

ACTS
OF THE
GENERAL ASSEMBLY
OF
VIRGINIA,
PASSED AT
THE EXTRA AND REGULAR SESSIONS
IN
1849 & 1850,
AND IN
THE SEVENTY-THIRD AND SEVENTY-FOURTH YEARS
OF
THE COMMONWEALTH.

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1850.

act. And said company shall moreover have the right to charge such premium for insurance. Premium for insurance.
 regulations in relation to insurances, as they may deem proper.

2. The capital stock of said company shall not be less than five thousand Capital.
 sand nor more than one hundred thousand dollars, to be divided into shares of twenty dollars each. Any one or more of the members of said fire company shall have authority to receive subscriptions to the stock of Subscriptions, how taken.
 said company at any time and place.

3. This act shall be in force from and after the first day of July next. Commencement.

CHAP. 213.—An ACT to incorporate the Alexandria water company.

[Passed March 22, 1850.]

1. *Be it enacted by the general assembly*, That Hugh C. Smith, Stephen Shinn, Cassius F. Lee, James Green, Francis L. Smith, Robert H. Miller, Peter G. Uhler, Thomas W. Smith and George D. Fowler, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate under the name and style of "The Alexandria Water Company," and by that name and style shall have perpetual succession, may sue Corporate powers.
 and be sued, plead and be impleaded, in any court of law or equity in this commonwealth having competent jurisdiction, may contract and be contracted with, have and use a common seal, and the same change at pleasure, and may hold real estate, not exceeding fifty acres, at or near the town of Alexandria, and personal property, for the purpose of conducting water into said town as hereinafter provided, and shall have power to make such by-laws, not contrary to the constitution of the United States or of this commonwealth, as may be deemed expedient and proper for the government of said company. Real and personal estate.
 By-laws.

2. *Be it further enacted*, That the capital stock of the said company shall not be less than ten nor more than one hundred thousand dollars, to be raised by subscription, in shares of fifty dollars each, for which purpose books of subscription shall be opened in said town or elsewhere, under the direction of the persons named in the first section of this act, or any three or more of them, who, so soon as the first mentioned sum shall have been subscribed for, shall call a meeting of the subscribers, by advertisement for two weeks in some newspaper published in said town. And it shall be lawful for the common council of said town to subscribe for or authorize a subscription on behalf of the corporation of said town for such number of shares as shall not exceed in amount the sum of twenty-five thousand dollars: *Provided*, That three-fifths of the legal voters of that town, upon a vote to be taken, shall consent thereto. Capital.
 Subscriptions, how and by whom taken.
 First meeting of subscribers, how called.
 Subscription by town of Alexandria.

3. *Be it further enacted*, That for managing the affairs of said company there shall be chosen at the first general meeting of the stockholders to be called as aforesaid, and on the first Monday in November of every year thereafter, seven directors, who shall be stockholders in said company, in which election and in all other meetings the stockholders shall be entitled to one vote for every share held by them respectively, and may vote in person or by proxy in such manner as may be from time to time prescribed in general meeting. The said directors, or a majority of them, may choose a president, and in his absence a president *pro tempore*. They shall have power to call general meetings of stockholders, to supply vacancies in their own body, to appoint such officers, agents and clerks as the stockholders in general meeting shall authorize, to take bonds with sufficient surety for the good conduct, fidelity and attention of such officers, agents or clerks, and to do all other acts and things touching the affairs of the company and not otherwise specially provided for. Directors, how and when chosen.
 Votes of members.
 Election of president.
 Powers of president and directors.

4. *Be it further enacted*, That if there should be no election of directors at any annual meeting as hereinbefore prescribed, the president and directors then in office shall continue until the next annual election, or until an earlier election by the stockholders in general meeting, at which a majority of the stock shall be represented. Term of office of directors.

Stock deemed personal estate, and transferable.

5. *Be it further enacted*, That the stock of the said company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and may be transferred and certificates thereof issued in such manner and form as the president and directors of the stockholders in general meeting shall from time to time direct: *Provided*, That nothing herein contained shall be so construed as to prevent the said company from selling and conveying any part of such real estate as they are hereby authorized to acquire and hold, or the said land and appurtenances when sold from being considered real estate.

Real estate, how disposed of.

Power to purchase land or water privileges.

6. *Be it further enacted*, That it shall be lawful for the said president and directors, at any time hereafter, to contract and agree with the owners of any land or water privileges for the use or purchase thereof, whether the same be situated within or without the limits of said town, if the use or possession of said land or water privileges be advisable for the convenient location of reservoirs, pipes, conduits, water-works or any of the fixtures or appurtenances necessary therefor. And in case of disagreement, or if the owner thereof be a *feme covert*, under age, *non compos mentis*, out of the state or unknown, the said president and directors may apply to and obtain from the court of the county in which such lands or water privileges are situated, a writ of *ad quod damnum*

Condemnation thereof.

Proceedings thereon.

