

Laws of Her Majesty's Province of Newfoundland, passed in the year 1863.

26 Victoria – Chapter 4

An Act to Amend certain Acts passed in the Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth years of Her present Majesty, entitled, respectively, “An Act to Incorporate the General Water Company,” “An Act to Amend an Act passed in the Twenty-second year of Her Present Majesty Queen Victoria, entitled ‘An Act to Incorporate the General Water Company,’” and “An Act for the further Amendment of the Act for the Incorporation of the General Water Company.” (Passed 26th March, 1863.)

Whereas by reason of the great and unexpected cost of carrying into effect the several Acts providing for the Incorporation and Management of the General Water Company, the Assessment prescribed by the said Acts will be insufficient for the purposes to which it is to be applied: And whereas it is expedient that the Working Expenses of the said Company should be lessened, and that the said several Acts should be in other respects amended:

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

- I. It shall be lawful for the Directors of the said Company, subject in all cases to the approval and control of the Governor in Council, from time to time to fix and establish the Water Rates and Assessments payable under the said Acts at such amounts as may be necessary for the purposes of the said Acts, all which Rates and Assessments shall be paid in advance half-yearly and shall be levied and collected in manner prescribed by the said Acts as to the Assessments thereby imposed. Provided always, that notice of any change in the Rate or Assessment aforesaid shall be given by publication in the Royal Gazette, and that the Minute of Council confirming the same shall be laid before both Branches of the Legislature at the next ensuing Session. Provide also, that in Establishing any Water Rate regard shall be had, not only to the Rent value of the Premises supplied with Water, but also to the Quantity of Water which may be supplied, whether for Trading, Manufacturing, Shipping, or other purposes.
- II. The first Assessment and Rates payable under this Act and the said Acts shall be collected immediately upon the passing of this Act, and shall be for the half year ending on the last day of June next.
- III. The Cost of Repairs to Service Pipes shall be borne by the Consumers by whom such Pipes shall be used.
- IV. It shall be lawful for the said Company, with or without the consent of the Occupier or Proprietor, to introduce Branch or Service Pipes into any Building subject to the Rate or Assessment.
- V. In any Action for the recovery of any Rate or Assessment, it shall be deemed good Service of Process upon the Defendant if the same be left at the Residence of such Defendant.

VI. From and after the next Annual Meeting of Stockholders, the Affairs and Business of the said Company shall be managed by Three Directors, of whom Two shall form a Quorum, and of whom One shall be chosen by the Stockholders at their Annual Meeting in every second Year in manner now accustomed, and Two shall be appointed by the Governor in Council. Provided that the present Directors shall continue in Office until the next Annual Meeting of Stockholders, when the first Election of a Director under this Act shall take place. Provided also that in the event of the Office of any Elected Director becoming vacant by his Death Resignation, or Absence from the Colony for Six Months, a Successor to him shall be Elected at a Special General Meeting of Stockholders to be called for that purpose, and such Successor shall held Office until the second Annual Meeting after his Election.

VII. It shall be lawful for the Directors of the said Company to issue additional Stock not exceeding in amount Eleven Thousand Five Hundred Pounds Currency, in payment of the Sum now due by them for Monies borrowed under the provisions of the said Acts for the payment of Interest and other Expenses.

VIII. For greater facility in the Imposition and Collection of the Rates and Assessments aforesaid, and in the transaction of the affairs of the said Company, it shall be lawful for the said Directors to Number and Mark the Houses and Buildings within the limits of the Town; and every one convicted of Altering or Defacing any of such Numbers without lawful authority, shall be subject to Imprisonment for a term not exceeding One Week or to a Fine not exceeding Ten Shillings, to be recovered in a summary manner before a Stipendiary Justice and levied by Distress and Sale of the Offender's Goods.

IX. The Salaries of the Directors and other Officers of the said Company shall, subject to the approval of the Legislature, be fixed from time to time as may be necessary, by the Governor in Council.