

CAP. XLIV.

An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works.

[9th December, 1843.]

WHEREAS the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, incorporated by law, have, by their humble petition, addressed to the several branches of the Legislature, represented their having negotiated with "the Proprietors of the Montreal Water Works," incorporated by the Act of the Legislature of the late Province of Lower Canada, passed in the forty-first year of the Reign of His late Majesty King George the Third, for the purchase of the said Water Works, including the whole of the property, moveable and immoveable, connected therewith, and have concluded an agreement with the said Proprietors for the purchase thereof, for the sum of Fifty Thousand Pounds, currency, payable in Debentures or Corporation Bonds, redeemable on or before the first day of November, one thousand eight hundred and sixty-eight, and bearing interest payable semi-annually at the rate of six per cent. per annum; And whereas the said Corporation have not funds at their disposal, or which they are now empowered by law to raise, sufficient to effect the said purchase, unless they suspend all the public works and improvements now requisite in the said City; And whereas under the provisions of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, incorporating the said Mayor, Aldermen and Citizens, it is enacted that it shall not be lawful for the Council of the said City of Montreal to borrow, on the credit of the said City at one time, any sum or sums of money exceeding the aggregate amount of the revenue of the said City for five years, and that no sum or sums of money shall be so borrowed, while the said City shall be in debt to such aggregate amount, unless the said Council shall be authorized in this behalf by an Act of the Legislature of this Province; And whereas the said intended purchase will be greatly profitable to the City and highly beneficial to its inhabitants by enabling them to obtain a plentiful supply of pure and wholesome water at greatly reduced rates from those at present exacted by the said "Proprietors of the Montreal Water Works;" And whereas it is expedient to grant the prayer of the said Corporation as aforesaid, for authority to complete the said intended purchase on the terms in their said petition and hereinafter specially set forth; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act

Preamble.

Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 it shall and may be lawful for the said Corporation of the Mayor, Aldermen and Citizens of the said City of Montreal, on or after the first day of January next, provided due notice be given by the Council of the said City at least ten days prior to the now next annual election that the final purchase of the said Water Works will be a question to be decided by the City Council, one month subsequent to the said annual Election, if they shall then deem it expedient, to make and perfect the purchase from "the Proprietors of the Montreal Water Works" or their representatives, incorporated under an Act of the Parliament of the late Province of Lower Canada, passed in the forty-first year of the Reign of His late Majesty King George the Third, intituled, *An Act for supplying the City of Montreal, and the parts thereunto adjacent, with Water*, of all such buildings, houses, sheds, engines, water houses, reservoirs, reservatories, water wheels, fire engines, machinery, working gears, cisterns, ponds, basins of water, main pipes, rider pipes, stand pipes, service pipes, conduct pipes, branches of iron, lead or other metal, plugs, cocks, chambers, cocks in common, stop cocks, stop backs, valves, fire plugs, air plugs, fire cocks, boxes, forcing mains, ferrils, feeders, campirs, drains, pumps, sluices and other works, devices or things; and generally all moveable or immoveable property connected with or belonging to the said Montreal Water Works, situated, lying, or being within the said City of Montreal or in the vicinity thereof, or requisite and necessary for the support and maintenance of the said Water Works, as also all lead, leaden and other pipes, brass cocks, fuel, tools and materials of every description, now possessed by the said "Proprietors of the Montreal Water Works," or appertaining to the establishment thereof, or that may have been ordered for the use of the said Water Works and not yet in their possession, together with all rights, privileges, powers and authority heretofore or now vested in or possessed by the said "Proprietors of the Montreal Water Works," under the Act aforesaid, at and for a sum, price or purchase money not exceeding Fifty Thousand Pounds, current money of this Province, to be payable in the manner hereinafter mentioned.

The Corporation of the City of Montreal, after certain notice, authorized to make the purchase of "the Montreal Water works" from the proprietors thereof incorporated by Act 41 Geo. III, c. 19, with all the moveable and immoveable property thereunto belonging and all rights, authorities and privileges now enjoyed by the said proprietors, for the sum of £50,000 currency.

