjudged guilty of felony, and every such person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony in an Act may and passed in the first year of the Reign of His late Majesty King William the Fourth, intitled *An Act for improving the administration of Justice in criminal cases*.

1 W. 4, c. 14.

Act not to go into operation until accepted and con-

XVIII. And be it enacted, That this Act shall not go into operation nor take effect until the same shall be accepted and consented to by the said Mayor, Aldermen and



and Commonalty of the City of Saint John, by a resolution entered in the minutes of the proceedings of the Common Council within two calendar months after the passing of the same; and also by the Saint John Water Company, such acceptance and consent of the said Company to be signified by a resolution entered on their book of minutes and passed at some general meeting of the Stockholders thereof, to be held within three calendar month after the passing of this Act, at which meeting all questions touching this Act and all proceedings under the same may be decided by a majority of the votes of all the Stockholders then present or represented by proxy, and the number of votes shall be in the proportion and according to the scale already established and provided by the Act of Assembly incorporating the said Water Company.

sent ad to by the City Corporation and the Water Company.

XIX. And be it enacted, That whenever the said Mayor, Aldermen and Commonalty in Common Council shall deem it expedient to make any alterations or improvements in the said Water Works either by altering the line thereof or mode of bringing the water into the said City or otherwise, it shall and may be lawful for the said Mayor, Aldermen and Commonalty from time to time, to make such alterations and improvements, and thereupon to make use of the lands, buildings and materials, or any part thereof transferred by the said Water Company, or purchased at any time from the said Water Works, either in constructing a new line or altering or improving the old line, or by disposing thereof or any part thereof at Public Auction; and whenever any sale shall take place, the said Mayor, Aldermen and Commonalty shall pay and divide the proceeds of such sale after paying all expences to and among the several persons respectively holding any such debentures in proportion to the several amounts of such debentures.

City Corporation may, for the purpose of altering or improving the Water Works, use or sell Lands, &c. received from the Water Company.

XX. And be it enacted, That from and after the time when by the transfer of all the property and interest of the said Water Company to the said Mayor, Aldermen and Commonalty of the said City, and by the notice duly made as aforesaid, the same shall become vested in the said Mayor, Aldermen and Commonalty all the contracts and engagements heretofore entered into by and between the said Company, and any person or persons, or Body Corporate, for the purpose of supplying such person or persons, or Body Corporate, or persons mentioned in the Contract, with Water, shall be deemed and taken in all Courts of Law and Equity as if the same were made by and between the said Mayor, Aldermen and Commonalty, and such person or persons, or Body Corporate, and the said Mayor, Aldermen and Commonalty, and such person or persons, or Body Corporate respectively, shall be liable and answerable each to the other for the full performance of the engagements on each side, as fully to all intents and purposes as if the same Water Company had not been dissolved by the due execution of the terms of this Act, and shall remain liable and bound by such contracts and engagements.

Net proceeds of sales to be applied in paying off the Debentures.

All Contracts with the Water Company to be binding on the City Corporation and other parties, after the transfer of the Property and Interest of the Water Company.

XXI. And be it enacted, That no part of the property to be by this Act transferred to the said Mayor, Aldermen and Commonalty, or any property at any time hereafter appertaining to the said Water Works, shall be liable for any of the debts of the said Mayor, Aldermen and Commonalty which shall not have been incurred for or on account of the said Water Works.

Non-liability of Property acquired for the Water Works, for Debts other than those incurred for the Water Works.

XXII. And be it enacted, That the Act made and passed in the third year of the Reign of Queen Victoria, intituled *An Act to facilitate the means of supplying the City of Saint John with Water*, be and the same is hereby repealed.

Act 3. V. c. 72, repealed.