(which it shall be the duty of said court upon application to award,) directed to the sheriff of said county, commanding him to empanel a jury of twelve freeholders of said county, no way related to the parties or in any manner interested, whose duty it shall be to go upon the premises, and being sworn, to ascertain and fix the damages which will accrue to the owner of said land or water privileges by reason of the location of said reservoirs, pipes, conduits or water-works thereon, or the use of said water privileges, or the passage of said pipes, conduits or other fixtures through said land. The damages assessed shall be certified under the hands and seals of the said jury, and by the said sheriff shall be returned to the court of said county and recorded, and shall be paid by the president and directors to the proprietors of the said land or water privileges; and when the said damages shall be paid or secured to be paid by the said president and directors, the said land or water privileges, or the privilege of constructing and maintaining reservoirs and other water-works, and passing their pipes and conduits and fixtures through the same, and of repairing, altering, taking up and laying them down again from time to time, and the use of said water privileges shall thereafter be vested in the said president and directors and their successors in office.

Power to open streets, &c. for pipes.

7. *Be it further enacted*, That the said company shall be authorized to open the streets, lanes, alleys and public squares in said town for the purpose of laying pipes for distributing water, provided that when the same shall be opened for that purpose, they shall, as soon as practicable, be repaired by the said company at their own cost and expense, subject to the approval of the superintendent of police of said town, or the common council thereof.

Power to sell and dispose of water.

8. *Be it further enacted*, That it shall and may be lawful for the said president and directors to sell and dispose of the water which they may have conducted into said town to the inhabitants thereof and to other persons, in such manner and at such prices as to them from time to time shall seem expedient for the interest of said company: *Provided however*, That in case of calamity by fire it shall be the duty of said company, their officers and agents, under proper and convenient regulations made for the purpose, without hesitation throw open and make easy of access any reservoirs, water-plugs, hydrants or other fixtures, containing or affording a supply of water, for the purpose of enabling the citizens of said town, fire companies or others the more readily to extinguish the flames free of any fee, charge or demand whatsoever, and all the profits accruing to said company from the sale of their said water, shall, after deducting all necessary charges and expenses, be divided among the said stockholders in proportion to the amount of stock owned by them respectively at such times as shall be agreed upon by the said company in legal meeting assembled.

Regulations for use of water at fires.

Dividends.

9. *Be it further enacted,* That if any subscriber shall fail to pay the amount subscribed by him at the time prescribed by the president and directors, it shall be lawful for the said company to recover the amount which shall be so due, by action of debt in any court of record within this commonwealth or before a justice of the peace, and such delinquent shall receive no dividend until the amount so due upon his subscription shall have been paid. Remedy against delinquent subscribers.

10. *Be it further enacted,* That if any person or persons shall divert, use, apply or draw off any part of the water so by the said company introduced into said town, without the consent of the said company first had and obtained, or shall wilfully do or cause to be done any act or acts whatever, whereby any pipes, conduit, plug, reservoir or other works of said company shall be obstructed, injured or destroyed, the person or persons so offending shall be subject to a penalty of not less than ten nor more than twenty dollars for each and every such offence, to be recovered by warrant before the mayor of said town or any justice of the peace of the county in which the said offence shall have been committed, one half to be paid to the informer and one half to the treasurer of said town for its own use, and shall moreover forfeit and pay to the said company double the amount of damages sustained by means of such offence or injury, to be recovered in the name of said company with costs of suit by action, to be brought in any court of record in this state; and if said company, their officers or agents shall refuse to permit the free use of said water in the case of any building or buildings in said town being on fire, they shall be subject to the action of the party injured by such refusal and shall pay such damages as a jury may assess. Penalty for using illegally or injuring pipes, &c.
How recoverable.
Penalty on company for refusing use of water at fires.

11. *Be it enacted,* That the common council of said town shall have power to pass ordinances for the protection from injury by adequate penalties, not exceeding twenty dollars in any one case, of the works and property of the said company. Power of council of town to protect works.

12. *Be it further enacted,* That if the said company shall not be organized by the appointment of a president and directors within five years from the passage of this act, then all its provisions shall be null and void. When company to be organized.

13. This act shall be in force from its passage. Commencement.

CHAP. 214.—An ACT to extend the charter of the Wythe watering company, and for other purposes.

[Passed March 13, 1850.]

1. *Be it enacted by the general assembly,* That the charter of "The Wythe Watering Company," as granted by the act, entitled "An act to incorporate the Wythe watering company in the county of Wythe," passed March twenty-first, eighteen hundred and thirty-six, shall be and the same is hereby renewed and extended from the twenty-first day of March eighteen hundred and fifty-six, to the twenty-first day of March eighteen hundred and seventy-six, together with all the rights, privileges and immunities to said company which are granted by said act: *Provided however,* That the corporation of the town of Wytheville in said county of Wythe shall have authority at any time to purchase from said company all the shares of stock therein, upon such terms as may be agreed on between said company and the corporate authorities of said town, to be sanctioned by the concurrence of three-fourths of all the voters of said town. Upon such purchase being made, all the rights, privileges and immunities granted to said company by the above recited act and by this act, together with all property of said company shall be vested in, enjoyed, exercised and held by the corporation of said town, and all the authority and powers of the said company and their directors shall thereafter be exercised by the trustees of the said town as fully and completely as they can now be exercised by said company and directors, and thereupon said company shall become extinct as a corporation. Charter of Wythe watering company renewed.
Its duration.
Wytheville authorized to purchase out company.
Rights, powers and privileges thereupon.