After such purchase, all the powers, privileges, rights, titles and interest to the moveable and immoveable property connected with the Montreal Water Works,

II. And be it enacted, that from and after the completion of the intended purchase, sale, transfer and conveyance as aforesaid, by and to the Corporation first above mentioned, all the powers, privileges and authority given and conferred upon, or possessed or enjoyed by the said "Proprietors of the Montreal Water Works," and all the property and possession of the said Water Works, in and by virtue of the said Act of the Parliament of the late Province of Lower Canada, incorporating the same, or in and by virtue of any other Act or Acts whatsoever relating to the same, shall be transferred, conveyed, made over to and conferred upon,

upon, possessed and enjoyed by the said Corporation first above mentioned in as full and effectual a manner as if the same were herein more specifically detailed, and all the powers, rights, title, interest, privileges or claim, of the said "Proprietors of the Montreal Works," to, in, or upon all or any part of the said moveable and immoveable property, or for supplying the said City or the parts thereunto adjacent, with good and wholesome water, and all powers and authority heretofore and now possessed, enjoyed or claimed by them for that purpose, shall from thenceforth be vested in and belong to the Corporation, first above mentioned, and shall be managed by the Council of the said City as other property of the said Corporation, subject always to the provisions of this Act.

and for supplying the City with water, to be transferred to and vested in the said Corporation.

III. And be it enacted, that it shall and may be lawful for the said Corporation of the Mayor, Aldermen and citizens of the City of Montreal, after effecting the intended purchase as aforesaid, by any By-law to be hereafter passed in the manner provided by the said Ordinance incorporating the Inhabitants of the said City or by any Act that may hereafter be passed for the same purpose, and they are hereby authorized and empowered to improve, alter or remove the said Water Works, or any part or parts thereof, and to change the site of the several engines and place or sources of supply thereof, and also by themselves, their Agents, Deputies, Officers, Workmen, Servants or Assistants, from time to time to erect, construct, repair, and maintain any where within twelve miles from the nearest limits of the said City, all such buildings, houses, sheds, engines, water houses, reservoirs, reservatories, water sheds, fire engines, machinery, working gears, cisterns, ponds and basins of water, and the other works, devices and things hereinbefore recited in such manner and of such construction as they shall think necessary, proper or expedient for forcing, conveying and conducting, into and throughout the whole of the said City and the parts thereunto adjacent, or conducive to the existence, improvement or continuance of the said Water Works; and for effecting the foregoing or any other purpose or purposes connected with the said Water Works, it shall and may be lawful for the said Corporation, and they are hereby authorized and empowered to purchase, hold and acquire any lands, tenements and immoveable estate, servitudes, usufruits, hereditaments, or other real property of any description, within the said City of Montreal or in the vicinity thereof, not distant more than twelve miles from the limits of the said City, which shall or may be necessary for the said Water Works, or for improving, altering, enlarging or extending the same; saving nevertheless to the Seignior or Seigniors within whose *censive* the said lands, tenements, immoveable estate, hereditaments or other real property as aforesaid, so purchased, may be situate, his or their several and respective rights that may become legally due upon the commutation of the tenure of such lands and tenements, which commutation it shall be the duty of the said Corporation to effect with the least possible delay, and

The Corporation may improve, alter, or remove the said Water Works, may acquire additional real estate for that object, or dispose of that now by them enjoyed or possessed.

also

also to sell and dispose of any lands, tenements or immoveable estate now possessed by the said Mayor, Aldermen and Citizens as aforesaid, or that may be hereafter purchased, acquired or possessed by them, if deemed requisite so to do for the purposes of the said Water Works.

Corporate bodies and all other persons, authorized to sell any real estate required by the Corporation under this Act and indemnified for the same.

