

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Thirteenth day of February, 1817, in the Fifty-Seventh year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Seventh Session of the Tenth General Assembly, convened in the said Province.

57 George III – Chapter 15

An Act for the better supplying the Town of Halifax with Fresh Water.

Whereas, the inhabitants of the town of Halifax suffers great inconvenience for want of a proper supply of fresh water. And whereas, certain of the said inhabitants have proposed to raise by subscription sufficient monies from a reservoir for fresh water, on the common of the said town, and thence to convey such water by pipes through the several streets thereof, provided the subscribers shall be incorporated for that purpose, and obtain an exclusive privilege with respect to the same for a limited time:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that whenever twenty persons shall have associated themselves together, for the purposes mentioned in the preamble of this Act, and agreed to raise sufficient monies to effect the same, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by letters patent under the great seal of this province, to make, erect, and incorporate, all and singular the persons, who, from time to time, shall be adventurers in, or parties to, the said undertaking, and their assigns, into one body politick and corporate, in deed and in name, under the title of the Halifax Water Company: and by that name to have succession, to sue and be sued, to continue for the term of twenty-five years, to have a common seal, and to possess and enjoy such powers, with respect to the choice of a president, and other officers, making bye-laws, and regulating the affairs of the said company, and to be under, and subject, to such restrictions as shall be expressed in the same letters patent.

II. Provided always, and be it further enacted, that before the said letters patent shall be granted, public notice shall be given, and inserted during six weeks, in the Royal Gazette, of the intention of the said persons to apply to the Governor, Lieutenant-Governor, or Commander in Chief, and in the said notice it shall be expressed that the reservoir herein after mentioned, has been made and completed; and all persons who have any cause to shew against granting the said letters patent, may apply to his Majesty's Council, for that purpose, and if no cause shall be shewn to his Majesty's council, by petition or otherwise, against the granting of the said letters patent, on or before the first day of September next, or if the reasons shewn shall not be such, as, in the opinion of his Majesty's Council, ought to prevent the granting of the said letters patent, on or before the first day of September next, or if the reasons shewn shall not be such, as, in the opinion of his Majesty's Council, ought to

prevent the granting of the said letters patent, the same may, at any time after the said first day of September next, be granted, pursuant to the directions, and provisions of this Act.

III. And be it further enacted, that it shall and may be lawful for the persons so associated, and who intend to apply for the said letters patent, to make and dig a reservoir or bason for water, upon such part of the Common of Halifax, north of the bridge on the road leading from the jail, as they shall deem most proper and convenient for the purpose, and to surround and secure such reservoir or bason with the necessary dykes and embankments, for retaining the waters that may be collected therein, and also to enclose the parcel of land whereon the said works shall be made, with such walls and fences as may from time to time be required. Provided always, nevertheless, that the ground so to be occupied and enclosed shall not exceed the space of five acres.

IV. And be it further enacted, that the waters from time to time collected in the said reservoir, shall be conducted through pipes into every possible part of the town of Halifax, for the use of the inhabitants thereof; and for that purpose it shall be lawful for the said company, at a proper and convenient depth, under the surface of each and every of the roads and streets, leading into and through the said town, and its suburbs, to lay down, set and place, such and so many pipes, leaders and conducts, for the said water, as they shall find to be necessary, for conveying it to any or every dwelling-house in the said town, and that from time to time, as often as the said company shall think proper to lay down such pipes, leaders and conducts, or shall have occasion to alter, amend, or repair the same, it shall also be lawful for the said company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement or side-walks thereof, and the same to keep open and uncovered, during the time necessary for their said purposes. Provided always, that before the said company shall break up or open any such road or street, they shall give thirty days previous notice of their intention to do so, to the commissioners of the streets for the time being, and shall receive their permission in writing therefor, and not otherwise. And provided also, that the said company shall and do, at their own proper costs and charges, and to the satisfaction of the said commissioners, and without unnecessary delay, repair and amend the said roads and streets, in every part where they shall be so broken up and opened as aforesaid, and restore the covering, pavement and sidewalks, there respectively, to the condition in which they were before breaking up or opening the same.

V. And be it also enacted, that if the said person so associated, shall not repair the said streets, so broken up, to the satisfaction of the said commissioners, it shall be lawful for the said commissioners, to cause the same to be repaired, and to sue for, and recover, the expence incurred therein, from the said persons so to be associated, or any of them, by any action, in any of his Majesty's Courts of Record within this province, or before any court, or persons appointed, or to be appointed for trying causes in a summary way, in case the sum demanded, shall be within the jurisdiction or such court or persons.

VI. And be it further enacted, that in the letters patent, for incorporating the said company, there shall be inserted and contained a condition for making the said letters wholly void, unless the said company do and shall within three years from the date hereof, complete the reservoir or bason aforesaid, and lay down sufficient pipes to convey the water therefrom, into the said town, to such distance and along such streets thereof, as the Governor, Lieutenant-Governor, or Commander in Chief, by whom the said letters patent are granted, shall, with the advice of his Majesty's Council, express and direct in the said letters patent; and also, a further condition for making the same void, unless the said company do and shall, in every street through which the said pipes shall be laid, make and provide proper vents and openings for supplying water, whenever fires shall happen in the said town, and do and shall place such vents and openings at such distances from each other, as, by the advice shall be likewise directed in the said letters patent.