COUNCIL BILL NO. 117. Mr. LEARNARD

AN ACT 1858

To Incorporate the Lawrence Hydraulic Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Sec. 1. That E. B. Whitman, A. Z. Sheldon, A. D. Searl and J. P. S. Otterson, their associates and successors, be and are hereby constituted a body corporate and politic, under the name and style of the "Lawrence Hydraulic Company," and by that name shall have succession, until the expiration of this charter; and be capable of sueing and being sued; of pleading and being impleaded; of answering and being answered unto; of defending and being defended, in all courts and places whatsoever; of having and using a common seal, and of breaking or altering the same at their discretion.

Sec. 2. The Corporation hereby created, shall have power to purchase and hold any quantity of land in the City of Lawrence or vicinity, in the County of Douglas, that may be necessary for the purposes of the Corporation, not exceeding eighty acres.

Sec. 3. That said Company shall have the exclusive right and privilege of constructing and using the requisite machinery, reservoirs, aqueducts and other apparatus for supplying the City of Lawrence and its inhabitants with water from the Kansas River, or such other sources as the said Company shall deem the most practicable, for the term of twenty years from and after the passage of this act.

Sec. 4. That the capital stock of said Company shall be fifty thousand dollars, divided into shares of one hundred dollars each; and may be increased, by a vote of two-thirds of the stockholders, to an amount not exceeding one hundred thousand dollars; and said stock shall be deemed personal property, and shall be transferrable on the books of the Company in such manner as its by-laws may prescribe.

Sec. 5. That a majority of the corporators of said company shall constitute a board compe-

tent to transact the business of the company; having power and authority to open books for the subscription of stock; to make all necessary by-laws, rules and regulations, not inconsistent with this act, or the laws of the Territory, for their own government, management and disposition of the stock, property, funds and business of said company, until stock therein to the amount of five thousand dollars shall be subscribed, in which event said powers shall pass to the stockholders.

Sec, 6. That the said company shall have the right to construct all suitable and convenient reservoirs and machinery, at such points as the interests of the company may require, and the right of way over any lands through which their aqueducts or pipes may be constructed or laid: Provided, that the said company shall pay such damages as may be assessed by a jury impannelled for that purpose, in the same manner as other juries are impannelled, by the Probate and other Courts in this Territory, in case the parties interested shall be unable to agree.

Sec. 7. That the said company in its corporate capacity, or through such officers, or board of commissioners, as its stockholders may designate, may levy and collect assessments, and declare delinquent shares to be forfeited, and sell the same in such manner as its by-laws may direct.

Sec. 8. That the said company shall supply the city of Lawrence, its inhabitants, or any company or incorporation within its jurisdiction, with water, at such rates as may be agreed upon by the parties. In cases where said parties cannot agree upon the rates, they shall be fixed by a jury impannelled for that purpose, in the same manner as other juries are impannelled by the Probate and other Courts of this Territory: Provided that nothing in this section hall be construed so as to oblige said company to lay or extend any pipe or aqueduct through any street or alley of said city, where the owners or occupants of the property fronting on the same shall not subscribe sufficient stock to defray the expense of laying or extending said pipe or aqueduct.

Sec. 9. That the powers and privileges granted by this act shall cease unless said company shall accept the same, and commence the construction of works sufficient to carry out the intentions of this act, within eighteen months from the passage thereof.