

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 113

An Act for supplying the City of Quebec and parts adjacent thereto with Water.

Reserved for the signification of Her Majesty's pleasure, 9th June, 1846.

The Royal Assent given by Her Majesty in Council, on the 19th December, following; and Proclamation made thereof by His Excellency James, Earl of Elgin and Kincardine, in the Canada Gazette of February 20, 1847.

Whereas the supplying of the City of Quebec and the parts thereunto adjacent with good and wholesome water would be of great public advantage: And whereas a plentiful supply of pure and wholesome water, at greatly reduced rates, may be procured from sources in the vicinity of the said City: And whereas the Mayor and Councillors of the said City of Quebec, incorporated by law, have not funds at their disposal or which they are now empowered by law to raise, sufficient to effect the object aforesaid, unless they suspend the Public Works and improvements now requisite in the said City, and they have therefore prayed that further powers be granted them in the behalf aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Corporation of The Mayor and Councillors of the City of Quebec, and they are hereby authorized and empowered, by themselves, their agents, deputies, officers, workmen, servants and assistants, from time to time to make, erect, construct, repair and maintain, within or without the limits of the said City, and at such distance as may not exceed twenty-five miles from the said City, 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, in such manner and of such construction as they shall think necessary, proper and expedient for forcing, conveying and conducting into and throughout the said City of Quebec and parts adjacent a sufficient quantity of good and wholesome water for the use and supply of the inhabitants of the said City of Quebec and the parts thereunto adjacent, as also all lead, leaden and other pipes, brass cocks, tools and materials of every description.

II. And be it enacted, That it shall and may be lawful for the said Corporation of The Mayor and Councillors of the City of Quebec, by any By-law to be hereafter passed in the manner provided by the Ordinance incorporating the said City and the Ordinance and Act amending the same, 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 twenty-five 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 estates, servitudes, usufruits, hereditaments, or other real property of any description, within the said City of Quebec or in the vicinity thereof, not distant more than twenty-five miles from the limits of the said City, which shall and may be necessary for the said Water Works, or for improving, altering, enlarging or extending the same; saving nevertheless to the Seigneur or Seigniors within whose censive the said lands, tenements, immoveable estates, 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 shall be effected by the said Corporation with the least possible delay; and in case of the removal or alteration of the site of any such Works as aforesaid, to dispose of the lands or other property theretofore held by the Corporation as the site of such Works, and others to purchase and acquire in like manner instead thereof.

III. 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, grévés 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, usufruits and hereditaments, or other real property within the said City, or within twenty-five miles thereof, which may be selected and desired by the said Corporation for the purposes of the said Water Works, 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 estates, servitudes, 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.

IV. 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 twenty-five 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 Quebec, 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 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.

V. 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 place within the said City, and within twenty-five 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 twenty-five 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 twenty-five 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, 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.

VI. 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 purpose 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.

VII. 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.

VIII. 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 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 twenty shillings 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.

IX. And be it enacted, That in order to preserve the water now or hereafter to be conveyed into the City, and the parts thereunto adjacent, clean and wholesome, if 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 thing 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.

X. 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 of 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 anywise 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, of in 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.

XI. 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 tenements 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.

XII. 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.

XIII. And be it enacted, That for the purpose of establishing the said Water Works as aforesaid, it shall and may be lawful for the said Corporation, before or after the completion of the said Water Works, to issue under the hand of 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, and bearing interest, payable semi-annually, on the first day of November and May, in each and every year, and at a rate not exceeding six per centum per annum. Provided always, that before the issuing of any such Debentures or Corporation Bonds, the said Corporation shall have enacted and ordained a By-law specifying the principal streets, lanes and public places within the limits of the City which are to be supplied with water, and shall, after duly advertising for tenders, have entered into a contract with the lowest bidder giving security to their satisfaction for the performance of the work for keeping the same in good repair for three years, at a sum not exceeding fifty thousand pounds, including the necessary real property and materials.

XIV. 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 established 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, be formed into a fund separate and apart the other funds of the Corporation, and applied by the said Corporation to the extinction of the debt which may be contracted by reason of the establishment of the said Water Works, and afterwards such revenues shall make part of the general funds of the Corporation, and may be applied accordingly.

XV. And be it enacted, That the said Water Works and also the land to be acquired for the purposes aforesaid, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the said Debentures shall have a concurrent pledge, mortgage, hypothec or privilege on the said property for securing the payment of the said Debentures and the interest thereon.

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 or Corporation Bond 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.

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; and to the day so ascertained the said City treasurer shall be allowed the interest which he shall have paid or allowed upon such Debenture or Corporation Bond in his accounts with the said City.

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, indorsement or writing therein or thereon, or tender in payment any such forged, altered or counterfeit Debenture or Corporation Bond with such counterfeit indorsement 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 indorsement 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 indorsement or writing thereon or therein, to be forged and counterfeit, and with the 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.

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 indorsed 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.

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 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 establishment of the said Water Works, it shall and may be lawful for the said Corporation to direct a notice to be inserted in the all the newspapers published in the said City of Quebec, 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.

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 money 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 establishment of the Water Works as aforesaid, or that Debentures or Corporation Bonds had not been issued by them for the amount of the cost thereof, or as if this Act had not been passed; any Act, Statute or Law or provision thereof to the contrary notwithstanding.

XXIII. And be it enacted, That it shall and may be lawful for the said Corporation, and they are hereby required from time to time, as occasion may require, to appoint a fit and proper person, to be the Superintendent or Engineer, for the management of the said Water Works, and of any Gas Works under the control of the said Corporation, and to prescribe and regulate the duties of the said Office, and at their pleasure to remove any such person from the said Office, and appoint another in his place; and the said Corporation shall take such security for the due execution of the said Office as they shall think proper, and shall and may grant and allow to the said Officer such salary, allowance or other compensation for his services as they may think fit. Provided always, that such Superintendent or Engineer shall account to the said Corporation quarterly, or oftener if required.

XXIV. 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, 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 vale 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 Quebec, a full and complete knowledge of the state of the affairs of the said Quebec Water Works.

XXV. And be it enacted, That it shall be lawful for the said Corporation before or after the said Water Works are commenced, to lease, assign, transfer and make over the rights, privileges, powers and authorities hereby conferred for such a period not exceeding twenty years, and upon such terms and conditions as may be established by a By-law to be by them made in that behalf; and at the end of such period, or sooner, by consent of parties, it shall and may be lawful for the said Corporation to repurchase the same, and any Water Works that may be established by the purchaser or purchasers, lessee or lessees of the same, and pay for the same in the manner and by the means aforesaid, and thereupon establish the said Works in the same manner and way as if the same had been made and constructed by the said Corporation according to the provisions of this Act.

XXVI. 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.

XXVII. 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.

XXVIII. 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 please the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, at 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 suit in other cases of law.

XXIX. 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 the third and fourth years of Her Majesty's Reign, and intituled, *An Ordinance to incorporate the City and Town of Quebec*, as amended by a certain Ordinance of the Governor and Special Council aforesaid, passed for that purpose in the fourth year of Her present Majesty's Reign, and intituled, *An Ordinance to amend the Ordinal to incorporate the City and Town of Quebec*, and both Ordinances as amended by the Act passed in the last Session of the Legislature of this Province, intituled, *An Act to amend the Ordinances incorporating the City of Quebec*, shall, in so far 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 formed part of the said last mentioned Ordinances or either of them.

XXX. 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 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.

XXXI. 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 other persons in this Province, without being specially pleaded.