

ACTS

AND

JOINT RESOLUTIONS

(14477)
PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA

DURING THE

SESSION OF 1899-1900.

RICHMOND:

J. H. O'BANNON, SUPERINTENDENT OF PUBLIC PRINTING.

1900.

of the freeholders voting at said election, and this shall be notwithstanding the requirements of sections twelve hundred and forty-three and forty-five of the code as to the majority necessary to make or authorize such subscriptions: provided, however, that the county of Carroll shall not vote a subscription to said company.

The said corporation is hereby granted authority and power to cross the railroad track of any other railroad company, at grade or otherwise, not unnecessarily hindering or impeding the free operation of such other railroad. The said corporation shall have the right and power to construct its railroad through and upon any lands in the state of Virginia along the route indicated in section one, and the right of way of said railroad is hereby fixed not exceeding fifty feet on either side of the center of the road-bed of said railroad, together with the right of eminent domain and the right to take timber, stone, earth, and material from any land adjoining said right of way, making compensation for the same.

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

CHAP. 788.—An ACT to provide for a bond issue in the city of Staunton for a water supply when approved by a vote of the people.

Approved March 5, 1900.

1. Be it enacted by the general assembly of Virginia, That the city council of Staunton be, and they are hereby, authorized to issue bonds of the said city to an extent not exceeding two hundred thousand dollars (\$200,000), and to sell the same for the purpose of raising funds to be used exclusively in procuring and establishing a supply of freestone water for the said city on a gravity system: provided, nevertheless, that no bonds shall be issued under this act unless and until such issue shall be authorized by three-fifths majority of the qualified voters of the city of Staunton voting at an election to be held for the purpose, which shall be directed by an order of the corporation court of the said city, prescribing the time and place for holding such election, notice of the same to be published in two or more of the newspapers of the city of Staunton at least once a week for at least four successive weeks, and by hand bills posted at ten or more public places in the city of Staunton; the officers for the conduct of said election to be appointed and their duties and obligations as such, as well as the method of conducting the said election, making returns of the same and ascertaining and declaring the result thereof to be prescribed by the aforesaid court; all the necessary cost attending the said election and ascertaining and declaring the result thereof to be paid by the city council out of any funds of the city not otherwise appropriated. Should there be more than one election under this act, no two elections are to be held with an interval of less than one year between them. No such election shall be ordered by the court unless the city council, by a majority vote, requests that it be done.

2. No bonds issued under authority of this act shall be estimated in

the general bonded indebtedness of the city as the same is now limited by law; but the authority to issue bonds under this act shall be in addition to the authority now existing in said city council to issue bonds of the said city for general purposes, and which by law is now limited to fifteen per centum of the assessed value of personal property and seventeen per centum of the assessed value of real estate within the said city.

3. No bonds issued under authority of this act shall be sold for less than their par value; the said bonds shall be numbered consecutively, and shall bear interest at a rate not greater than five per centum per annum, and the said city council may, at the time of or before the issuing of the said bonds (but not otherwise) exempt them in whole or in part from city taxation; any bond issued under authority of this act may be paid in full by the said city, at its option, at the end of ten years from the date of the issuing of said bonds, or at the end of any period of six months from the expiration of said ten years, by paying the holder the face value of the bond and the unpaid accrued interest thereon. When the city shall desire to so anticipate the payment of any bond authorized under this act, the council shall, by ordinance duly passed, issue a call for such of the bonds issued under this act as the city may desire to anticipate the payment of, designating the same by number, and specifying the time and place where the payment will be made; such call shall be published in one of the Staunton newspapers once a week for four consecutive weeks before the date fixed in the call for payment, and no bond included in such call shall bear any interest after the date of payment so fixed in said call.

4. All bonds issued under authority of this act shall be known and designated, in the finances and accounts of said city, "Staunton city new water bonds," and no part of the proceeds of any bonds issued under authority of this act shall be used for any other purpose than for the purpose of procuring, establishing, and maintaining a supply of free-stone water for the city of Staunton and its inhabitants by a gravity system.

5. The entire proceeds of the water tax derived from the new water system to be constructed under this act, or which may be collected by the said city after the date of the issue of any bonds under this act, shall be applied first to the payment of the interest on such bonds, as the same shall become due; and secondly, to the payment of one per centum per annum of the principal of such outstanding bonds into a special sinking fund to be established and accumulated for the retirement of such bonds after they shall have become redeemable by the city; and thirdly, the residue of such water tax shall be paid into the general fund of the city: provided, that if in any year or years the water tax levied and collected by the city from said source shall not be sufficient to pay the current interest on the bonds issued under this act, together with the said one per centum of the principal of such outstanding bonds into the said special sinking fund, to be provided for their retirement, then and in that event the deficiency shall be made up by the city out of its general funds.

