

Montana Territory Laws, 1864

**ACTS, RESOLUTIONS AND MEMORIALS,**

**OF THE**

**TERRITORY OF MONTANA,**

**PASSED BY THE**

**FIRST LEGISLATIVE ASSEMBLY.**

**CONVENED AT BANNACK, DECEMBER 12, 1864.**



**VIRGINIA CITY, MONTANA:**  
**D. W. TILTON & CO.**  
**1866.**

shall forfeit and pay to said company triple the amount of damage thus sustained on such offender being found guilty upon trial before any justice of the peace of the township or district in which or through which said road is located.

SEC. 10. Said company shall have power to purchase and hold any real or personal property which may be necessary for the transaction of their business and to sell and convey the same when deemed proper.

SEC. 11. This act shall be in force from and after its passage.

[Approved January 27, 1865.]

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AN ACT to establish a Water Company in Virginia City.

*Be it enacted by the Legislative Assembly of the Territory of Montana:*

SEC. 1. That A. M. Holter, O. Norelins and J. P. Oleson, and their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of the Virginia City Water Company, with all of the ordinary privileges, powers and liabilities of corporations, and by that name may sue and be sued, plead and be impleaded in all courts of the United States and in this Territory, and may have and use a common seal, and alter and change the same at their pleasure.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, which may be increased to the sum of one hundred thousand dollars, and may be divided by said corporators and their associates into shares of fifty dollars, and which said shares when issued shall be transferable on the books of said company.

SEC. 3. The officers of said company shall consist of a president, secretary and treasurer, and three directors, who shall be elected annually by the stockholders on the first day of May, in each year, and who shall hold their offices until their successors shall be duly elected; but in case such election shall not, for any cause, be held, such election may be held at any time thereafter by giving one week's notice of the time and place of such election, which may be given by personal notice or by advertising the same one week in the newspaper published in said Virginia City,

or if no newspaper be published in said Virginia City, then such advertisement shall be published in the nearest paper published to said Virginia City. At all elections each share shall be entitled to one vote.

SEC. 4. The said company are hereby authorized and empowered to bring and convey into said Virginia City, in Madison County, a supply of water for the use of the inhabitants thereof, and through any and all streets of said Virginia City, from any and all springs flowing or rising in Daylight Gulch, and to be conveyed in such pipes or conduits made of such materials as said company shall deem advisable and proper.

SEC. 5. The company shall place hydrants at each of the corners of block number forty-one, in said city; and the people of said city shall at all times have free access to the water in all cases of fire or other public emergencies when the same shall become necessary, and the said people of Virginia City shall also have the right for the purpose aforesaid, of placing other hydrants at such points as may be deemed necessary.

SEC. 6. Said company shall have the right to convey by suitable pipe or pipes, water for the use of any building or house in said city, and for all the purposes of their business may dig trenches in and through or across any of the streets of said city, for the purpose of laying any water pipe.

SEC. 7. Said company shall have the right to pass any by-laws, rules or regulations for their own government and for regulating the use of the water, not inconsistent with the provisions of this act or the laws of the United States or of this Territory.

SEC. 8. Said company shall have the right to charge such person or persons, or the occupants of any store or building or family, such sum or sums of money for the use of the water so brought and conducted into said Virginia City, as shall be fixed on by the board of directors, and which shall be payable at such time or times as may be agreed upon by and between the board of directors and the person or persons using the same.

SEC. 9. If any person or persons shall knowingly and designedly use the water aforesaid with intent to use the same without a permit first obtained for that purpose, he shall upon conviction thereof be subject to a penalty of not less than five dollars nor more than fifty dollars for each offence, to be recovered before any court

having jurisdiction thereof in the name and for the use of said company.

SEC. 10. Said company shall at all times keep and maintain the pipes in good repair and furnish a sufficient and constant supply of water for the purposes aforesaid unless prevented by accident or inclemency of the weather.

SEC. 11. If any person or persons shall neglect or refuse to pay any sum or sums of money due to said company on the account of the use of any water owned by said company, the same may be collected by suit in the name of said company; and said company shall also have the right to stop the supply of such person or persons.

SEC. 12. It shall be the duty of said company to convey water from their main pipe or pipes to any house or building in said city, upon request of the occupant thereof, but said company shall not be compelled to do so unless the actual cost of laying the pipe necessary for that purpose be paid by such applicant.

SEC. 13. The said company shall have all the rights and privileges hereby granted for twenty years from and after the passage of this act.

[Approved January 27, 1865.]

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AN ACT to incorporate the Jefferson Mining Company.

*Be it enacted by the Legislative Assembly of the Territory of Montana:*

SEC. 1. Albert G. Clark, Robert C. Ewing, Eli C. Mason, D. B. Curtis, and Edwin H. Erwin, are hereby constituted a board of corporators for the Jefferson Mining Company, and by that name and style may sue and be sued, plead and be impleaded, in the courts of record in this Territory.

SEC. 2. Said company shall have the power to buy and sell gulch mining claims, and gold and silver lodes, and stone coal lodes, to build furnaces and crushing mills, to hold water privileges, and to use and employ all machinery that they may deem necessary in carrying on the mining business in all its departments and details.