

John Daniel
ACTS

Virginia Laws, Statutes, &c.
PASSED AT A

GENERAL ASSEMBLY

74683

OF

THE COMMONWEALTH

OF

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL,

IN THE

City of Richmond,

ON MONDAY, THE THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE
THOUSAND EIGHT HUNDRED AND TWENTY-ONE, AND OF THE
COMMONWEALTH THE FORTY-SIXTH.



RICHMOND:

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Printer for the Commonwealth.

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1822.

lector hereafter to be appointed, as other assessments, and applied to the use of said town.

6. In the event of the death, resignation, refusal to act, or removal out of said town, of any of the trustees, within the time for which they shall have been elected, the vacancy, or vacancies, occasioned thereby, shall be supplied within fifteen days thereafter by the persons qualified to vote at the election aforesaid; in like manner as the general elections are made; and, in case of failure so to fill such vacancy, or vacancies, within the time aforesaid, the remaining trustees at their next meeting shall appoint a person or persons to fill such vacancy or vacancies.

7. It shall be the duty of the trustees, at the expiration of the term for which they were appointed, to render a just account of their receipts and disbursements to their successors; and in case any balance shall remain unappropriated, to pay the same to their successors; and, on failure thereof, it shall be lawful for the trustees for the time being to recover the same by motion in the superior or county court of Tazewell: *Provided*, That the defendants in such motion have ten days previous notice thereof; and, for failure to render such account, the said trustees shall forfeit a sum not exceeding six per centum per annum on the amount of the deficiency, to be recovered as aforesaid.

8. The said trustees shall have power to appoint a collector of fines assessed by them, from time to time, who shall, before entering on the duties of his office, give bond and security to the said trustees in a reasonable penalty conditioned for the faithful performance of his duties; and shall take an oath or affirmation, before a justice of the peace for the county of Tazewell, faithfully to perform the duties of collector: and being so qualified, shall have and execute the same powers in collecting fines assessed under the by-laws of the said town, and be entitled to the same fees as constables have, and are entitled to, in collecting debts under twenty dollars.

9. It shall be the duty of every collector, appointed by said trustees, to pay to them, or their order, all monies by him collected; and, for failing so to do, or for any neglect of his duty as collector, the said trustees shall be entitled to the same remedy against him and his securities, his, and their executors and administrators, as is given against sheriffs and their sureties, their heirs, executors and administrators, for similar neglect.

10. The trustees shall meet at the court-house of Tazewell county, in the town of Jeffersonville, within fifteen days next after their election, and, being qualified as this act directs, may proceed to execute the duties required hereby.

11. This act shall be in force from the passing thereof.

CHAPTER 98.—An act incorporating the Petersburg Aqueduct Company.
[Passed February 22, 1822.]

1. *Be it enacted by the General Assembly*, That it shall be lawful to open books in the town of Petersburg, under the direction of Jabez Smith, Edward Pescud, Donald McKenzie, Joseph Bragg, Dandridge Spotswood, Lewis Mabry, and Russell Hill, or any three of them, at the tavern of John Nible, in