6. The said city of Staunton, acting by and through its said city council, and its proper officers, shall have the right to acquire by con-

tract of purchase or by condemnation according to law, any and all lands, water rights, easements, and property rights and right of way for laying line or lines of pipes from its water-works to said city that may be necessary or desirable for the establishment and maintenance of as large a supply of freestone water for the said city and its inhabitants as the said city council may from time to time determine; and, for the purpose of locating, establishing, constructing, inspecting, repairing, and maintaining such water supply, and the works connected therewith, and particularly the line or lines of pipe for the accumulation into any reservoir or conducting such water to said city, the said city shall have the right, at all times, through its officers, agents, and employees, to enter upon, make surveys, and pass through and over, any and all lands, except the yard or garden attached to any dwelling house, within twenty-five miles of the said city; but the said city shall pay to the owner or occupier of such lands any actual damage or injury that it or its servants may cause to the property of such owner or occupier in so doing, and for the ascertainment and recovery of such damages, in case the parties cannot themselves agree upon it, the person claiming the same may maintain an action against the city according to law. And the said city shall have the right to construct, maintain, and operate a telephone line, from its said works, to the said city, and over the said strip of land where its said pipe line is constructed and located, or along and over any public highway or highways connecting the termini of such line.

7. The right of acquisition of property and the rights by purchase or condemnation, hereinbefore conferred upon said city, and the right to hold, use, and control such property and rights, as provided in this act, shall extend as well to water rights acquired as to any and all lands that may be acquired and used in the construction of dams or reservoirs for the storage of water, but the property or fee simple right to a strip or strips of land of such breadth as the city council may determine (not to exceed in any place fifty feet), sufficient for the construction and maintenance of a pipe line or lines to conduct the water to any reservoir or to the said city, shall only be acquired by purchase and not by condemnation, which said pipe line or lines the said city shall have the right to construct and maintain across or under any public highway or railroad: provided only, that in constructing or repairing such pipe line or lines the said city or its agents shall not obstruct or interfere with travel along such public highway or railroad. The strip or strips of land above referred to which may be acquired and held by the said city for the location, construction, and maintaining of the pipe line or lines aforesaid, may be acquired by the said city either in fee simple by purchase only or merely for a right of way by purchase or condemnation for the said pipe line or lines and appurtenances as the city council may determine.

8. The entire amount of land acquired by the said city for the construction of its water-works, reservoirs, dams, and pipe line or lines, together with all property of the city thereon, as well as the entire water shed from which the city's proposed water supply shall be obtained, shall be under the police jurisdiction of the said city, so far as may be necessary to protect its property and to prevent the contamination or pollution of the city's water supply; and the council of the said city shall have the authority to enact ordinances imposing penalties in the

nature of fines not exceeding five hundred dollars or imprisonment not exceeding six months or both, for the violation of such reasonable and lawful rules and regulation as it may by ordinance prescribe for the preservation of its said land and property in connection with its said water supply, and for the prevention of the contamination or pollution of its said water supply; and the mayor, police justice, and the police officers of the said city, shall have the right to enforce such ordinances by arresting, trying, and (if convicted) punishing any violation thereof, in the same manner and to the same extent as they are now or may hereafter by law be authorized to enforce the punishment of a violation of any other lawful ordinance of the said city; but nothing in this act contained shall be regarded as curtailing or affecting the ordinary concurrent jurisdiction of the county court or peace officers of Augusta county over any and all territory within the limits of said county: provided, however, that no conviction for any violation of the state law in the said county court or before any justice of the peace of said county, shall be pleaded in bar to a prosecution for the violation of any ordinance of the said city authorized by this act.

9. Nothing in this act shall be construed as repealing or modifying any of the provisions of the charter of the said city, as the same shall now exist, except so far as the same may necessarily be inconsistent therewith.

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

CHAP. 789.—An ACT to authorize the county of Powhatan to change the form of the bonds subscribed to the Farmville and Powhatan railroad company, and to allow the board of supervisors of said county to refund the conditional bonds.

Approved March 5, 1900.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors, in their discretion, to issue value received coupon bonds, payable in lawful money of the United States, aggregating any sum not exceeding the amount of forty thousand dollars, in denomination of one hundred dollars each, or multiples thereof; the rate of interest upon said bonds may be six per centum, payable semi-annually at some bank or trust company in the city of Richmond, Virginia, and the time of payment of the said principal of the said bonds may be at such time as may be agreed upon between the board of supervisors and the bondholders.

2. If the board of supervisors of the county of Powhatan exercise the discretion given them in this act, the bonds issued hereunder shall be used exclusively either in refunding all or any of the forty thousand dollars conditional bonds, but this act shall not be construed as giving authority to the board of supervisors to issue bonds for any other purpose or to use them in any manner than as hereinbefore mentioned.

3. Upon the execution and delivery of the coupon bonds, in exchange for the conditional bonds, as authorized by this act, the said conditional