

L A W S

OF THE

STATE OF DELAWARE,
// Laws, Statutes, etc.

PASSED AT A

SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE FOURTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD

One Thousand Eight Hundred and Fifty-Three,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE SEVENTY-SEVENTH.

BY AUTHORITY.

DOVER, DELAWARE:

PRINTED BY WILLIAM SHARP,

1859.

CHAPTER DLIX.

AN ACT to enable David Pledsanton to locate certain vacant lands in Duck Creek Hundred, Kent County, and to complete his title to the same.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLX.

AN ACT to divorce Alexander C. Williams and Margaret Williams, his wife, from the bonds of matrimony.

Private Act.

Passed at Dover, February 11, 1859.

CHAPTER DLXI.

AN ACT to incorporate the New Castle Water Work Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That Andrew C. Gray, Alfred C. Nowland, Mark M. Cleaver, Thomas T. Tasker, Allen V. Lesley, Peter B. Vandever, James Crippen, and George Janvier, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, suitable

Commissioners appointed.

Duties.

To open books for subscriptions to capital stock.

books for subscriptions to the capital stock of the New Castle Water Works Company; and they shall permit all persons of lawful age to subscribe in said books, in their own names or in the name of any other person or company who may authorize the same, for any number of shares in the said stock.

Company authorized to supply water to town of New Castle and vicinity.

SEC. 2. That the corporation hereby created shall have authority for supplying with water the town of New Castle and vicinity, and such individuals residing in said town as may desire it, and for distributing and selling water, and making and erecting the necessary works for distributing and introducing water, and constructing the requisite buildings and machinery, with the right to enter upon any public street, lane or highway, for the purpose of laying down the pipes necessary for conducting said water, and to repair, alter and inspect the same: *Provided*, That the public travel at no time be unnecessarily impeded by the laying of the said pipes; and the streets, lanes and public roads shall be left in as good order and condition as before the laying of the said pipes.

Empowered to enter upon public streets to lay down pipes.
Proviso.

Capital stock.

SEC. 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the capital stock, if it should be deemed necessary, to the sum of one hundred thousand dollars. *And provided also*, That the said company shall have the power to borrow money to an amount not exceeding the amount the said capital stock may be increased to, and to secure the payment of the same by bond and mortgage, pledge or pledges of the property and effects of said corporation. *Also further provided*, That no increase of said capital stock as aforesaid shall be permitted, unless the stockholders holding a majority of the stock already subscribed, shall first give their written consent thereto.

Company authorized to borrow money, and to mortgage or pledge their property for payment.

Capital stock not to be increased without written consent of majority of stockholders.

When one thousand shares of stock subscribed for, subscribers incorporated.

SEC. 4. That when and as soon as one thousand shares of capital stock in the said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated, by the name and title of the "New Castle Water Works Company," and by said name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, and enjoy, to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, convey and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also, to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the govern-

Name.

POWER.

ment of the said corporation, not inconsistent with the Constitution and laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same.

SEC. 5. That as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days' notice thereof, shall call a meeting of the said subscribers in New Castle to organize the said company by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice.

SEC. 6. That the management and control of the said company shall be vested in the persons named in the first section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president and a secretary and a treasurer, and that the stockholders of said company shall meet annually on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number as aforesaid, a president, a treasurer, and a secretary for said company. The notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of the company; and any vacancy in said board of directors may be supplied by appointments, to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their name or names at least fourteen days before the time of voting. The board of directors for the time being shall have power to take from any treasurer, secretary or other officer, or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

SEC. 7. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer and secretary, in a book to be kept by the said corporation for that purpose.

SEC. 8. The board of directors of said company shall declare dividends of so much of the nett profits of the company as shall appear to them advisable,* on the first Monday in July and Jan-

* This word is interlined in original

uary of each year, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

Non-election
of officers not to
dissolve com-
pany.

SEC. 9. That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days' notice thereof of the time and place of holding such election.

Injuries to works
of company.

Liability for.

SEC. 10. That if any person or persons shall wilfully and intentionally damage any of the works, buildings, materials, pipes or apparatus of said company, he, she or they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor; and on indictment and conviction shall be fined not exceeding three hundred dollars, at the discretion of the court.

Public act.

Charter
perpetual.
Power of revoca-
tion reserved for
misuser of
privileges.

SEC. 11. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, in all courts of law and equity in this State; and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature.

Passed at Dover, February 11, 1859.

CHAPTER DLXII.

AN ACT to divorce *John P. Hickey and Louisa P. Hickey* (formerly *Louisa P. Widdifield*) from the bonds of matrimony.

Private Act.

Passed at Dover, February 11, 1850.