- the said town, on the first Monday in April next; ten days previous notice whereof shall be given in the newspapers printed in said town; for receiving subscriptions, for raising a capital stock, not exceeding the sum of fifteen thousand dollars, in shares of fifty dollars each, for the purpose of conducting a full and sufficient supply of water from the springs within the corporation, or within one mile of the same, or from the falls of the river, or the basin of the canal, to and along the streets of the said town. And the said subscription books shall remain open for the space of five days, unless a number of shares, sufficient to authorise the call of a general meeting, shall be sooner subscribed.
2. Whenever one hundred shares shall be subscribed for, a general meeting of the subscribers shall be called by the managers aforesaid, or a majority of them; notice of the time and place of such meeting being given as aforesaid; and if one hundred or more shares shall not be subscribed within the time aforesaid, it shall and may be lawful for the said managers, or a majority of them, to open the subscription books again, at such time and place as they may think best; giving notice thereof as aforesaid; and all shares not subscribed for, at the time of the meeting for choosing directors, shall thereafter be subscribed for or disposed of, at such time, and in such manner, as the president and directors may deem necessary and expedient.
3. The subscribers aforesaid, and their successors or assigns, shall be, and they are hereby created a body politic and corporate, for the purpose aforesaid, by the name and style of "The Petersburg Aqueduct Company;" and shall, by that name, have succession, and may sue and be sued, plead and be impleaded, in all courts of law and equity in this commonwealth.
4. The stockholders of said company, or a majority of them, at their first and every subsequent election, which shall be held annually on the first Monday in July, shall elect nine directors, all of whom shall be stockholders, who shall, within ten days after such election, choose one of their own body as president. The said president and directors shall remain in office one year, or until their successors can be appointed; *Provided, however,* That nothing herein shall be so construed as to prevent the re-election of such president and directors from year to year.
5. The president and directors, or a majority of them, shall have power to appoint officers under them, and to regulate their salaries, and to fill all vacancies which may occur in their own body, and to make all by-laws and regulations for the good government of said company, (not contrary to the constitution or laws of this state, or of the United States,) subject, however, to the alteration or repeal of the stockholders, at any subsequent meeting.
6. Stockholders shall be entitled to vote, either in person, or by proxy, as follows: on each share not exceeding ten, one vote; on every five shares above ten, and not exceeding fifty, one vote; and on every additional ten shares above fifty, one vote.
7. Any number of stockholders not less than ten, representing fifty shares, shall have power, at all times, to call a special meeting of the company; notice of the time and place being given as aforesaid. If from any cause there should be a failure of either an annual, or special meeting, the president and directors, or a
- Amount of capital stock, and of each share.
Object of subscription.
- How long to remain open.
- First general meeting of subscribers, when and how called.
- In what event, books may be opened again.
Provision as to shares not subscribed for, at time of meeting for choosing directors.
- Subscribers incorporated, by the name of "The Petersburg Aqueduct Company."
- General meetings to be held annually.
Elections of directors and president.
- Their tenure of office.
Re-eligible from year to year.
- Powers of president and directors, to appoint other officers, &c.
To fill vacancies.
To make by-laws.
- Rule as to votes, on shares of stock.
- Special meetings of company, how called.
- Meetings adjournable to subsequent days.

majority of those present, may adjourn to a subsequent day, giving notice thereof as aforesaid.

8. Each person shall, upon subscribing, pay to some one of the managers five dollars upon each share so subscribed for, and the balance shall be called for by the president and directors, from time to time, as circumstances may require. So soon as the said company shall be organised, the managers shall pay over to the president and directors, whatever sum may be in their hands belonging to the said company.

Sum payable at time of subscribing. Calls for farther payments. Payment by managers to president and directors.

9. Any stockholder, who shall fail to make payment, when thereto required by the president and directors, shall subject his or her stock to be sold at public auction, for ready money; notice of the time and place being published as aforesaid: and if the money produced by such sale shall be insufficient to discharge said call and expense, such delinquent stockholder shall still be bound to said company for the deficit; and shall not, by virtue of said sale, be discharged from the payment of the amount of the original subscription, as called for; *provided*, that where the whole stock shall be sold, the amount called for thereafter, shall be recovered from said delinquent stockholder, by motion in the hustings court of Petersburg: ten days previous notice having been given.

Shares of delinquent stockholders, may be sold. Farther remedy, if proceeds of such sale be insufficient.

10. The president or directors, or a majority of them, shall have power to contract, in behalf of said company, with the proprietor or proprietors of any land within one mile of the market-house, in the said town of Petersburg, on which there shall be any springs, bodies of water, or water courses, to be selected by the said president and directors, from whence it may be desired to conduct water, for the purposes aforesaid, into different parts of said town, for the use and occupation of one or more pieces of land near such spring, body of water, or water course, to be designated by the said president and directors, not exceeding the tenth part of an acre, for the purpose of sinking on the same a cistern or reservoir, in which to collect and receive the water which shall flow from such spring, or be received from such body of water, or water course; and such piece of land, after being purchased, shall be forever vested in the said company; *Provided, however*, 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, forever.

