

Kansas

PRIVATE LAWS
OF THE
TERRITORY OF KANSAS,

PASSED AT THE FOURTH SESSION

OF THE
LEGISLATIVE ASSEMBLY;

BEGUN AT THE
CITY OF LECOMPTON, ON THE FIRST MONDAY OF JANUARY,
1858, AND HELD AND CONCLUDED
AT THE
CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

LECOMPTON, K. T.:
S. W. DRIGGS & CO., PRINTERS.
1858.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it became a law on this 12th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

CHAPTER XII.

LEAVENWORTH CITY WATER-WORKS COMPANY.

AN ACT to Incorporate the Leavenworth City Water-Works Company.

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

Names of cor-
 porators.

SECTION 1. That the present members of the Leavenworth City Water-Works Company, that is to say, S. N. Latta, J. Williams, Cyrus F. Currier, John C. Douglas, D. D. Cook, A. W. McCauslin, J. B. Irwin, James McCahon, J. P. Hatterschiedt, Geo. H. Keller, N. McCracken, J. C. Green, Champion Vaughn, R. N. Sherwood, Gaius Jenkins, H. Miles Moore, together with such other persons as hereafter may be admitted as members thereof, in the manner hereinafter provided, their successors and assigns, shall, and are hereby made and constituted a body politic and corporate in fact and in law, by the name, style and title of the "Leavenworth City Water-Works Company," and by that name, style and title, shall have continued succession, and shall be empowered with all the legal incidents to a corporation aggregate: *Provided*, That the real estate by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to said corporation, and that no by-laws, to be made by the said

Powers granted

Proviso.

corporation, shall be repugnant to the constitution and laws of the United States, or the laws of this Territory, and the capital employed shall be one hundred thousand dollars, but may be increased from time to time to five hundred thousand dollars.

SEC. 2. That on the first Saturday of June, one thousand eight hundred and fifty-eight, and on the same day in each year thereafter, the members of said company, consisting of a president, secretary, treasurer and five managers, who, together, shall constitute a board, and any five of them form a quorum to transact the business of the company, and who shall continue in office one year, or until their successors are chosen and qualified, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election and until the first election hereby authorized, and until successors shall be chosen as herein directed, S. N. Latta as president, James McCahon, secretary, Geo. Keller as treasurer, and D. D. Cook, John C. Douglas, Cyrus F. Currier, Gaius Jenkins and J. P. Hatterschiedt, as managers of said company, with power to transact all the business hereinafter enjoined by the by-laws on the officers of the corporation.

Officers—their election, &c.

Names of officers.

SEC. 3. That all general meetings of the company shall be held at such times and places as shall be provided in the by-laws, and in all elections, and on all questions arising at a meeting of stockholders, each stockholder shall be entitled to one vote for every share of *bona fide* stock held by him or her, and can either vote in person or by proxy, and twenty-five dollars shall constitute a share.

Meetings of the company.

SEC. 4. That the board of managers shall have power, from time to time, to erect and repair such works as shall be necessary to supply a sufficient quantity of water to any building in the city of Leavenworth, by means of pipes, trunks, aqueducts, or other means, and also *provide* proper cisterns or reservoirs for the reception thereof, and for these purposes they may enter into such lands or enclosures as may be necessary to dig, ditch, and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever damage may be done by them. In case the parties cannot agree according to an assessment made under oath or affirmation by three disinterested persons, to be appointed on application to the Probate Court in and for the county of Leavenworth; and the company shall, at all times, paying damages as aforesaid, have the

Powers conferred on the board of managers.

liberty to renew and repair the pipes and trunks which have already been laid, or which shall hereafter be laid on and through private property, and also have liberty, at all times, to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said city of Leavenworth, and to renew and repair the same, shutting up and mending any breach which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs, and set hydrants in the streets and public grounds in the city of Leavenworth, when it may be deemed necessary: *Provided*, That in all cases when the damages assessed in the manner provided for in and by this section, shall exceed the sum of one hundred dollars, either party may, within thirty days after such assessment shall be made, and notice thereof given to the parties, appeal to the said Probate court of the county of Leavenworth; and in every case in which such appeal has been taken, like proceedings may be had as in other cases in said court.

Shall erect hydrants, &c.

Powers and privilege granted.

SEC. 5. That the board of managers shall, in such streets or parts of said city of Leavenworth, when pipes or trunks shall have been laid, erect hydrants to be used for the purpose of extinguishing fires, and shall have liberty to supply or suffer individuals to be supplied for domestic or manufacturing uses, for such reasonable compensation as shall be agreed upon by the municipal authorities of said city of Leavenworth, and said individuals, according to certain uniform rates, shall be determined by the municipal authorities of said city of Leavenworth, having regard to the probable quantity of water which applicants are likely to consume, and said company shall have power to lease or rent out any surplus steam or water-power that may be found to exist, after the purpose of providing water for the inhabitants of the city of Leavenworth shall have been obtained; and any person or persons within the said city, who shall take any of the said water for any purpose or use whatever, without having previously contracted for the same with said company, shall forfeit and pay for every such offence, the sum of three dollars to said company, to be recovered before a justice of the peace, in the same manner as debts of equal amounts are recoverable; and any person or persons who shall wilfully destroy or injure, in any way, the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall wilfully corrupt or otherwise render unwholesome the water brought or conveyed, or to be brought or con-

veyed in the city of Leavenworth by said company, or the stream or streams from which the same is brought, or to be brought, shall, upon conviction before a justice of the peace, be deemed guilty of a malicious mischief, and be liable, moreover, to the company, for damages sustained by such injury.

SEC. 6. That the company shall procure a common seal, and the certificates of stock, and other official acts, shall be authenticated by affixing the same; and the president and managers procure certificates for all the shares of stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary, and sealed as aforesaid, unto each person for the number of shares held by him or her, as soon as twenty-five dollars shall be paid on each share; and every such certificate shall be transferable in person, or by attorney, duly authorized in the presence of the president or secretary of said company.

Shall procure a common seal. Of certificates of stock, &c.

SEC. 7. The said company, whenever the debts of the corporation shall have been paid, and the income shall exceed the expenses of the company, may, if deemed advisable, collect a contingent fund not exceeding two thousand dollars, or declare a dividend semi-annually, not exceeding fifteen per centum on the stock paid in, on the second Saturday in January and July, in each year, and shall publish said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

May declare dividend, &c.

SEC. 8. That said company shall commence operations upon said water-works, within two years from the passage of this bill. The Legislature reserves the right to alter and amend this charter at any time hereafter.

Shall commence on said works in two years.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.