IV. And be it enacted, that it shall and may be lawful for all Bodies Politic or Corporate or Collegiate Corporations, aggregate or sole, Communities, Husbands, Tutors or Guardians, Curators, *grèvés de substitution*, and all Executors, Administrators and other Trustees or persons whatsoever, who are, or shall be seized or possessed of, or interested in, any lands, tenements, immoveable estate, servitudes, usufruit and hereditaments, or other real property, within the said City, or within twelve miles thereof, which may be selected and desired by the said Corporation for the purposes of the said Water Works, after the purchase thereof as aforesaid, not only for and on behalf of themselves, their Heirs and Successors, but also for, and on behalf of, all persons whom they represent, or for whom, or in trust for whom, they are, or shall be seized, possessed or interested as aforesaid, whether Minors or issue unborn, Lunatics, Idiots, *Femes Covert*, or other person or persons, to contract for, bargain, sell and convey such lands, tenements, immoveable estate, servitudes, usufruit and hereditaments or other real property, and such contracts, sales, agreements, assurances and conveyances so to be made, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary notwithstanding; and all bodies politic, corporate or collegiate, communities, corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for, and in respect of any such sale, which he, she or they, shall respectively make, by virtue of, or in pursuance of this Act; securing always the rights of any person or party, to the whole, or any part of the purchase money, to be paid by the said Corporation, for any real property purchased, as aforesaid.

Corporation may take and enter upon any land, being private property required for the purposes of this Act, after payment or tender of the value thereof.

V. And be it enacted, that the said Corporation shall have full power notwithstanding any law to the contrary, to take and enter into, after paying, tendering or depositing the value thereof, such land, ground or real property of any description lying within the said City or within twelve miles of the limits thereof not belonging to the Crown or vested in any officer, person or body for the public uses of the Province as may be necessary for enabling the said Corporation to carry this Act fully into effect, according to the true intent and meaning thereof, in the same manner, and under the same provisions, limitations and conditions, as if such land, ground, or real property lay within the City of Montreal and were required for opening a new Street or for any other purpose for which the said Corporation may lawfully take and enter into land, ground, or real property within the said City after paying, tendering or depositing the value thereof; and it shall be lawful
for

for the Governor or person administering the Government, in Council, if he shall deem it expedient, and on such terms and conditions as to him shall seem meet, to grant or lease to the said Corporation such portion of the Beach or Ground covered by the Waters of the River Saint Lawrence or other River, or of any other lands of the Crown, or such right or privilege of using the stream or water of any such river, as may be necessary to enable the said Corporation, more fully to carry this Act into effect; any Act or law to the contrary notwithstanding.

Governor in Council may grant or lease to the Corporation any Beach lots, or Crown lands, or right of using water of any stream.

VI. And be it enacted, that it shall be lawful for the said Corporation, and their Agents, Deputies, Officers, Workmen, Servants and Assistants, to dig, break up, and remove the soil, posts, sewers, drains, pavements and gravelled ways, of any of the public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, gateways, closes, ditches, walls, precincts and other passages and places within the said City, and within twelve miles of the limits thereof, doing no unnecessary damage in the premises, and to enter into, and make use of, any private lands or grounds, within the said City and within twelve miles of the nearest part thereof, and to dig and sink branches, and lay and drive pipes, and put, fix and establish stop cocks, fire plugs, air-cocks and branches from such Pipes, and to widen common passages, for the laying and fixing such pipes, and all such matters and things as aforesaid, in such places and in such manner, as they shall judge necessary, for conveying the water to the respective houses, offices and other tenements of the said inhabitants of the said City, and the parts thereunto adjacent, and from time to time, as occasion may require, to alter the position of, and to repair, relay and maintain such pipes, stop-cocks, plugs, machinery, conduct-pipes, devices, matters and works aforesaid, and to do and perform all such other Acts, as shall from time to time be necessary or proper, for completing, amending, repairing, improving, and using the works already made or provided, or to be made, done or provided, for the purposes aforesaid: Provided always, that it shall not be lawful for the said Corporation, or any person acting under their authority, to enter into and make use of any private lands or grounds within the limits of, the said City, and within twelve miles thereof, without the consent of the owner or owners thereof, except after paying, tendering or depositing the value thereof, as hereinbefore provided: And provided also, that the respective persons, who shall open and break up, or cause to be opened, or broken up, any ground, for laying, taking or repairing, any pipe, or other work, as aforesaid, by virtue of this Act, shall, and they are hereby required to take care, as far as may be, to preserve a free and uninterrupted passage through any street, lane, alley, road, square, public place, highway or other places, while the works are in progress, and to cause the trenches to be filled in, and the pavement or ground made in as good a condition as before the commencement of the work, without any unnecessary delay,

The Corporation authorised to open streets and erect works for conducting the water.

