

Laws of His Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 Victoria – Chapter 131

An Act further to amend the Acts for supplying the City of Quebec and parts adjacent thereto with Water. 30th August, 1851.

Whereas the Corporation of *The Mayor and Councillors of the City of Quebec*, have, by their petition, represented that further provisions are necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of Her Reign, and intituled, *An Act for supplying the City of Quebec and parts adjacent thereto with Water*, and the Act amending the same, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with Water*, and have prayed that such provisions be made; And whereas it is expedient to grant their prayer: 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of the same, That the nineteenth section of the Act first cited in the preamble to this Act, be, and the same is hereby repealed.

II. And for the removal of all doubts, Be it declared and enacted, That the principal and interest of the sums secured by Debentures issued or to be issued by the Corporation of *The Mayor and Councillors of the City of Quebec*, under the authority of the Act secondly cited in the preamble to this Act, may be made payable to the bearer thereof, and either within this Province, or at any place or places without this Province, and either in currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, provided the total amount of the principal secured by such Debentures do not exceed the sum of One Hundred and Twenty-five Thousand Pounds Currency, reckoning all sums payable in other than Provincial Currency, at the par of exchange; and all such Debentures may be in the form of the Schedule A to this Act, or in any other form not inconsistent with the said Acts as amended by this Act, and may have *Coupons* thereunto annexed for the half-yearly interest thereon, which *Coupons* being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation shall be *primâ facie* evidence that the half years' interest therein mentioned has been paid according to the tenor of such Debenture: and all the provisions of this Section shall apply as well to the Debentures heretofore issued as to those to be issued after the passing of this Act; and all such Debentures, and as well the interest as the principal thereof, are and shall be secured on the General Funds of the said Corporation, as well as by the special privilege on the Water Works, mentioned in the fifteenth section of the Act first above cited.

III. And be it enacted, That it shall be lawful for the said Corporation, if they shall think fit, to renounce with regard to any such Debentures (whether issued before or after the passing of this Act) the benefit of the twenty-first section of the Act first cited in the preamble to this Act, empowering the Corporation to call in Debentures at any time prior to the date at which the same may be made payable, and such renunciation being expressed in the body of any Debenture, or written thereupon, after the issuing thereof, and signed by the Mayor, shall prevent the said section from applying to such Debenture.

IV. And be it enacted, That for and notwithstanding anything in the said Acts, or either of them, it shall be lawful for the said Corporation, at any time after the passing of this Act, to specify and declare, by a By-law, that the proprietors or occupiers of houses, stores, and similar buildings, in the said City, shall be subject to the annual Rate or Assessment, payable at the periods to be fixed by such By-law, to the said Corporation; but such Rate or Assessment shall not be payable by the proprietor or proprietors, occupier or occupiers of any such house, store or building in the said City, until after the said Corporation shall have notified him or them that they are prepared and ready to supply such house, store or building, with water, under the provisions of the said Acts; and if from the time of such notification to the next period appointed for the payment of such Rate or Assessment there shall be any broken period, then such Rate or Assessment shall be payable *pro ratâ* for such broken period, as if accruing day by day; but the Rate per annum shall not exceed that limited by the Act secondly cited in the preamble to this Act.

V. Provided always, and be it declared and enacted, That the limitation of the said Rate or Assessment does not and shall not extend to the cases mentioned in the fourth section of the Act secondly cited in the preamble to this Act, but that it shall always be lawful for the said Corporation to notify the proprietor or occupier of any brewery, distillery, manufactory, livery-stable or hotel, or of any building or premises in which a steam-engine is used, or in which for any reason they shall think that a more than ordinary consumption of water will take place, that they will not supply the same with water at the Rate so limited as aforesaid, and in any such case the proprietor or occupier shall not be liable to the said Rate or Assessment, but it shall be lawful for the Corporation to agree with such proprietor or occupier as to the Rate at which they will supply such house or premises with water, and any Memorandum in writing of such Agreement shall be valid and binding upon the Corporation and the party, and the Rate thereby agreed upon shall be recoverable in the same manner and with the same privileges for enforcing payment of the same, as the Rate limited by the said Act; but, except under such Agreement as aforesaid, no person shall be compelled to pay a higher Rate than that limited by the said Act.

VI. And be it enacted, That for the purposes of this Act and of the Acts hereinbefore cited, the said Corporation, their Deputies, Servants, Agents and Workmen, shall have full power and authority to enter, in the day time, for the purpose of searching for materials for the works they are authorized to construct, or for any purpose relating thereto, into and upon the lands of any person, body politic or corporate, or other party whomsoever, doing no actual damage; and also to bore, dig, cut, blast, get, remove, take, carry away and lay earth, stone, soil, rubbish, trees, roots, beds of gravel, sand or other material or thing, out of, from or upon any such lands, for the

purposes aforesaid, paying or tendering compensation for the damages actually done by the said Corporation, in the manner provided by the Acts aforesaid, with regard to the compensation to be made by the said Corporation for land taken or damages done in the exercise of the powers thereby vested in them.

Schedule A.

Form of Debenture.

Certificate No. *Loan.* *Interest at* _____ *per cent.*

For Supplying the City of Quebec with Water.

Secured by Acts of the Parliament of Canada, upon the General Funds of the Corporation of the City of Quebec, and by especial privilege upon the Water Works and their revenue.

{ 10 Vict., cap. 113, sect. 14, 15, 16.
 13 and 14 Vict., cap. 100, sect. 3.

We, the Mayor and Councillors of the City of Quebec, certify that under the authority of an Act of the Parliament of Canada, passed in the tenth year of Her Majesty's Reign, intituled, *An Act for supplying the City of Quebec and parts adjacent thereto with Water*, and of another Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with Water*, and of another Act passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act further to amend the Acts for supplying the City of Quebec and parts adjacent thereto with Water*; there has been borrowed and received from _____ the sum of _____ Pounds currency, (*or sterling, as the case may be, or state the sum in the currency of the country in which it is to be paid,*) bearing interest from the date hereof (*or, as the case may be,*) at the rate of _____ per cent, per annum, payable semi-annually, on the first day of November and May, (*or, as the case may be,*) in every year, on presentation of the *Coupons* for the same, signed by the Mayor upon the margin of this Debenture, and reimbursable on the first day of November, one thousand eight hundred and _____, to the said _____ or the bearer hereof.

Sealed with our Seal, and signed by the Mayor of the said City, this _____ day of _____, one thousand eight hundred and _____.

N. B.
Mayor.

Attested.

E. F.,
City Clerk.

Form of a Coupon.

Coupon No. _____

£ _____

Quebec, 1st November, 1850. }
(or, as the case may be.) }

Half-yearly interest on Water Works Debenture, No. _____ for _____ Pounds (or
Dollars, as the case may be.)

Mayor.