

effect and make the same proof of their contents as if they had been given under the trustee's own hand.

When clerk  
must be ap-  
pointed.

**34.** Whenever the trustee shall appoint a deputy trustee who does not know how to write, he shall appoint a clerk at the same time.

His salary.

**35.** The clerk shall be paid by the trustee when he acts under his direction or under the direction of the deputy trustee acting for him ; he shall be paid by the deputy trustee after the resignation or decease of the trustee.

## C A P. L X V I I I .

An act concerning the water-works of St. Johns.

[Assented to 28th December, 1876.]

Preamble.

**W**HEREAS Louis Molleur the younger, esquire, E. Z. Paradis, esquire, advocate, J. P. Carreau, esquire, advocate, Joseph l'Ecuyer, esquire, notary public, and Olivier Hébert the younger, esquire, farmer, all of the town of St. Johns, and sole shareholders in the capital stock of the water-works company of St. Johns, have by their petition represented that they unanimously desire to constitute the said Louis Molleur the younger, the sole proprietor in his own name of all the property, rights and privileges of the said company, subject to all the obligations and responsibilities thereof, and whereas it is advantageous for the said shareholders, and for the public to pass an act for that purpose ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Substitution  
of L. Molleur,  
for the com-  
pany.

**1.** Louis Molleur the younger, of the town of St. Johns, in the district of Iberville and province of Quebec, is and shall be the sole proprietor in his own name of the water-works of St. Johns, in place and stead of the water-works company of St. Johns, and he is substituted to the said company as proprietor of all the property, and charged with all the obligations and responsibilities of the said company.

Obligations.

His rights  
and privi-  
leges.

**2.** The said Louis Molleur the younger, his heirs and assigns, shall have the exclusive right and privilege, from this date until the first day of January one thousand nine hundred and twenty-two :

1. Of placing pipes or water conduits under the streets and public squares of the town of St. Johns ;

2. To exercise, for the above purposes, all the rights and privileges granted to the said water-works company of St. Johns, under the provisions of chapter 65 of the consolidated statutes of Canada and its amendments, subject to all the obligations to which the said company are liable towards the corporation of the said town of St. Johns, under the said act and its amendments.

3. If at any time or for any reason whatsoever the said Louis Molleur the younger, his heirs and representatives, refuse or neglect to fulfil all the obligations imposed on them by this act, after having been placed *en demeure* so to do by the corporation of the said town of St. Johns, the said Louis Molleur the younger, his heirs and representatives, may be deprived of the exclusive privilege hereinabove established in their favor. Case of refusal or negligence.

4. The water from the said water-works, which shall be pure and healthy, shall be sold and distributed to such of the inhabitants of the said town as shall be willing to receive it at the price, and on the conditions, which the said Louis Molleur the younger shall establish. Water furnished.

5. The corporation of the town of St. Johns shall have the right of gratuitously using at all times the water from the said water-works for the extinction of fires, the exercise of fire engines and it shall be lawful for the said corporation for this purpose to construct and place as many lateral pipes, water-plugs or reservoirs as they shall deem requisite, which said pipes, water-plugs or reservoirs and accessories made and maintained by and at the expense of the said corporation, shall be exclusively under their control. Right of the town.

The said Louis Molleur the younger, his heirs and representatives, shall be, nevertheless, bound on the demand of the said corporation, to keep a constant pressure of fifty pounds of steam, per square inch, in the boiler of the said water-works, so that the same may be made use of in case of fire, upon the corporation paying them therefor, a sum to be fixed by arbitrators in the absence of agreement between them; the whole without prejudice to existing agreements between the said corporation and the said company. Obligation of L. Molleur.

6. At any time after the first day of January, one thousand eight hundred and eighty-four, until the first day of January, one thousand eight hundred and ninety-nine, the said corporation of the town of St. Johns shall have the right to purchase the said water-works, and all the accessories thereof, by paying to the said Louis Molleur, the younger, his heirs or assigns, the value of the said Right of the town to purchase from 1884 to 1899;

After 1899. water-works at the time of the purchase thereof, together with fifteen per cent in addition thereto, and at any time after the said latter date (1899), the said corporation shall have the right to purchase the said water-works by paying only the value thereof, at the time of the said purchase. This value, if it cannot be amicably settled between the parties, shall be determined by two arbitrators, one of whom shall be named by the said corporation, and the other by the proprietor of the said water-works. Arbitrators. In the case of a difference of opinion between the two arbitrators, they shall appoint a third arbitrator or umpire to decide between them; the decision of the majority of the said arbitrators and umpire shall be final, and in the event of their not agreeing as to the appointment of a third arbitrator, the appointment shall be made by any judge of the superior court exercising his functions, in the district of Iberville, on the application of either of the interested parties.