Corporation not to make use of private property without consent of the owner.

Grounds opened for the laying of pipes, and trenches to be filled, and the pavements made good.

delay, and the rubbish occasioned thereby to be carried away as soon as reasonably may be, and in the meantime, to cause the place where the ground shall be opened or broken up, as aforesaid, to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of forfeiting for every neglect, to any person suing for the same, in a summary manner before any Justice of the Peace for the District, on the oath of one credible witness other than the party suing, a sum not exceeding five pounds, current money of this Province, over and above all such damages, as may be recovered against the said Corporation in any Civil action.

When buildings are possessed by different proprietors or tenants, how the Corporation is to act, making satisfaction for all damages.

VII. And be it enacted, that where there are buildings within the said City, or the parts adjacent thereto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Corporation shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the water to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig and cut trenches therein for the purposes of laying down pipes or taking up and repairing the same, the said Corporation doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, for all damages to be by them sustained in or by the execution of all or any of the said powers; subject to which provisions this Act shall be sufficient to indemnify the said Corporation or their servants or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

Water Works so to be situated as not to endanger the public health or safety.

Corporation to be liable to prosecution for public or private nuisance.

VIII. And be it enacted, that the said Corporation shall so maintain or locate their Water Works and all apparatus and appurtenances thereunto belonging and appertaining or therewith connected, and wheresoever situated as in no wise to endanger the public health or safety: Provided always, that nothing in this Act contained shall prevent the said Corporation, their Officers, Servants or Workmen from being prosecuted for public or private nuisance arising from the said Water Works, or any apparatus or appurtenances thereof, wheresoever situated, or from any neglect or want of skill on the part of the persons employed by the said Corporation, or to prevent the effect of any sentence or judgment lawfully rendered upon any such prosecution.

Penalty on procuring water without the consent of the

IX. And be it enacted, that if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Corporation, or in any way obtain or use its water without the consent of the

the said Corporation, he or they shall forfeit and pay to the said Corporation the sum of twenty five pounds current money of this Province; and also, a further sum of one pound for each day such pipe or main shall so remain; which said sum, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having civil jurisdiction to that amount.

Corporation,
from their Wa-
ter Works.

X. And be it enacted, that in order to preserve the water now or hereafter to be conveyed into the said City, and the parts thereunto adjacent, clean and wholesome, if any person shall bathe or wash, or cleanse any cloth, wool, leather, skins, animals, or any noisome or offensive thing in any of the reservoirs, cisterns, ponds, sources or fountains, from which the water to supply the said City is to be obtained or conveyed, or cast, throw or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other annoyance to be done to the water therein, every such person shall, on conviction thereof before any Justice of the Peace of the District, on the oath of one credible witness, be by the said Justice before whom such person shall be tried or convicted, adjudged and condemned to pay a penalty for every such offence, not exceeding five pounds, current money of this Province, one half to be applied to the use of the said Corporation, and the other half to him or her who shall sue for the same, and in case the party suing for the same shall be the Corporation itself, or any of their Officers or Servants, then the whole of the said penalty shall be applied to the uses of the said Corporation, and the said Justice may also in his discretion further condemn such person to be confined in the Common Gaol of the District for a space of time not exceeding one month, as to such Justice may seem meet.

Penalties on
persons pollut-
ing waters in
reservoirs.

XI. And be it enacted, that if any person or persons shall wilfully or maliciously hinder, obstruct, embarrass or interrupt the said Corporation, their Agent or agents, Officers, Workmen, Servants or Assistants, or any of them, in making, erecting, repairing or doing or performing any of the works aforesaid, or in the exercise of any of the powers and authorities by this Act granted, or shall break up, pull down, take away, put out of order, destroy, damage, or injure, any engine, water-house, pipe, plug or other works, or any matter, apparatus, device, or thing already made or provided, or which shall be made or provided for the purposes aforesaid, or any of the materials used or provided for the same or ordered to be erected, laid down or belonging to the said Corporation in connexion with the said works, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering, interrupting or embarrassing the construction, completion, maintaining or repairing of the said works, or in any

Penalty on
persons da-
maging or in-
juring pipes,
or other works.

any wise cause or procure the same to be done, every person or persons so offending shall, for every such offence, forfeit and pay to the said Corporation the amount of damages sustained by means of such offence or injury, to be recovered by the said Corporation, with costs of suit, by action of debt before any competent Court or Tribunal within this Province.

