

# ACTS

OF THE

## GENERAL ASSEMBLY

OF THE

# STATE OF GEORGIA:

Passed in Atlanta, Georgia, at an

## ANNUAL SESSION,

BEGINNING JAN. 13, AND ENDING MARCH 18, 1869.

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COMPILED BY JAMES M. BISHOP.

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Atlanta, Ga.:

SAMUEL BARD, PUBLIC PRINTER.

1869.

Act to incorporate the Atlanta Canal and Water Company.

SEC. 10. That said corporation shall not commence business until the capital stock shall be subscribed and ten per cent. paid in. Business  
—when  
commenced.

SEC. 11. That the individual property of each stockholder shall be liable for the debts of said Company, to the amounts respectively subscribed by them and not paid in at the time any suit shall have commenced. Liability  
of  
stock-  
holders.

SEC. 12. The same powers and privileges as conferred by this bill upon the Americus Manufacturing Company be, and the same are hereby, conferred upon the Fort Valley Manufacturing Company, which Company shall be composed of the following named gentlemen and their successors: D. W. Vipsher, W. J. Anderson, Glenn Vipsher, W. A. Mathews and O. H. Miller, and such other persons as may be associated with them. Provisions  
extended to  
Fort Valley  
Mining Co.  
Successors.

SEC. 13. Repeals conflicting laws.

Approved February 25, 1869.

(No. 94.)

*An act to incorporate the "Atlanta Canal and Water Company."*

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, Hannibal I. Kimball, Edwin N. Kimball, John Rice, John C. Peck and James A. Burns, with such others as may be associated with them, their successors and assigns, shall be, and they are hereby, created a body corporate and politic, by the name and style of the "Atlanta Canal and Water Company," with perpetual succession, for the purpose of supplying the city of Atlanta with water for manufacturing and other purposes, with power to said corporation to contract for, purchase, lease, hold and sell such property, real, personal, or mixed, and to construct, and forever maintain in the said city of Atlanta, or its vicinity, such works as shall, by its Board of Directors, from time to time be deemed necessary to carry out the purposes aforesaid; and said corporation, by its corporate name, shall be capable of suing and being sued, pleading and being impleaded in any and all the Courts of law and equity in this State; and shall be empowered to make, have and use a common seal, renew and alter the same at pleasure; and are hereby invested with all the rights, powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act. Corporators  
  
Style, pur-  
poses, pow-  
ers.  
  
May sue, &c  
  
Common  
seal.

SEC. 2. *And be it further enacted*, That the capital stock of said Company shall be one hundred thousand dollars, but the same may be increased from time to time, as may be deemed expedient, to one million dollars, and shall be divided into shares of twenty-five dollars each. The immediate government of the affairs of the Company shall be vested in a Board of Directors, consisting of such number of persons, not less than five nor more than nine, as the stockholders may from time to time determine. The said Directors shall be chosen by the stockholders of the said Company in the manner hereinafter provided, who shall hold their office for Capital  
stock.  
  
Shares.  
  
Board of  
Directors.  
  
How chosen  
Term of  
office.

## Act to incorporate the Atlanta Canal and Water Company.

one year after their election, and until their successors shall be chosen and qualified to take their places as Directors; and the said Directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number as President of the Company; that the said Board of Directors shall have power to appoint all necessary Clerks, Secretaries and other officers necessary to the transaction of the business of the corporation.

**SEC. 3.** *And be it further enacted,* That the time of holding the annual meeting of said Company, for the election of Directors, shall be fixed and determined by the by-laws of said Company, and at all the meetings each stockholder shall be entitled to a vote, in person or by proxy, one vote for each share of stock he or she may hold in said Company.

**SEC. 4.** *And be it further enacted,* That for the purpose of raising the capital stock of said corporation, the persons named in the first section of this act shall be a Board of Commissioners, who, or a majority of them, are hereby authorized to open subscription books for said stock, at such time and place as they may deem proper, until an election of Directors as herein provided. The persons named in the first section of this act shall constitute a Board of Directors, and shall have, and may exercise all the powers of such Board.

**SEC. 5.** *And be it further enacted,* That the said corporation shall have power, by means of dams, canals, pipes and other appliances, to divert, take from, and use the water of Peachtree Creek, or any other stream or body of water, and introduce the same within the corporate limits of the said city of Atlanta, by paying to such landholders, as have riparian rights in any stream or body of water so taken or used from, as aforesaid, a reasonable compensation therefor; and shall also have the right to lay pipes through the streets, lanes and alleys, within the jurisdiction of said city of Atlanta, by and with the consent of the corporate authorities; and may appropriate to their use such lands, tenements and material of all kinds, in said city or elsewhere, belonging to private individuals, as may be necessary for the cheap, proper and convenient construction and perfection of their works, and for laying pipes, upon paying to the owners of said lands, tenements and materials reasonable compensation for the same.

