

*Price* *William E. G.*  
**ACTS**

PASSED AT THE ANNUAL SESSION OF THE

**GENERAL ASSEMBLY,**

OF THE

**S. P. SMITH**

**STATE OF ALABAMA;**

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST  
MONDAY IN NOVEMBER, 1840.

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ARTHUR P. BAGBY, GOVERNOR.

J. L. F. COTTRELL, PRESIDENT OF THE SENATE.

SAMUEL WALKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

R. A. BAKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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*Davis & Phelan*

**Tuscaloosa:**

HALE & PHELAN, PRINTERS.

1841.



the bridge, with the fines for the violation thereof: *And provided also*, that for any violation of the rules and regulations established, the offender shall be liable to the company for special damages. Proviso.

Approved, January 9, 1841.

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[No. 64.]

AN ACT

For the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the agreement made and executed, by and between the Mayor, Aldermen and Common Council of the city of Mobile, of the one part, and Albert Stein, of the other part, bearing date the twenty-sixth day of December, A. D. one thousand eight hundred and forty, be and the same is hereby confirmed. Agreement.

Sec. 2. *And be it further enacted*, That all the rights, powers, privileges and immunities, which were granted to the Mobile Aqueduct Company, and to the Mayor and Aldermen of the city of Mobile, by an act of the General Assembly of the State of Alabama, passed on the twentieth day of December, one thousand eight hundred and twenty, not inconsistent with the terms of the before mentioned agreement, be and the same are hereby granted, vested in and confirmed to the said Albert Stein, and his assigns. Transfer of powers.

Sec. 3. *And be it further enacted*, That all the rights, powers, privileges and immunities, which were granted to the Mobile Aqueduct Company, and to the Mayor and Aldermen of the city of Mobile, by an act of the General Assembly of the State of Alabama, passed on the twenty-fifth day of December, one thousand eight hundred and thirty-seven, not inconsistent with the terms of the before mentioned agreement, be and the same are hereby granted, vested in, and confirmed to the said Albert Stein, and his assigns. Transfer of powers.

Sec. 4. *And be it further enacted*, That the said Albert Stein, and his assigns, by themselves and their agents, shall have full power and authority, to use such of the public roads in the county of Mobile, as may be in the direct route between the reservoir and fountain head of the water works, hereby to be erected, and the city of Mobile, for the purpose of laying the pipes for conducting the water into said city, free from all charge or claim for damage therefor: *Provided*, that the said Albert Stein, and his assigns, shall, at their own proper cost and charge, keep and preserve, any portion of any of the said public roads, so used by them, as aforesaid, in full and complete repair, so long as the same may be used by them, as aforesaid. Privileges.

Sec. 5. *And be it further enacted*, That the said Albert Stein, and his assigns, shall have full power and authority to dispose of any and all of the aforesaid privileges, rights and immunities, by deed, and that the said Albert Stein, and his assigns, may mort- Powers.

gage the said privileges, rights and immunities, by deed, to all and every person or persons, whatsoever; and that the grantees of said Albert Stein, and his assigns, shall take and enjoy all and every right, privilege and immunity, which the said Albert Stein, might or could enjoy, by virtue of the aforesaid agreement, and this act, whether the same be granted absolutely, or by way of mortgage or pledge.

Approved, January 7, 1841.

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[No. 65.]

AN ACT

To Incorporate the Town of Elyton, in the County of Jefferson, and for other purposes.

Name and style.  
Powers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the town of Elyton, in the county of Jefferson, be and the same is hereby incorporated, under the name and style of "the Intendant and Council of the town of Elyton;" and under that name, they shall be liable to sue and be sued, may plead and be impleaded, in all manner of suits, either in law or equity, may have and keep a common seal, and the same to break, alter and amend at pleasure; and in general, to do all acts, which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of six hundred dollars.

Limits.

Sec. 2. *And be it further enacted,* That the limits of said incorporation, shall include the north-east quarter of section three, township eighteen, and range three, west of the basis meridian.

Election.

Sec. 3. *And be it further enacted,* That there shall be five Councillors elected for said town of Elyton, on the first Monday in May, one thousand eight hundred and forty-one; which election shall be conducted by Major S. W. Hall, Col. M. Kelly and Thomas D. Sandford, any two of whom, shall have power to act, and shall give certificates of election to the five persons who may receive the highest number of votes. The polls of said election shall be opened at ten o'clock, before noon, and close at two o'clock, afternoon, of said day: *Provided,* that said managers shall be qualified by some justice of the peace, to conduct said election according to law.

How conducted.

Sec. 4. *And be it further enacted,* That all subsequent elections in said town, shall be conducted by any two of the Councillors to be appointed by the Board for that purpose; and, if from any cause, said election shall not take place on the day set apart for holding the same, the Board may appoint some other day, not exceeding sixty days from said first Monday in May, in each and every year.

Voters.

Sec. 5. *And be it further enacted,* That all free white male persons, of the age of twenty-one years, who have been resident citizens of said town, for two months preceding said election, or