Corporation may make By-laws for the regulation, maintenance and protection of the Water Works.

XII. And be it enacted, that it shall and may be lawful for the said Corporation as aforesaid, and they are hereby authorized and empowered to make such By-laws as to them shall seem requisite and necessary, for prohibiting, by fine not exceeding five pounds, currency, or imprisonment not exceeding one month, any person being occupant, tenant or inmate of any house, supplied with water from the said Water Works, from vending, selling, or disposing of the said water,—from giving it away, or permitting it to be so taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use or benefit, or increasing the supply of water agreed for with the said Corporation, or wrongfully, negligently or improperly wasting the water, for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said works, the tenement or parties to which and whom the same shall be furnished, the price or prices to be exacted therefor, the time and mode and circumstances of payment therefor, and each and every other matter or thing, relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said City, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said Corporation with regard to the water so to be supplied.

Corporation to have no power to enact any By-law imposing any general water rent or tax, and to compel tenants, &c. to take the water.

XIII. And be it enacted, that nothing in this Act contained shall extend or be construed to extend to confer upon the said Corporation any additional right of assessment beyond that now by them enjoyed, or of enforcing any general water rent or tax, or to permit the said Corporation by any By-law or other Municipal regulation hereafter to be determined upon by the said Corporation, in reference to the said Water Works, to subject any proprietor, householder or other person or persons to any general water-rent or tax, unless he or they be actually supplied with water, or to compel any such proprietor, householder or other person or persons to receive the said water, or the conduits thereof, into his or their premises.

Corporation authorized to issue Debentures or Bonds to the amount of £50,000, re-

XIV. And be it enacted, that for the purpose of effecting the purchase of the said Water Works, as aforesaid, if it shall then be deemed expedient by the said Corporation, it shall and may be lawful for the said Corporation, on or after the completion of the purchase of the said Water Works, to issue under the hand of the

the Mayor, and the seal of the said Corporation, Debentures or Corporation Bonds, to the amount of fifty thousand pounds, current money aforesaid, payable on or before the first day of November, in the year of Our Lord, one thousand eight hundred and sixty-eight, 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.

deemable on or before 1st Nov. 1868, with interest semi-annually.

XV. And be it enacted, that all the revenues arising from or out of the supplying of water, or from the property, moveable or immoveable, connected with the said Water Works, to be acquired by the said Corporation under this Act, shall, after providing for the interest accruing on the Debentures or Corporation Bonds issued by the said Corporation in pursuance of this Act, and the expenses attendant upon the maintenance of the said Water Works, be applied towards the immediate extinction of the principal of the debt incurred in the purchase thereof, and the said Corporation is hereby strictly prohibited and enjoined from applying any surplus revenue arising from the Water Works to any other purpose whatsoever, until the whole of the said debt and interest shall have been fully and completely discharged and extinguished, after which such surplus revenue shall make part of the general funds of the Corporation, and may be applied accordingly.

Revenues arising from the Water Works to be applied to the payment of the principal and interest of purchase and to no other purpose, until the same is paid off.

XVI. And be it enacted, that receipts for any interest due on all Debentures or Corporation Bonds that shall lawfully be issued by the authority of this Act, and which shall from time to time remain undischarged and uncanceled, as well as such Debentures or Corporation Bonds themselves, shall and may, after the period therein appointed for the payment of either thereof, be received and taken, by the Treasurer of the said City, from any person making payment to him upon any account or for any cause whatever, on account of the said City, and that the same shall be deemed and taken as money, and as such shall be charged against, and credited to, such Treasurer aforesaid in his accounts with the said City: Provided always, that no interest shall run or be paid upon or for any such Debenture during the time such Debenture or Corporation Bond so paid shall remain in the hands of the Treasurer as aforesaid, but for such time the interest on every such Debenture or Corporation Bond shall cease.