Powers of president and directors, to make contracts with owners of lands, from which water may be obtained.

How much land they may get for a cistern or reservoir.

Proviso.

11. The said president and directors are hereby authorised to open ground in any part of the streets and highways in the said town for the purpose of sinking or repairing such pipes or conduits as may be necessary for conducting water into different parts of the town aforesaid: *Provided*, that said streets or highways shall not be opened in such manner as to prevent the passing of teams or carriages therein with convenience; and that, after opening the grounds in said streets or highways, the said president and directors, shall be holden to put the same into good repair again, under the penalty of being prosecuted for a nuisance.

Power given to open ground in streets or highways for sinking or repairing pipes or conduits. Proviso.

Farther proviso.

12. If, at any time, it shall be thought necessary, for the purposes of this act, to sink the pipes or conduits in the private grounds of any person or persons, and to conduct the water across the lands, or under the soil of such person or persons, the said

Power to sink pipes or conduits in, and to conduct water through, private grounds.

Also to take up and repair such pipes &c.

Proviso.—Damages to be assessed and paid.

Water so brought into town may be sold, at discretion of president and directors.

Dividends of profits.

Stock assignable.

Mutual Assurance Society authorised to subscribe for stock.

Saving in favour of Appomattox company.

Commencement.

president and directors shall and may enter therein for the purposes aforesaid, and break and open the ground of any person or persons, through and across whose lands it shall or may be deemed necessary to pass, to conduct the said water, into the said town: and having laid the said pipes or conduits as aforesaid, the said president and directors shall and may at all times, enter upon the lands of any person or persons, where the said pipes or conduits have been laid or sunk, for the purpose of taking up, repairing and sinking the same; *Provided always*, that in every case in which it shall or may be necessary for the said president and directors to enter upon the lands, or break the ground or soil of any person or persons as aforesaid, either for the purpose of sinking or repairing the pipes or conduits as aforesaid, the damages thereby sustained by any individual or individuals, across or under whose land or soil the same shall be laid or sunk, shall be assessed by any six disinterested freeholders of the said town, to be appointed for that purpose by the hustings court of the said town, in case the said president and directors, and the said individual or individuals, by whom damage is or shall be sustained in manner aforesaid, cannot agree on the same. And the damages so assessed, shall be paid to the owner or owners of such land or soil as may be used for the purposes aforesaid, by the said company.

13. It shall be lawful for the president and directors aforesaid, when they shall have conducted water as aforesaid into the said town, to sell and dispose of the same to the citizens thereof, in such manner, and at such prices, as to them shall, from time to time, seem expedient for the interests of the said company; and all the profits and emoluments accruing to the said company from a disposal of the water to be conducted into the said town in the manner aforesaid, shall, after deducting all necessary expenses and charges, 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: and the stock of the said company shall be assignable and transferrable in such manner and form as shall be prescribed by the by-laws of the said corporation.

14. The Mutual Assurance Society against fire on buildings of the state of Virginia, are hereby authorised to subscribe for such part of the stock aforesaid as to them shall seem expedient.

15. Nothing in this act contained, shall be so construed as to authorise the said Petersburg Aqueduct company, to disturb the basin of the Appomattox company, without the consent of said company.

16. This act shall commence and be in force from and after the passing thereof.

CHAPTER 99.—An act detaching certain lots belonging to William Bernard, junior, from the town of Port Conway in the county of King George.

[Passed February 27, 1832.]

Lots directed to be detached.

1. *Be it enacted by the General Assembly*, That sundry lots owned by William Bernard, junior, of the county of King George, and which have heretofore constituted a part of the town of Port