Resolution of the council. **7.** The municipal council of the said corporation, in deciding upon the said purchase shall proceed by resolution. If, before the adoption of such resolution by the said council, the latter can agree upon a price with the said Louis Molleur the younger, his heirs and representatives, then such price shall be specified in the resolution. Price to be mentioned.

In the contrary case, the resolution shall declare that the purchase is to be made at a price to be fixed by arbitrators.

For the resolution of the council to take effect, it must be approved by the vote of the majority, in number and in real value, of the proprietors of real estate in the said town, according to the rules and proceedings specified in section 15 of the act of this province 39 Vict., ch. 48.

Arbitrators. If the price has not been determined and specified in the resolution of the council, it shall, after the approval of such resolution by the electors, be established by arbitrators in the manner hereinabove set forth.

Purchase by consent. **8.** The purchase of the said water-works may be made by the said corporation at any time before the date fixed by the preceding section six, provided that the said Louis Molleur the younger, his heirs and representatives, consent thereto, and in such case the formalities hereinabove described shall also be pursued.

By-law to compel rate-payers to take water. **9.** The said corporation may, at any time, pass a by-law compelling each rate-payer of the town of St. Johns, to supply himself with water from the said water-works, and to pay the cost thereof, (whether he be in want of such water or not), according to a tariff to be established in the manner hereinafter set forth. Such by-law, how-

ever, shall not take effect, until approved by the majority of the rate-payers of the said town, whose names shall have been enregistered. The manner of voting shall be that set forth in section 15 of ch. 48 of the act 30 Vict.

**10.** After the approval of such by-law, as hereinabove Water tariff. set forth, the said corporation, if it can come to an agreement with the owner of the water-works, shall proceed to fix the tariff above mentioned, by a by-law passed to that end; and, if such friendly agreement cannot be arrived at, the rates of such tariff shall be fixed and established by two arbitrators, one of whom shall be appointed by the proprietor of the water-works and the other by the said corporation; such arbitrators, in the case of a division of opinion, shall appoint a third arbitrator or umpire, to decide between them, and in the event of their not being able to agree as to such appointment, it shall be made by the judge of the superior court for Lower Canada, sitting in and for the district of Iberville. The decision of the majority of the said arbitrators and umpire shall be final.

In the event of refusal or neglect, on the part of one of the parties to appoint his arbitrator, within eight days after having been placed *en demeure* so to do by the other party, the latter may obtain such appointment by the judge of the superior court for Lower Canada, sitting in and for the district of Iberville.

Within fifteen days after the service of the report of the arbitrators on the said corporation, the latter shall cause to be made a table of tariff rates therein established, and publish it in the manner prescribed for the publication of municipal by-laws, under the act of incorporation of the said town, 22 Vict., ch., 106. From and after the publication of the said tariff, or of the by-law above mentioned, the said tariff shall come into force, and the owner of the said water-works shall be thenceforward bound to supply water to each and every the rate-payers of the said city, on the whole extent of the streets traversed by the pipes of the said water-works.

**11.** The tariff aforesaid may be, from time to time, Revision of tariff. revised and amended, on the application either of the corporation or of the owner of the water-works, by observing the same formalities as hereinabove established in relation to the settling of the said tariff.

**12.** The said corporation may require from the owner Laying down of water pipes required by corporation. of the said water-works that he shall lay down pipes in any street of the said town, in which there are none, and in which the corporation shall deem it advisable; provided that in accordance with the established tariff, the

owner of the said water-works may be able to levy an annual amount equal to ten per cent on the value of the said work and materials supplied ; and provided also that he be allowed a reasonable time to procure pipes and execute the work.

**13.** The pipes, reservoirs, as well as all the apparatus and accessories attaching in any manner to the said works, shall be placed in such a manner that the public health and safety shall be in no way endangered.

**14.** The present act shall come into force immediately after the sanction thereof.

## C A P. L X I X.

An act to authorize the Canadian Meat and Produce Company to issue preferential shares.

[Assented to 28th December, 1876.]

**Preamble.** WHEREAS the Canadian Meat and Produce Company have, by their petition, represented that it is necessary, in order to carry out their undertaking, that they should have power to issue preferential shares to an amount not exceeding \$100,000, and have thereby prayed for the passing of an act for that purpose, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows ;

**1.** The said company may issue shares not exceeding one thousand in number of the denomination of one hundred dollars each, which shall be known as preferential stock, and the holders thereof shall be entitled in each and every year to a dividend at the rate of ten per cent. per annum, before any dividend is declared or paid upon the balance of the stock of the company, which shall be known as ordinary stock.

After such rate is paid or set apart for dividends upon such preferential stock, the balance of profits applicable to dividends shall be devoted to the payment of a dividend not exceeding the said rate of ten per cent. per annum, upon the ordinary stock, and after the payment of such rate of dividend on the ordinary stock, the whole capital stock shall rank equally in respect of dividends, provided, that if in any year the holders of the preferential stock do not receive a dividend or dividends amounting to ten per cent per annum, the deficiency shall be