Debentures or the interest thereon may be paid to the City Treasurer in payment of any debt due the City.

Interest not to run on Debentures when in the hands of the City Treasurer.

XVII. And be it enacted, that the person or persons who shall pay any such Debenture or Corporation Bond so bearing interest, to the City Treasurer aforesaid, shall, at the time of making such payment, put his, or her, or their name or names, and write thereupon in words at length, the day of the month and year in which he, she or they so paid such Debenture or Corporation Bond, bearing interest; all which the said City Treasurer, shall take care to see done and performed accordingly; and to the day so ascertained, the said City Treasurer shall be allowed

Persons paying Debentures to City Treasurer to endorse the time of payment.

allowed the interest which he shall have paid or allowed upon such Debenture or Corporation Bond in his accounts with the said City.

Punishment on persons forging, altering or issuing forged or counterfeit Debentures.

XVIII. And be it enacted, that if any person or persons shall forge, alter or counterfeit any such Debenture or Corporation Bond which shall be issued under the authority of this Act and remaining uncanceled, or any stamp, endorsement or writing therein or thereon, or tender in payment any such forged, altered or counterfeit Debenture or Corporation Bond, or any Debenture or Corporation Bond with such counterfeit endorsement or writing thereon or therein, or shall demand to have such altered or counterfeit Debenture or Corporation Bond or any Debenture or Corporation Bond, with such altered or counterfeit endorsement or writing thereon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever knowing the Debenture or Corporation Bond, so tendered in payment or demanded to be exchanged, or the endorsement or writing thereon or therein, to be forged and counterfeit, and with intent to defraud the said City, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof convicted, shall be adjudged a felon and shall be liable, at the discretion of the Court before which he, she or they may be tried, to be confined at hard labour in the Provincial Penitentiary, for any period not less than three years, or to be imprisoned in any other Prison or place of confinement for any period not exceeding two years.

City Treasurer to endorse the payment of interest on Debenture.

XIX. And be it enacted, that it shall be the duty of the City Treasurer aforesaid, whenever called upon to pay or allow the interest upon any of the Debentures or Corporation Bonds issued under the authority of this Act, to take care to have the same endorsed on such Debenture or Corporation Bond at the time of payment thereof, expressing the period up to which the said interest shall have been so paid.

Corporation by notice to call in Debentures over due, and interest to stop on all Debentures called in after six months shall have expired.

XX. And be it enacted, that at any time after the Debentures or Corporation Bonds, or any of them that shall be issued under the authority of this Act, shall respectively become due according to the terms thereof, it shall and may be lawful for the Corporation aforesaid, if they shall think proper so to do, to direct a notice to be inserted in two or more of the Newspapers published in the said City, in the English and French languages, requiring all holders of the said Debentures or Corporation Bonds to present the same for payment, according to the conditions thereof, and if after the insertion of such notices for three months, any Debentures or Corporation Bonds then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures or Corporation

Corporation Bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

XXI. And be it enacted, that whenever it shall be deemed expedient by the said Corporation to redeem the said Debentures or Corporation Bonds, or any of them, at any time prior to the date at which the same may be made payable, with a view to diminish the debt to be contracted in the purchase of the said Water Works, it shall and may be lawful for the said Corporation to direct a notice to be inserted in all the newspapers published in the said City of Montreal, requiring all holders of the said Debentures or Corporation Bonds to present the same for payment, and if after the insertion of such notice for three months, any Debentures or Corporation Bonds, then issued, shall remain out more than six months after the first publication of such notice, all interest on such Debentures or Corporation Bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Corporation may call in Debentures before they are made payable and after six months notice, all interest thereon to be stopped.

XXII. And be it enacted, that nothing in this Act contained, shall extend or be construed to extend to diminish the power and authority of the Corporation, aforesaid, hereafter to borrow on the credit of the said City, for the general uses and purposes of the said City, as fully and effectually as though the said City were not indebted for the purchase of the Water Works as aforesaid, or that Debentures or Corporation Bonds had not been issued by them for the amount or purchase thereof, or as if this Act had not been passed, any Act, Statute or Law or provision thereof to the contrary notwithstanding.

