

ACTS

PASSED AT

THE SECOND SESSION

OF

The General Assembly

OF THE

STATE OF ALABAMA.

Begun and held in the Town of **CAHAWBA**, on
the first Monday in November, one thousand
and eight hundred and twenty.



THOMAS BIBB, Acting Governor,

GABRIEL MOORE.

PRESIDENT OF THE SENATE.....AND

GEORGE W. OWEN,

SPEAKER OF THE HOUSE OF REPRESENTATIVES.



CAHAWBA:

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1820.

Superintendants.

William C. Tarrent, and Col. John Martin; and all subsequent elections shall be conducted by two of the councillors, to be appointed by the board for that purpose; and the said councillors so elected, shall on the next day after such election in each and every year meet and elect by a majority of votes from their own body, an Intendant, whose duty it shall be to preside, and keep order, at all meetings of the said councillors, and in his absence or incapacity any other member may be called to the chair. And the said councillors shall be, and they are hereby constituted a body corporate, by the name and style of the Intendant and council of the Town of Elyton, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity; also to have and keep a common seal, and the same to break, alter and amend at pleasure and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property to the amount of ten thousand dollars.

Corporate owners.

- Sec. 3. *And be it further enacted,* That the said Intendant and Council shall possess the same powers and be subject to the same restriction, as are provided by law for the government of the Intendant and Council of the town of Montgomery; passed at Huntsville, third December eighteen hundred and nineteen.

[Approved December 20th, 1820.]

An act to incorporate an Aqueduct Company in the City of Mobile.

reamble.

WHEREAS, it has been represented, that it would be of singular advantage to the health, and commerce of the city of Mobile, to be supplied with water from some of the running streams in its vicinity, which would be attended with too much labor and expence to be effected by laying a tax for the purpose: and whereas, it has also been represented, that certain individuals have agreed to associate themselves together for the purpose of conducting a supply of water from a Creek called Three Mile Creek, otherwise Bayou Chatogue, for the use of the citizens and other persons residing in the city of Mobile: Therefore,

Members incorporation. style of incorporation.

Corporate owners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lewis Judson Addin Lewis, Archibald W. Gordon, William H. Robertson, and Francis W. Armstrong, their heirs, executors, administrators and assigns be, and they are hereby created and constituted a corporation, and body politic, by the name and style of "The Mobile Aqueduct Company," and, by that name, they shall be, and are hereby, made able and capable in law to have, purchase, receive, possess, enjoy and retain to them, and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of whatever kind, nature, and quality, and the same to sell, grant, demise, alien, and dispose of; to sue, and to be sued, plead and be impleaded, answer and be answered; defend and to be defended, in any suit, action, matter or thing depending, in any court of law or equity, and also to make, and have, and use a common seal and the same to break, alter, and renew at their pleasure, and also to ordain, establish, and put in execution, such byelaws, ordinances and regulations, as they shall deem necessary and convenient for the government of said corporation, and for the attainment of the object of its creation, not being contrary to this charter, or the laws of

this State or of the United States, and generally to do, and to execute all and singular the acts, matters and things, which to them may appear necessary, or which to them it may appertain to do, as incident to bodies corporate under the restrictions before mentioned.

Sec. 2. That the members of the said corporation be, and they are hereby authorized and empowered, as soon as practicable, and by the best means within their power, and by the nearest practicable rout, to dig, or cause to be dug, a channel, or canal sufficiently deep and wide to contain logs of an adequate size, with a calibre large enough to contain and conduct a sufficiency of water, to supply the citizens and other persons of Mobile with water, and from time to time and at all times hereafter, during the continuance of this charter, to enter upon the rout and course of the said canal, or ditch, as they may deem it necessary, for the purpose of laying, repairing, altering, or amending the said logs, canal, or ditch, hereby declaring it lawful for the members of the said corporation, or any or either of them, their successors or assigns, or others employed by them for that purpose, from time to time, as often as in their opinions it may be necessary to enter upon the lands of any person through which the said canal, or ditch may pass for the purpose of opening the said canal or ditch, and placing the logs therein, and from time to time, and at all times thereafter, during the continuance of this franchise to re-enter as often as they may deem it necessary so to do, for the purpose of repairing the aforesaid canal, or ditch, or replacing any logs that may be decayed, or otherwise injured, they being liable and accountable to the legal owner, or owners of the land, through which the said canal or ditch may pass, for any special damages that may be sustained by reason of the aforesaid canal or ditch being dug and continued as aforesaid, which said damage shall be ascertained by appraisers, two of whom shall be chosen by said corporation, and two others by the owner or owners of said land; and in case of difference, the said four appraisers shall choose a fifth appraiser or arbitrator, and the appraisement by them made shall be conclusive on both parties as to the damage done; *Provided nevertheless*, that the said canal or ditch shall not be dug through any lot or lots in the city but shall be conducted along any of the streets thereof, as may be most practicable.

Sec. 3. *And be it further enacted, by the authority aforesaid*, That the said corporation, and their successors shall have and enjoy the exclusive right and privilege of conducting and bringing water for the supply of said city for the space of forty years; *Provided*, the said corporation, or their successors shall, before the expiration of three years, from the passage of this act, cause to be conducted the water from the said Bayou or creek, to the said city of Mobile in the manner herein before proposed; *and provided also*, that after the expiration of the said term of years, the said water works shall become the property of the said city, and shall be for the free use of the inhabitants thereof, forever: *Provided also*, the said corporation shall not carry the canal or ditch through the land of any person or person, without first obtaining from the owner, by purchase or otherwise, the privilege of doing so.

