

L A W S
OF THE
STATE OF DELAWARE,

PASSED AT A SESSION

OF THE
GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE FIFTH DAY OF JANUARY,

A. D. 1869,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE NINETY-THIRD.

VOL. 13.---PART 3.

PUBLISHED BY AUTHORITY.

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1869.

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Not to be
sectarian.
Report to
Legislature.

duplicates, whenever the same shall not have been already appropriated. This college shall never be managed or conducted in the interest of any party, sect or denomination, and the trustees of said college shall make a report of its condition to the Legislature at each regular biennial session.

Penalty for
selling
liquor near
College.

SECTION 10. If any person shall knowingly sell or dispose of any spirituous, vinous or fermented liquors within two miles of Delaware College to or be instrumental in procuring the same for any student of said college, the person so offending shall forfeit and pay for every such offence ten dollars, to be recovered as debts of like amount are recoverable by any person who will sue for the same, and to be paid one-half to the person suing and the other to the treasurer of the college for the use of the library.

Inconsistent
acts repealed

SECTION 11. All acts and parts of acts hereby superseded, or which are inconsistent herewith be and the same are hereby repealed.

Passed at Dover, February 17, 1869.

CHAPTER 514.

NEW CASTLE WATER WORKS COMPANY.

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| <p>Sec. 1. Commissioners.
Books to be opened.
Who may subscribe.</p> <p>2. Incorporation; Name; Powers</p> <p>3. Meeting of subscribers to organize company.
Annual meeting of Stockholders.
Qualifications of Directors.
Elections to be by ballot.</p> <p>4. Directors to elect President, Treasurer and Secretary.
Vacancies, Powers of Directors.</p> <p>5. Capital stock; Certificates.</p> <p>6. Company may borrow money.
Limit; Security.</p> | <p>Sec. 7. Certificates to be delivered to owners of shares.
How transferable.</p> <p>8. Object of corporation; Proviso.</p> <p>9. May purchase land, &c., for use of company.
Freeholders to assess damages upon refusal of owners to sell.
Oath; Notice.</p> <p>10. Dividends.</p> <p>11. Failure to elect Directors not to dissolve corporation.</p> <p>12. Penalty for injury to works of company.</p> <p>13. Public act; Revocation.</p> <p>14. Repeal of certain act.</p> |
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An Act to incorporate the New Castle Water Works Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring),

Commission-
ers.

SECTION 1. That Andrew C. Gray, John Janvier, James G. Shaw, William Herbert, Thomas T. Tasker, Allen V. Lesley,

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Joseph H. Rogers, Peter B. Vandever and William C. Spruance 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 times and places and on such notice as they may deem proper, suitable 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 or names of any other person or persons, corporation or corporations, authorizing the same, for any number of shares of said stock.

Books to be opened.

Who may subscribe.

SECTION 2. That when and as soon as five hundred shares of the capital stock of 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 government 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 the same.

Incorporation.

Name.

Powers.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after five hundred shares shall be subscribed as aforesaid, shall, after giving ten days' notice by handbills, posted in at least ten of the most public places in the town of New Castle, call a meeting of the said subscribers to organize the said company by the election of nine directors, who shall thereupon be invested with the control and management of said company and continue in office until the first Monday in January next thereafter and until their successors shall be chosen as hereinafter provided; and the stockholders of said company shall meet annually on the first Monday in January, in the town of New Castle, and elect nine directors for said company, and no person shall be elected a director as aforesaid who is not at the time of his election a stockholder in said company. All such elections shall be by ballot of the stockholders or their proxies,

Meeting of subscribers to organize company.

Annual meeting of Stockholders.

Qualifications of Directors.

Elections to be by ballot.

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allowing one vote for each share which shall be held of the capital stock of said company.

Directors to elect President, Treasurer and Secretary.
Vacancies.

SECTION 4. That the directors of said company shall elect from their own number a president, treasurer, and secretary of said company, and may appoint such other officers as they may deem proper, and any vacancy in said board of directors may be supplied by appointment, to be made by the said board, until the next annual election; and the said board of directors shall have power to make all by-laws that may be necessary for the government of said company, and they shall also 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.

Powers of Directors.

Capital stock

SECTION 5. 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 to a sum not exceeding one hundred thousand dollars: *and provided further*, that the holder of any bond or other evidence of the indebtedness of said company shall be entitled at any time to convert the same into the capital stock of said company, and upon the surrender thereof

Certificates.

the said company shall issue therefor a certificate for such number of the shares of said stock as shall at par be equal to the amount of the indebtedness so surrendered, notwithstanding the capital stock of said company shall, by such conversion, exceed the sum of fifty thousand dollars.

