

ACTS

OF THE

GENERAL ASSEMBLY

OF

VIRGINIA,

PASSED AT THE SESSION OF 1834-35,

COMMENCING 1ST DECEMBER, 1834, AND ENDING 12TH MARCH, 1835,

IN THE
FIFTY-NINTH YEAR OF THE COMMONWEALTH.



RICHMOND:

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1835.

Directors and officers how long to continue in office.

7. *Be it further enacted*, That if there should be no election of directors or officers, at any annual meeting as herein before prescribed, the directors then in office shall continue until the next annual election, or until an earlier election by the stockholders in general meeting, at which time the major part of the stock shall be represented.

Commencement.

8. This act shall be in force from its passage.

CHAP. 175.—An ACT to incorporate the Mount Crawford water company, in the county of Rockingham.

[Passed January 12, 1835.]

Preamble.

Whereas, it is represented to the general assembly by sundry citizens of the town of Mount Crawford, in the county of Rockingham, that the inhabitants of said town having experienced great inconvenience in consequence of there being no water immediately therein, and that sundry inhabitants thereof have united for the purpose of obtaining a supply of water, and in order to execute their purpose with greater facility, and more certainty, desire to be invested with some of the attributes of a corporate body: Wherefore,

Company incorporated.

1. *Be it enacted by the general assembly*, That Edward Stevens, William Fisher, senior, Michael H. Harris, John Smith, Matthew Miller, John Shepler, James Gilkisson, Pleasant A. Clarke, Joseph Hoffman, Isaac Fisher and William and Mary Bickerton, and others who may hereafter become owners of stock in said company, be, and they are hereby incorporated into a company by the name and style of "The Mount Crawford Water Company," and by that name and style shall have perpetual succession, may sue 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 change the same at pleasure; and may hold real estate, not exceeding three acres, at or near the town aforesaid, and personal property for the purpose of conducting water as aforesaid; and shall have power to make such by-laws, not contrary to the laws of the United States, or of this commonwealth, as may be deemed expedient and proper for the government of said company.

Name.

Corporate powers.

2. *Be it further enacted*, That the capital stock of the company shall not exceed four thousand dollars, and shall be divided into shares of twenty-five dollars each.

Capital.

Directors, when and how chosen.

3. *Be it further enacted*, That for managing the affairs of the said company, there shall be chosen within twelve months from the passing of this act, and on the first Monday in the month of May in every year thereafter, five directors, who shall be stockholders of the company; in which elections, and in all other meetings, the stockholders shall be entitled to vote according to the stock held by them respectively, as follows: the holder of one share of stock shall be entitled to one vote; two and three shares two votes; four to six shares three votes; seven to ten shares four votes; over ten shares five votes; and may vote in person or by proxy, in such manner as may be prescribed from time to time 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 the stockholders; to supply vacancies in their own body; to appoint such officers and clerks as the stockholders

Ratio of votes.

President, how chosen.

Special powers of president and directors.

in general meeting shall authorize; to take bonds with sufficient security for the good conduct, fidelity and attention of such officers and clerks, and to do all other acts and things touching the affairs of the company, not otherwise specially provided for.

4. *Be it further enacted*, That if there should be no election of directors at any annual meeting, as herein before 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 the majority of the stock shall be represented.

President and directors, how long to continue such.

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, or 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; nor from taking and holding any donation in land or other thing, within the limitation herein before expressed, for the beneficial purposes of the said company: *Provided, moreover*, That whenever the same shall cease to be used for the purposes aforesaid, it shall revert to the former owner or owners, and their heirs for ever.

Stock deemed personal estate, and transferrable.

Real estate, how disposed of.

Authorized to receive donations, &c. When to revert to former owner.

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 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 be desirable for the convenient location of wells, pipes, water works, or any of the fixtures or appurtenances 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 of Rockingham a writ of *ad quod damnum*, (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 the county of Rockingham, no way related to the parties, or in any manner interested, whose duty it shall be to go upon the land, and being sworn to ascertain and fix the damages which will accrue to the owner of said land by reason of the location of said wells or water works thereon, or the passage of the said pipes or fixtures through the same. 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 said president and directors to the proprietors of the said lands: and when the said damages shall be paid by the said president and directors, the said land, or the privilege of digging wells, constructing water works, and passing their pipes and fixtures through the same, and of repairing, altering, taking up and laying them down again from time to time, shall thereafter be vested in the said president and directors and their successors in office.

Power to acquire land.

Writ of *ad quod damnum*.

7. *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

Water to be sold.

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 the said company; and all the profits accruing to the said company for the sale of their said water, shall, after deducting all necessary expenses and charges, be divided amongst 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.

Dividends.

Penalty for improperly diverting or using water. 8. *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, he, she or they shall forfeit and pay the sum of twenty dollars, to and for the use of the said company, for every such offence, and shall moreover be subject to the action or prosecution of the said company for the same.

Act under control of legislature. 9. *Be it further enacted*, That this act and every part and provision thereof, shall be subject to be altered, amended, modified or repealed by any future legislature of Virginia, as to them may seem necessary and proper: but shall, nevertheless, subject to such modification and repeal, continue and be in force for twenty years from and after the passing thereof, and no longer.

Duration and commencement.

CHAP. 176.—An ACT to authorize the storage of tobacco in Brown's lumber house in the city of Richmond.

(Passed March 10, 1835.)

Tobacco may be stored in Brown's lumber house. 1. *Be it enacted by the general assembly*, That whensoever the public warehouse for the storage of tobacco in the city of Richmond shall be full, and incapable of containing any further quantity of that article, it shall and may be lawful for the inspectors or other public officers having charge of the said public warehouse, to use and occupy, for the purpose of storing such tobacco as may be offered, in the adjoining building, known as Brown's lumber house.

Duty of inspectors. 2. *Be it further enacted*, That it shall be the duty of the inspectors, or other persons in charge of said public warehouse, when the same shall be full as aforesaid, to receive and deposit any tobacco offered for storage or inspection in the said lumber house, and to deliver the same when called for from said lumber house in like manner as if it had been received and stored in the public warehouse.

Charge for storage. 3. *Be it further enacted*, That the lawful charges paid for the storage of tobacco in the public warehouse shall be paid for the storage of such tobacco as may be deposited in said lumber house, to the proprietor or proprietors of the same.

Commencement. 4. This act shall be in force from its passage.

CHAP. 177.—An ACT to authorize the common council of the town of Lynchburg to appoint weighmasters of loose tobacco, and for other purposes.

(Passed March 12, 1835.)

Preamble. Whereas, it is represented to the general assembly, that doubts exist in relation to the powers of the corporation of Lynchburg on certain subjects: Therefore,

Power to pass by laws prohibiting sale of articles injurious to health. 1. *Be it enacted by the general assembly*, That it shall be lawful for the corporate authorities of the said town of Lynchburg to pass and enforce any and all ordinances for the preservation of the