Corporation not to be prevented from borrowing money for the general purposes of the City as heretofore.

XXIII. And be it enacted, that the said Corporation shall be, and they are hereby required to keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said Water Works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said City, and shall annually, on or after the first day of January in each and every year, cause a statement of the affairs of the said Water Works to be published in two or more of the Newspapers of the said City, in the English and French languages, wherein shall be stated, the amount of the rents, issues and profits, arising from the said Works, the number of tenants supplied with water, the extent and value of the moveable and immoveable property thereunto belonging, the amount of Debentures or Corporation Bonds then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid; the expenses of collection and management, and all other contingencies, salaries of officers and servants, the cost of repairs, improvements and alterations,

Particular statements of the revenue and expenditure of the Water Works to be kept and annually published.

alterations, the prices paid for the acquisition of any real estate that may be required for the use of the said Water Works, as also the value received for any real estate that may be sold and disposed of by the said Corporation, and generally such a statement of the revenue and expenditure of the said Water Works as will at all times afford to the Citizens of the said City of Montreal, a full and complete knowledge of the state of the affairs of the said Montreal Water Works.

Act not to prevent private Water Works nor to bind the Legislature.

XXIV. And be it enacted, that nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons, Body Corporate, Politic or Collegiate, from constructing any Works for the supply of water to his or their own premises, or to prevent the Legislature of the Province at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to or obtained by the said Corporation.

Rights of the Crown, &c. saved.

XXV. And be it enacted, that nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Bodies Politic or Corporate, except such only as are herein mentioned.

Limitation of Actions.

XXVI. And be it enacted, that if any Action or Suit shall be brought against any person or persons for any thing done in pursuance of this Act, the same shall be brought, within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages, shall cease, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and under the authority of this Act; and if it shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, then the Judgment shall be entered for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit or shall suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared, or if a Judgment shall be entered against the Plaintiff or Plaintiffs, or if upon exceptions or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble costs, and shall have such remedy for the same, as any Defendant hath for costs of suits in other cases of law.

General issue and Special matter in evidence.

Treble costs.

Ordnances Incorporating the City of Montreal in so

XXVII. And be it enacted, that all the enactments and provisions of the Ordinance of the Governor and Special Council, of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to*

to incorporate the City and Town of Montreal, as amended by a certain Ordinance of the Governor and Special Council aforesaid, passed for that purpose, also, in the fourth year of Her present Majesty's Reign, and intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, shall, in so far as they shall not be repugnant to or inconsistent with, the express enactments and evident intent of this Act, extend to, and govern each and every act and thing required or authorized to be performed and done, under the authority of this Act, as if this Act had formed part of the said last mentioned Ordinances, or of either of them.

far as they are not repugnant to this Act, to govern any matter required under this Act.

XXVIII. And be it enacted, that all Acts or Provisions of Law in force in this Province, or in any part thereof, before or up to the time when this Act shall come into force, which shall be inconsistent with, or contradictory to this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matters, shall, from and after the time when this Act shall come into force, be and they are hereby repealed, except in so far as may relate to any circumstance, act or thing occurring, done, or effected before the commencement of this Act, which shall be dealt with, adjudged upon, and determined, as if this Act had not been passed.

All Acts or Provisions of law repugnant to or inconsistent with this Act to be repealed, except as to past transactions

XXIX. And be it enacted, that this Act shall be and is hereby declared to be a Public Act, and shall as such be judicially taken notice of by all Judges, Justices and other persons in this Province, without being specially pleaded.

To be deemed a public Act.

C A P. XLV.

An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of St. Lawrence, and Coal Mining in the said District.

[9th December, 1843.]

Preamble.

WHEREAS the improvement and extension of the British Fishery in the Gulf of St. Lawrence and Bay of Chaleurs, and other places on the coast of the Province of Canada, are of great importance, not only to the said Province but to the British Empire; And whereas it is also of great importance to the said Province, that its Mines and Mineral wealth should be properly worked and brought into useful operation, and to accomplish the purposes aforesaid, it is expedient to establish a Body Politic and Corporate, with the powers, rights and privileges hereinafter