Company may borrow money.

SECTION 6. That the said company shall have the power from time to time to borrow money for the purposes of said company to an amount not exceeding in the aggregate the sum of one hundred thousand dollars, and to secure the payment of the same by bond, mortgage, pledge or pledges of the property and effects of said company.

Limit
Security.

Certificates to be delivered to owners of shares.

SECTION 7. That the said company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and treasurer, and sealed with the common seal of said company, to each person or corporation for the share or shares of stock owned by such person or corporation, which certificate of stock shall be transferable at the pleasure of the holder thereof, in person, or by attorney duly authorized, in the presence of the treasurer, in a book to be kept for that purpose.

How transferable.

Object of corporation.

SECTION 8. That the corporation hereby created shall have authority for supplying with water the town of New Castle and

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vicinity, 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 use any of the public streets of said town, or the public roads in New Castle county, for the purpose of laying down the pipes necessary for the conducting of said water, and of repairing, altering and inspecting the same: *Provided*, that the public travel at no time be unnecessarily impeded by said company, and the said streets and roads shall be left in as good order and condition as before the laying of the said pipes. Proviso.

SECTION 9. That the said company shall have power to survey, locate and purchase such lands, waters, water-courses and rights of way within the limits of New Castle county as said company may deem necessary for the purpose of said company, and in case said company shall be unable to agree with the owner or owners for the purchase of such lands, waters, water-courses or rights of way as may be required for the purposes of this act, the Chief Justice of the State of Delaware shall, upon the written application of the president of said company, appoint five judicious and impartial freeholders of said county to view the premises and assess the damages which the said owner or owners will sustain by reason of the taking of said lands, waters, water-courses and rights of way for the use of said company. Before entering upon the premises the said freeholders shall be sworn or affirmed, before some judge, justice of the peace, or notary public, faithfully and impartially to perform the duty assigned them, and they shall give five days' written notice to the occupant or owner of said premises, if within this State, and the same notice to the president of said company of the time of their meeting upon the premises for the discharge of their duty. And the said freeholders, or a majority of them, shall certify their finding and award to both parties; whereupon the said company, on paying the damages so assessed, or depositing the same in the Farmers' Bank of the State of Delaware, at New Castle, to the credit of said owner or owners, shall become entitled to have, use and enjoy the said lands, waters, water-courses and rights of way for the purpose of said company forever. The expenses of the assessment of the said damages shall be paid by said company. May purchase land &c., for use of company.
Freeholders to assess damages upon refusal of owners to sell.
Oath.
Notice.

SECTION 10. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable on the first Monday in January and July of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared. Dividends.

SECTION 11. That if at any time an election of directors of said company shall not be had pursuant to the provisions of this Failure to elect Directors.

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act, the corporation shall not for that reason be dissolved, but it shall be lawful to hold such election at any time afterwards, on giving ten days' notice thereof, and the directors last elected shall continue in office until their successors shall be duly chosen.

Penalty for injury to works of company.

SECTION 12. 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 thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

Public act.

SECTION 13. That this act shall be deemed and taken to be a public act, and that this charter shall be deemed and held to be perpetual, subject, nevertheless, to the power of revocation for the misuse or abuse of its privileges by said company, which is hereby reserved to the Legislature.

Revocation.

Repeal of certain act.

SECTION 14. That the act entitled, "An Act to incorporate the New Castle Water Works Company," passed February 11. A. D. 1859, be and the same is hereby repealed.

Passed at Dover, April 1, 1869.

CHAPTER 515.

TRUSTEES OF NEW CASTLE COMMON.

2 Volume, 1026.
SEC. 1. Trustees may subscribe to and hold certain stock: Amount.

SEC. 1. May mortgage said Common.
2. Inconsistent laws repealed.
3. Acceptance of act.

2 Volume, 1026.

A Supplement to an act entitled, "An Act to enlarge the corporate powers of the Trustees of the New Castle Common," passed January 25, 1792.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring),

Trustees may subscribe to and hold certain stock.

SECTION 1. That the Trustees of the New Castle Common are hereby authorized and empowered to subscribe to and hold the capital stock or loan of any company which has been or may be incorporated for the purpose of supplying the town of New