Sec. 4. *And be it further enacted*, That if any person or persons whatsoever shall wantonly deface, remove, or otherwise injure or disturb the logs placed in the aforesaid canal or ditch, pipe or pipes of lead or other thing that may lead from the logs aforesaid, or shall remove from above the said logs, any earth covering them, or shall obstruct or

injure, by logs, bushes, earth or other materials, the water of the said creek at any place between the source thereof and the place whence the water may be taken or conducted for the use of the said city as aforesaid, he, she or they, so offending, for every such offence shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any justice of the peace, one half thereof shall go to the use of the said city of Mobile, and the other to the informer; and moreover, such person shall be liable to pay also any particular damage that may be sustained thereby by the said corporation, and the informer is hereby declared a competent witness to prove any injury done as aforesaid.

Sec. 5. And be it further enacted, That it shall and may be lawful for the said corporation and their successors, to take, demand and receive from every private family, any sum, not exceeding one dollar per annum, for each and every person, including servants and children, of which said family may consist, in consideration of being supplied with water, as is in this act provided; and for each, and every public house or tavern, the sum of twenty dollars, in addition to the sum demanded of a private family; and for each and every private boarding house, the sum of fifteen dollars in addition to the rate or sum aforesaid, to be paid half yearly in advance; *Provided,* That no person shall be obliged to pay for any time that the water may be stopped, whether by accident or otherwise, and a proportionable deduction shall be made for all such time as aforesaid: *and provided also,* That no person shall be compelled to pay the sum or sums aforesaid, who does not use directly or indirectly the water conveyed to said city as aforesaid.

Perquisites
to corpora-
tion.

Same.

Sec. 6. Be it further enacted, That it shall and may be lawful for the corporation aforesaid and their successors to demand, take, and receive for each and every pipe or hogshead of water, conveyed to the city as aforesaid, which may be taken for the use of ships or vessels, any sum not exceeding seventy five cents, and in like proportion for casks of smaller size.

Penalty for
using water
without
licence.

Sec. 7. Be it further enacted, That any person or persons inhabitants of said city, who shall use the water conveyed to the city as aforesaid, and shall not have declared his, or her, or their intention so to do, nor have paid the sum or sums by this act authorized to be demanded and received, any such person so offending shall forfeit and pay double the sum, he, she or they would have been liable to have paid by the previous provisions of this act, to be recovered by action of debt, before any justice of the peace, to the use of said corporation and their successors.

Hydrants
to be plan-
ted by cor-
poration.

Sec. 8. Be it further enacted, That the said corporation shall put up, or cause to be put up at least six Hydrants, in six of the most convenient places, within the said city, and also shall fix a like number of convenient places for use in case of fire, which places shall be designated by the Mayor and Aldermen of said city, and the said Hydrants shall be supplied with convenient and good cocks to facilitate the drawing of the water.

Penalty for
inj'ring Hy-
drants.

Sec. 9. And be it further enacted, That if any person or persons shall willfully cut, mutilate, or otherwise deface or injure the said Hydrants, or any part thereof, he, she or they so offending, shall pay a fine of twenty dollars, recoverable by action of debt, before any justice of the peace, for the use of the corporation aforesaid; and if any person or persons shall carelessly or negligently leave the water running, or shall not stop the cock, for every such act, he, she or they (or if a child)

his or her parent or guardian, (or if a slave) his or her master shall pay for every such act of carelessness or negligence, the sum of two dollars, recoverable before a justice of the peace, at the suit of said corporation and to their use. [Approved December 20, 1820.]

An Act to alter the boundaries of certain counties therein mentioned:

Section 1. *BE it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Perry county shall hereafter be bounded as follows, to wit: beginning at John Allen's on Mulberry creek, running North to the northern boundary of Township twenty one, on the Range line between Ranges eleven and twelve, thence West to the Range line between Ranges six and seven, thence North to the northern boundary of Township twenty three, thence West six miles, thence South twelve miles, thence the former boundary line to the place of beginning.

Perry.

Sec. 2. *And be it further enacted,* That all that tract of Country, beginning at the northern boundary of Township twenty one, on the Range line between Ranges eight and nine, thence West to the line between Ranges six and seven, thence North to the northern boundary of Township twenty three, thence East to the Range line between Ranges seven and eight, thence North to the northern boundary of Township twenty four, thence East to the present boundary line of Bibb county, shall be added to, and made a part of the county of Bibb.

Bibb.

Sec. 3. *And be it further enacted,* That all that part of Perry county lying and being in Range five, Township twenty two, shall be added to, and made a part of the county of Greene.

Greene

Sec. 4. *And be it further enacted,* That, that part of Perry county lying in Township twenty three, Range five, and Township twenty four Range six, shall be added to, and made part of the county of Tuscaloosa. [Approved December 20, 1820.]

Tuscaloosa

An Act to authorise persons who have settled on the sixteenth section in each township, to remove mill-works or machinery, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any person or persons who have settled on the sixteenth section in each township, shall be, and he, she or they, are hereby authorised to remove any mill, water works, or other machinery, which may have been erected by him, her, or them, on the same, *provided* that the agents or commissioners of the sixteenth section in each township do not purchase the same, under such rules and regulations as are hereinafter specified,

Settlers on 16th sec. authorised to remove mill works.

Sec. 2. *And be it further enacted,* That the agents or commissioners of school lands in each township be, and they are hereby vested with the power and authority to purchase any mills, or other machinery erected by any settler, on the sixteenth sections, on such terms as they may deem equitable and just. And the purchase money shall be paid by said agents, or commissioners, out of the money arising from the rents or leases, of the sixteenth section, on which such mill or machinery may be erected.

agents may buy such mill works.

Sec. 3. *And be it further enacted,* That the provisions of the foregoing sections, shall extend to settlers on the seventy-two sections reserved by the State for the purposes of a seminary of learning.

Provisions of this act to extend to University lands.

[Approved, December 20, 1820.]