

PRIVATE LAWS
OF THE
TERRITORY OF KANSAS,

PASSED AT THE SPECIAL SESSION

OF THE

LEGISLATIVE ASSEMBLY OF 1860:

BEGUN AT THE

CITY OF LECOMPTON,

JANUARY 19, 1860, AND HELD AND CONCLUDED

AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

S. A. MEDARY, PRINTER.

continue for one year from the passage of this act, and until their successors shall be elected and qualified; and the board of directors of said company shall, at all times, have power to fill vacancies in their body, and of prescribing the number of the board, and the manner of calling elections for directors and conducting the same, and may open books for subscriptions to the capital stock and receive subscriptions thereto, at such time and in such manner, and upon such terms, as the said board may determine by resolution or otherwise. All powers hereby granted to be construed liberally in favor of the corporation.

Vacancies.

Open books.

How construed.

This act to take effect and be in force from and after its passage.

GUSTAVUS A. COLTON,
Speaker of House of Representatives.
 W. W. UPDEGRAFF,
President of the Council.

Approved February 27, 1860.

S. MEDARY,
Governor.

CHAPTER CCXXX.

AN ACT to provide for supplying the city of Leavenworth with pure water.

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

SECTION 1. That J. L. McDowell, James R. Whitehead, John A. Halderman, R. Crozier, and P. S. Parks and J. C. Green, and their associates, successors and assigns, be and they hereby are declared to be a body corporate and politic, by the name of "The Delaware Company," and by such name shall have continual succession, and shall have power to sue and be sued, complain and defend, in any court of law or equity; and may make and use a common seal, and change the same at pleasure; and shall have power to purchase, hold, mortgage, and convey any estate or property, real or personal, for the use and benefit of the said corporation, and to take, hold, or dispose of mortgages on any real estate, chattels, or tenements.

Corporators.

Name and powers.

SEC. 2. The capital stock of the said company shall be one hundred thousand dollars, and shall be divided into shares

Of stock.

May increase. of one hundred dollars each, and in case the said capital stock be deemed insufficient, the company may increase its capital stock, from time to time, to such amount as may be deemed necessary for carrying on the operations of the company. The capital stock of the said corporation shall be deemed personal property, and may be called in, collected, and transferred in such manner as the said company may by its by-laws direct.

Begin business. SEC. 3. The said company may commence business as soon as its capital stock shall be fully subscribed for, and on such subscriptions being complete, any two of the subscribers to said stock may call a general meeting of the stockholders of the said company, by serving a notice, signed by them, of the time and place of such meeting, ten days at least before the time of holding the same, on each stockholder, personally, or by leaving it at his residence, or by putting the same in the post office of Leavenworth city, directed to him at his usual or reputed place of residence, and paying the postage thereon; Provided, however, that any other mode or time of calling said meeting shall be lawful, if the stockholders consent thereto. At the meeting convened as aforesaid, the said company shall elect by a majority of the votes there present or represented, not less than three nor more than seven persons, being stockholders of the said company, to act as directors of said corporation, who shall represent the said company, and manage the business thereof. In the election of the directors and the transaction of all business at all meetings of the stockholders, each stockholder shall be entitled to one vote, personally or by proxy, on every share of stock held by him at the time of such election. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.

Directors. SEC. 4. At the first meeting of the said board of directors after their election, they shall elect one of their number as president of the said corporation, and may elect a vice president, and such other officers as they may deem desirable. The directors of this company shall hold their offices for the term of one year, and until others are chosen.

First meeting. SEC. 5. In case it shall at any time happen that an election of directors be not made at the time designated, or on the day when by the by-laws of the said company it ought to be done, it shall and may be lawful on any other day to hold an election for directors, in such manner as above provided for, or as

Of failure to hold election.

shall be directed by the by-laws of the company; and in case any annual meeting of stockholders shall not be held, by reason of any neglect of the directors, it shall be in the power of any stockholder holding one hundred shares of the capital stock, to call a meeting for the purpose of electing directors, and other purposes, by giving the notice as hereinbefore prescribed, and for that purpose they shall have access to the stock list and transfer books of the said company, and all information necessary to the giving of such notice.

SEC. 6. And be it further enacted, that the directors of such company, for the time being, shall have the power to make and prescribe such by-laws, rules and regulations as they shall deem proper respecting the management and disposition of the stock, property, and estate of the company; the duties of the officers, agents, artificers, and servants by them to be employed; the election of directors, and all such matters as pertain to the concerns of the company; to appoint such and so many officers, clerks, and servants, for carrying on the business of the said company, and with such salaries or wages, as to them shall seem reasonable; Provided, that such by-laws be not inconsistent with any present existing law.

Powers of directors.

SEC. 7. The said company shall have power to construct and maintain such water-works, reservoirs and fixtures as may be necessary to supply the city of Leavenworth with pure water, and to that end may enter upon any public street or alley within said city, for the purpose of laying down pipes or tanks, and by purchasing the right of way, may conduct by aqueducts, trunks, or pipes, the water that may be necessary for the purpose aforesaid, over any lands or lots in said city, and shall have power to construct reservoirs within the limits of said city, at such place as may be designated by the corporate authorities of said city; and the corporate authorities aforesaid may require this company to put up hydrants at convenient places in said city, for the purpose of supplying water in case of fire; and may regulate the rate per month at which water shall be supplied to any building in said city, in proportion to the probable amount of water to be used thereat; and the said company shall have power to do all other things necessary to supplying said city with a full supply of water. Nothing in this act shall be so construed as to prevent the legislature of the Territory or State from at any time authorizing another company to supply said city with water.

Powers in constructing works.

Other companies.

SEC. 8. The office of said company shall be kept at the

Office.

Meetings. city of Leavenworth, and the meetings of the directors and stockholders of the company shall be held at such office or such other place as the by-laws of the company or the board of directors may designate. The surplus or unemployed funds of the company, and such other funds as may be under its control, may be invested in real estate, or in bonds or notes, secured by mortgage on real estate, or in the stock of the United States government, or of Kansas, and it may employ such funds in such other money operations and transactions as the board of directors may designate, not repugnant to any present existing law of the territory.

**May invest
surplus funds.**

**May change
name**

SEC. 9. The said company at any time may change its name, provided such change is directed by a majority of the directors thereof, at a meeting duly convened, and is approved by the president thereof; whereupon the said corporation shall do business in its new name, and plead and be impleaded thereby, and all the provisions of this act shall apply to the said corporation after such change of name, as if such new name had originally been inserted in this act, instead of the name by which it is above designated; and such change shall not affect any rights, legal or equitable, in favor of or against the said corporation. Notice of such change of name shall be published for at least four weeks, in two newspapers published at the city of Leavenworth, and in such other papers as the president shall direct. A compliance by the company with any of the provisions of this act, within one year from the passage thereof, shall entitle the company to all the rights and privileges herein granted.

**Powers, &c., of
this act confer-
red on the Law-
rence, &c.,
company.**

SEC. 10. All the powers, privileges, rights and provisions of this act, be and the same are hereby conferred on C. W. Babcock, G. W. Deitzler, Albert G. Brooks, and George A. Reynolds, their associates and assigns, under the name and style of the Lawrence City Water-works Company, and said company is hereby authorized and empowered to proceed under the provisions of this act, and do the same things in the city of Lawrence, as fully and absolutely as if they had been specially chartered in a separate act.

SEC. 11. This act shall take effect immediately.

GUSTAVUS A. COLTON,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved February 27, 1860.
S. MEDARY, *Governor.*