

TAX
C.

ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,
PASSED IN
MILLEDGEVILLE,
AT AN
ANNUAL SESSION
IN
DECEMBER 1865,
AND
JANUARY, FEBRUARY, AND MARCH,
1866.

BOUGHTON, NISBET, BARNES & MOORE, STATE PRINTERS,
MILLEDGEVILLE, GA,

1866.

Atlanta Canal and Water Works Company.

payment of installments and interest or installments or interest, by the holders of shares therein, or borrowers therefrom, were suspended during the war, is hereby legalized.

SEC. II. That such suspension shall not be effectual as a defence to proceedings in any of the Courts of this State for the enforcement of securities given to said Association or its proper officers for advances or loans made by it to its shareholders. Not to be defence in Court.

SEC. III. Repeals conflicting laws.

Approved 9th February, 1866.

III. CANAL AND WATER WORKS.

ACT NO. 142, ATLANTA CANAL & WATER WORKS COMPANY.

" " 143, BRUNSWICK & ALTAMAHA CANAL COMPANY.

" " 144, MACON CANAL & WATER WORKS.

(No. 142.)

An Act to incorporate the "Atlanta Canal and Water Works Company."

WHEREAS, The constant and plentiful supply of water is conducive to the health of a city, and a security to property against the ravages of fire; and *whereas*, the position of Atlanta is such that both of those objects may be attained, and other important advantages derived, by the incorporation of a Company, with the powers specified in this Act, therefore, Preamble.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Wm. W. Boyd, Hammond Marshall, David E. Butler, Samuel A. Marshall, Thomas W. Chandler, Francis T. Wilkes, and their associates, and such other persons as shall hereafter become stockholders in said Company, shall be and they are hereby declared to be, a body corporate and politic, in fact and in name, by the style of the Atlanta Canal & Water Works Company, and by that name they and their successors may have continued succession, and shall be capable, in law, of suing, and being sued, answering and being answered unto, in all Courts and places whatsoever, and they and their successors may have a common seal, and change and alter the same at their pleasure, may make, ordain, and establish such by-laws, rules and regulations, as they may deem expedient and necessary to carry into effect the objects of the Company; *provided*, such by-laws, rules and regulations, are not inconsistent with the Constitution and laws of this State, nor with the Constitution and laws of the United States. Incorporated.

SEC. II. Said Company shall have full power and authority to cut and construct a canal, or aqueduct, commencing at any point Authority to cut a canal from and to.

on the Chattahoochee river, either in the Counties of De Kalb, Fulton, or the adjoining Counties, as they may deem most expedient, and through said Counties, to the city of Atlanta, and with the consent of the corporate authorities thereof, to continue the same through the said city along any street thereof, to South river, or some of its tributary streams, or into said Chattahoochee river, as they may deem most practicable, and from the main trunk of said canal, or aqueduct, to cut and construct viaducts along any of the streets of said city, and through any lands lying contiguous thereto.

SEC. III. Said Company may have authority to contract with the owners, or occupants, of lots in said city, for the supply of pure, good water, to be supplied by said Company, on their premises, and the contract so made shall be permanent, and a charge upon the lot, or lots, whenever the same shall be occupied, collectable quarterly, before any Court having jurisdiction thereof, and binding upon all holding under said contractors, until the same be rescinded.

SEC. IV. Said Company is authorized to transport on said canal, goods, wares, and merchandize, and land the same at convenient and suitable points in and along the same, and receive therefor such compensation as may be reasonable and just.

SEC. V. Said Company shall have the exclusive use and control of said canal or aqueduct, and viaducts leading therefrom, (except in cases of fire, when the water thereof shall be free for the use of the city,) and shall at all times, and at their own expense, make and keep in good repairs such bridges and passways as may be necessary, at the discretion of the proper authorities.

SEC. VI. When any person shall feel himself aggrieved, or injured by said canal, or when the said Company cannot agree with any person through, or on whose land the said canal shall be cut or constructed, as to the damages sustained, the amount of such damage or injury shall be ascertained and determined by the written award of three sworn appraisers, to be chosen, one by the Company, one by such owner, if he shall think proper, and one by the Inferior Court of the County where such land lies, but if such owner shall decline to appoint an appraiser, then two appraisers to be appointed by the Inferior Court as aforesaid, and one by the said Company, each of said appraisers to be disinterested parties, the award of whom shall operate as a judgment for the amount against the Company, and shall be enforced by an execution from the Inferior Court, with the right of appeal by either party to be tried by a special Jury, at the next term thereafter of the Superior Court of said County, and the decision shall vest in the Company the right of way over the land in question during the existence of said Company; in the other party a judgment for its value thus ascertained, which may be enforced by the ordinary process of said Court.

SEC. VII. The capital stock of said Company shall be two hundred thousand dollars, (\$200,000,) with the privilege of increasing

May cut viaducts.

Supply pure water. contracts shall be permanent.

Authorized to transport goods &c., on canal.

Compensation. Company shall have exclusive use of canal, &c., except in cases of fire.

Shall keep in good repair bridges, &c.

Damages done by canal how ascertained. Appraisers how chosen.

Decision shall vest right of way in Company during its existence.

Capital.

Brunswick & Altamaha Canal Company.

the same to an amount not exceeding two millions, at the discretion of a majority of the stockholders, divided into shares of one hundred dollars each, which shall be assignable in such way as the Company may direct, and always subject to any claims of the Company thereon, at the time of assignment. Said Company may adopt such rules and regulations for the government, and elect such officers for its management, and at such times as may, by its by-laws, be ordained, and shall keep regular minutes of their proceedings, which shall at all times be subject to the inspection of any of the stockholders.

Company may adopt rules, &c.
Elect officers.
Minutes subject to inspection.

SEC. VIII. That said corporators shall not proceed to organize until the whole of the capital stock is subscribed, and shall not begin operations until ten per cent. of the whole capital stock shall have been paid in.

Organize when, where, commence business.

SEC. IX. That all the private property, both real and personal, of each respective stockholder, shall be held liable to the amount of his, her, or their subscribed stock yet unpaid; *provided*, that notwithstanding the dissolution, extinction, expiration, or lapse of time, *non user* of the charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said corporation.

Liabilities.
Proviso.

SEC. X. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the property of said corporation as any other property of this State.

Taxation.

SEC. XI. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 143.)

An Act to incorporate the Brunswick & Altamaha Canal Company.

SEC. I. *Be it enacted, &c.*, That George W. Hodges, Robert Christie, Samuel R. Brooks, Frederick Williams, Robert Morrell, John McDonald, Henry C. Platt, and all such persons as are, or may hereafter be associated with them, are hereby constituted a body corporate, by the name of the Brunswick & Altamaha Canal Company.

Incorporated.
Name.

SEC. II. The capital stock of said Company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, should the business of the Company hereafter require such increase, which stock shall be divided into shares of one hundred dollars each.

Capital.
Shares.

SEC. III. Books of subscription for the capital stock of said Company, shall be in the first place opened in the city of Brunswick, Georgia, after giving thirty days notice in one of the public gazettes of this State, of the time and place of opening the same, which books shall be kept open for the space of ten days, for

Books of subscription at Brunswick.