

ACTS
AND
JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF SOUTH CAROLINA,
PASSED AT THE
REGULAR SESSION OF 1898.

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town purposes, which shall be paid over by the said town treasurer to the holders of said bonds as the said interest may become due: Provided, Said bonds shall not be delivered nor valid until the said railway is completed to the town or city issuing the bonds, and these conditions shall be expressed in the body of said bonds.

City or town subscribing to have representation in stockholders' meetings.

SECTION 10. That in case any town or city shall subscribe to the capital stock of said company as aforesaid, said city or town shall have the authority to select in such manner as they may choose one or more delegates to represent by proxy said city or town in all meetings of the stockholders of said company according to the number of shares held by said city or town; and said city or town shall have all the privileges, immunities and rights of any other stockholder or stockholders in said company and receive their proportionate shares of all dividends declared, or property held and acquired by the construction and operation of said railway.

Nature of Act and when to take effect and limitations.

SECTION 11. That this Act shall be a public Act, to take effect immediately upon its passage, and the duration of said charter shall be for the period of thirty years: Provided, That work shall begin within three years from the approval of this Act, and in case of failure to commence such work this charter shall be forfeited.

Approved the 19th day of February, A. D. 1898.

No. 591.

No. 122. AN ACT to incorporate the Charleston Light and Water Company.

Preamble.

Whereas the General Assembly of this State has at its present session, by a two-thirds vote of each house on a Concurrent Resolution, allowed a Bill for a special charter of "The Charleston Light and Water Company" to be introduced;

Charleston Light and Water Company incorporated; incorporators, their powers, &c.

SECTION 1. Be it enacted by the General Assembly of the State of South Carolina, That Samuel Lapham, Charles R. Valk, W. H. Welch, R. G. Rhett, H. F. Bremer, George I. Cunningham, Morris Israel, John C. Simonds, and their associates and successors, shall be, and they are hereby,

incorporated and declared a body politic and corporate under the name of "The Charleston Light and Water Company," for the purpose of introducing a water and light supply into the city of Charleston for its public purposes, which corporation shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws; and to sue and be sued, implead and be impleaded, in any court of law or equity in this State; and to have, use and enjoy all other rights and be subject to all other liabilities which are incident to other bodies corporate.

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SECTION 2. The said corporation may purchase and hold all such real and personal estate as may from time to time be required for its purposes, and may dispose of the same in such manner and on such terms as it may deem proper; it shall have full power to lease, sell, donate or convey the same to individuals or other corporations; or in the conduct and management of its business it shall have full power to invest the whole or any part or parts of its funds or property in the capital stock or bonds of and become a stockholder by subscription, either in cash or in property, real or personal, or by purchase of stock, in any other corporation formed or to be formed, and to retain or dispose of such stock in whole or in part at pleasure, exercising all the rights and powers of stockholders in such corporations; to lease, construct and operate, or to assist other persons or corporations in such manner as the said corporation may deem desirable in leasing, constructing, owning and operating water works, gas, oil, electric, or other lighting, heating and power plants, and at its pleasure to incorporate the same; to issue bonds from time to time, in such amounts as it may deem proper, for the payment of money borrowed or for its indebtedness, and to secure the same by mortgage or mortgages on the whole or any part of its property.

Corporation may purchase and hold property, and other rights of.

SECTION 3. The said company shall have full power and authority to take, hold and convey water from any point from any river, creek, springs or other sources within sixty-five miles of the city of Charleston, into and through the said city, with the consent of the city council of Charleston

Powers of in conducting business of conveying water, rights of way for, &c.

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first had and obtained, and shall have full power and authority to make canals, build dams, erect locks, lay conduits or tunnels for the conveyance of said water, through, under or along any highway or railroad track or tracks in the country adjacent, or any street or streets, lane or lanes, alley or alleys of the city of Charleston, for the purpose of conveying and distributing said water; and the canals, locks, dams, conduits or tunnels from time to time to renew or repair, and for such purpose to dig, break up and open at their own expense all and any part of highways, streets, lanes and alleys and of the middle or side pavements thereof, leaving at all times a sufficient passage for carriages, horses and foot passengers, and restoring forthwith to their former condition all such highways, streets, lanes and alleys, and the pavements thereof, as may at any time be taken up, opened or dug; and as aforesaid, the said corporation may, by purchase or otherwise, take and hold any land necessary for the establishment of their works, and also all private rights of way, water courses or other easement which may be on or along the route through which such canals, locks, dams, conduits or tunnels shall pass, and may conduct such canals, locks, dams, conduits or tunnels over or through any public road, river, creek, water course or waters that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream.