**SEC. 6.** *And be it further enacted,* That when any person shall feel himself aggrieved or injured by the appropriation to the use of said corporation of any part of his lands, tenements, riparian rights, or materials, and cannot agree with the corporation as to the amount of damage he has thereby sustained, the amount of such damage shall be ascertained and assessed by five appraisers, who, before entering upon the discharge of their duties as such, shall severally take and subscribe an oath, before some judicial officer of the State, well and truly and impartially to determine and award in the premises, of whom two shall be nominated by said Directors, two by such proprietor or proprietors, and the fifth by the four so nominated, whose award, or that of a majority of them, certified in

## Act to incorporate the Atlanta Canal and Water Company.

writing under their hands and seals, in duplicate, one part for each of the parties in interest, shall be recorded in the office of the Clerk of the Superior Court of the county in which such lands, tenements, or material may be situated; and, if not appealed from as hereinafter provided, shall operate as, and have the force and effect of, a judgment vesting in said Company the right-of-way over and through such lands and the riparian rights, for the deprivation of which damages are given, upon which award so recorded and not appealed from, if any sum is thereby awarded as damages to said proprietor or proprietors, the Clerk shall, after the expiration of thirty days from the time of record thereof, issue execution for the same under the usual form of execution, founded upon the judgment of the Courts; but in case either of the parties should be dissatisfied with the decision or award of the said appraisers, such dissatisfied party or parties may, within ten days after the recording of the same, exercise his, her, or their right of appeal by making known his, her, or their intention by a written notice served upon the adverse party, and upon the said Clerk, whose duty it shall be thereupon to suspend the issue of execution and enter a memorandum of such appeal on the common law docket of his Court, to be tried by a special jury at the next term, which trial shall be final, vesting in the said corporation the said right-of-way or riparian rights, and, in case of damages, entitling the person for whom they are found to a judgment and execution therefor; *Provided*, That no difference or disagreement between the said Company and any landholders and owners of riparian rights or material shall be a ground for injunction against said Directors or, or against said Company, or otherwise suspend or impede any of their works, except the said Directors or Company fail to tender to such landholders or owners of material sufficient security for the payment of such damages as may be assessed or found for him as aforesaid, upon the sufficiency of which said security the Judge, to whom application may be made, shall decide, and who, if he deems the same insufficient, shall require other or additional security to be offered within three days, in the failure or refusal to give which an injunction may issue; but any injunction granted against said Directors or Company shall be dissolved so soon as such security as the Judge having jurisdiction may deem sufficient shall have been given by said Directors or Company.

SEC. 7. *And be it further enacted*, That the said Company have the right and power to make and enforce such rules and regulations in relation to the use of said Canal and its waters for manufacturing and other purposes, and to impose and collect such tolls, rents, or other charges, as they may deem equitable and expedient; to raise money, give notes, enter into contracts of any and all kinds, and do all and singular such acts as may be found expedient for the proper management of the business of said Company.

SEC. 8. *And be it further enacted*, That the Board of Directors are hereby authorized to make all necessary rules and by-laws that may be deemed necessary or expedient to carry into effect the provisions of this act, and for the transfer and assignment of its stock,

Recorded  
—when.Force of  
judgment.Execution  
to issue.Appeal—  
how taken.Supersedes  
Appeal—  
how tried.

Proviso.

Injunction  
to be dis-  
solved.Powers of  
Company.May make  
by-laws, &c.

## Incorporating Atlanta and Macon Acid and Fertilizing Companies.

Personal property. which is hereby declared to be personal property and transferable, as shall be provided by the by-laws or ordinances of said corporation, and shall have the right to prescribe the mode and manner in which the capital stock shall be paid in and make calls for the same, and shall also have the right to enforce the payment thereof by the forfeiture of the stock upon which the calls shall not be paid, or by suit, or by both means, under such rules and regulations as the Board may prescribe.

Rule of construction. SEC. 9. *And be it further enacted*, That the rules of construction applicable to public acts shall apply to this act, to the end and intent that it may be construed liberally and beneficially for all purposes herein specified, and the rights, privileges and franchises herein granted shall not be withdrawn during the term of this charter, unless the same be judicially forfeited, and this act shall take effect from and after its passage.

SEC. 10. Repeals conflicting laws.

Approved March 16, 1869.

(No. 95.)

*An act to incorporate the Atlanta Acid and Fertilizing Company and the Macon Acid and Fertilizing Company, to manufacture sulphuric and other acids and fertilizers.*

Preamble. WHEREAS, The home manufacture of fertilizers not only increases the supply of important agents in agriculture, but lessens the expense of procuring the same, and is, therefore, a matter of the greatest moment to the commercial and planting interest of Georgia;

Corporators. SECTION 1. *Be it enacted, &c.*, That Messrs. Redwine & Fox, John G. Reynolds, Robert Baugh and A. Leyden, together with such other persons as they may associate with them for the purpose hereinafter specified, be, and are hereby, constituted a body corporate, under the name and style of the Atlanta Acid and Fertilizing Company, and by that name may sue and be sued, either at law or in equity; may use a common seal, purchase, hold and enjoy real, personal and mixed estate, and they and their successors continue to enjoy this franchise for twenty years.

Powers of Company. SEC. 2. *Be it further enacted*, That the said Atlanta Acid and Fertilizing Company are hereby authorized and empowered to erect buildings and machinery in or near the city of Atlanta, for the manufacture of sulphuric and other acids, and of fertilizers, and shall have authority to use such an amount of capital as may be necessary for the purpose aforesaid, and the capital so used, together with premises and appurtenances thereunto attached, as well as the acids and fertilizers made by them, shall be free from taxation for the period of ten years.

Capital. Taxation. SEC. 3. *Be it further enacted*, That said Atlanta Acid and Fertilizing Company shall have full power and authority to pass such By-laws, &c. by-laws, rules and regulations for the management of their business