

Laws of Her Majesty's Province of Newfoundland, passed in the year 1860.

23 Victoria – Chapter 10

An Act to Amend an Act passed in the Twenty-second Year of the Reign of Her present Majesty Queen Victoria, entitled “An Act to Incorporate the General Water Company.” (Passed 14th May, 1860.)

Whereas it is expedient to amend an Act passed in the Twenty-second year of the Reign of Her present Majesty entitled, “An Act to Incorporate the General Water Company:”

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:

I. The Annual General Meeting of the said Company, for the appointment of Directors and for other business, shall be held on the last Thursday in May, instead of the first Monday in July, as directed by the Sixth Section of the said Act.

II. It shall not be necessary to fill up a vacancy arising on a Board of Directors from the absence of a Director, unless such absence shall exceed the term of Six Calendar Months, except when the number of resident acting Directors shall fall below Four; in which case the remaining Directors shall fill up such vacancy by nomination from amongst the Stockholders, and the party so nominated shall fill up the first vacancy occasioned by absence, as aforesaid, until the next Annual Meeting of Stockholders.

III. The Shares in the Capital Stock of the said Company shall be transferable by endorsement and delivery of the Stock Certificate; but no transfer shall be valid until an entry thereof shall be made in a Book of the Company to be kept for that purpose, and the proper officer of the Company shall, upon the request of the Stockholder or the Purchaser of said Stock, immediately make such entry.

IV. The Tenth and Eleventh Sections of the said recited Act are hereby repealed; but the Stock Certificates of the said Company shall be subject to seizure under attachment or execution by the Sheriff, and may be sold and transferred by him in manner aforesaid.

V. The Twelfth and Thirteenth Sections of the said recited Act are hereby repealed.

VI. It shall be lawful for the Company to dig, break, and trench the streets and squares, public places, and lands, in and near the town of St. John's, as may be necessary, observing all proper precautions for the safety and convenience of the public; and for the purposes of this Act, from time to time, after three days' notice in writing to the owner in that behalf, to be signed by the Chairman or Secretary of the Company, to enter upon, excavate, trench, possess, and hold, as the property of the Company, the lands of private parties in or near the said town.

VII. Should any person whose land shall have been so entered upon, excavated, or taken as aforesaid, require compensation for any injury sustained by him by any act of the Company, or their agents or

servants, or for any portion of his lands, tenements, or premises, appropriated or used by the Company, it shall be competent for such person to appoint one Arbitrator, and the said Company another, and such two Arbitrators shall appoint a third, and the award of any two of them, signed by them after hearing both parties and their witnesses, as to such compensation, shall be final and binding. Should either party neglect or refuse, upon being required by the other to appoint an Arbitrator, within ten days after being so required, or should the two Arbitrators, when so appointed, not agree to the appointment of a third within ten days after their appointment, it shall be lawful for a Judge of the Supreme Court of this Island, upon the application of either party, to appoint an Arbitrator for the party refusing, omitting or neglecting to make such appointment; and such Arbitrator, when so appointed, shall have the same power in all respects as if appointed by either party, or by the said two Arbitrators.