Powers of in constructing water works, electric, gas, oil or other lighting, heating or power plants.

SECTION 4. The said corporation shall also have full power to do all acts necessary to open, construct and operate such system or systems of water works, electric, gas, oil or other lighting, heating or power plants as it may deem advisable, and to extend and enlarge the same from time to time as it may deem necessary; and so far as its water works are concerned, it shall be at liberty to draw its water from such source or sources of water supply as aforesaid, to such reservoirs or pumping stations as may be most convenient; and to establish reservoirs; fountains and hydrants in such parts of the streets, lanes and alleys of the city of Charleston, with the consent of the City Council of Charleston, first had and obtained, to be connected with the works, as they may think proper; and it shall be a misdemeanor, punishable by fine or imprisonment, or both, for any person in any way to defile or pollute the waters in any

such source, water supply, canal, conduit or tunnel used or to be used by said company, or to obstruct or in any way damage the same, or divert the water therefrom, without permission from the said corporation, or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply, or take water from any hydrant, cock or other fixtures connected with said water works, without permission from the said corporation, or for any person having charge or control of any hydrant or water pipe connected with said water works to allow or permit any other person to take, draw or use water from the same without permission from the said corporation, or for any person, by false key or otherwise, after the water shall have been shut off from the premises by said corporation, to cause or suffer the said premises to be again supplied with water from said water cocks without permission from the said corporation.

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SECTION 5. The said corporation, being for public purposes, shall have the right to condemn such property, rights of way or water sources as may be necessary to enable said company, or the corporation organized by it, or with its assistance, to successfully construct, erect and operate the said canals, locks, dams, conduits or tunnels, water works, electric, gas, oil or other lighting, heating and power plants, on payment to the owner or owners thereof of just compensation, such property, rights of way or water sources to be condemned and such compensation to be determined in the manner now provided by law for the condemnation of lands and rights of way by railroad corporations.

Rights to condemn property.

SECTION 6. The capital stock of the corporation shall consist of five hundred shares of one hundred dollars each, and may be organized by the said corporators, or a majority of them, upon the bona fide subscription of not less than fifty per cent. thereof and the payment of not less than twenty per cent. of the amount so subscribed to the corporators above named or their duly appointed treasurer: Provided, however, That a majority of the board of directors of the said corporation shall have the power, from time to time and as occasion may require, to increase the said capital stock to any extent not exceeding three million dollars, whenever they deem proper to do so; and the said corporation shall,

Capital stock of company.

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by its by-laws, provide for the manner of raising and distributing such additional capital stock. Each stockholder shall be individually liable to the creditors thereof only to the extent of the amount remaining due to the corporation upon the stock owned by them.

Rights of stockholders.

SECTION 7. Each stockholder shall have one vote for each share of the capital stock of the said corporation he may own or represent at all elections and all meetings of the company; and the said corporation shall have authority in its by-laws to make such regulations as may be deemed proper for representation by proxy of such stockholders as may be absent at such elections and meetings.

Capital stock deemed personal property.

SECTION 8. The capital stock of the said corporation shall be deemed personal property, and the said corporation shall have authority in its by-laws to make all such regulations as may be deemed necessary and proper for the issuing and transfer of such stock or for collecting and enforcing, by sale or otherwise, all subscriptions made thereto.

Diverting the water or corrupting the same, washing or swimming in it, &c., a misdemeanor.

SECTION 9. That if any person or persons shall wantonly, negligently or maliciously divert the water, or any part thereof, of any ponds, streams or water sources which shall be taken by said company in pursuance of the provisions of this Act, or shall corrupt the same or render it impure or offensive by mingling other substances with it, or by washing or swimming in it, or by erecting any privy or nuisance near it, or by any other means whatever, or shall injure or destroy any dam, lock, aqueduct, pipe, wire, conduit, tunnel, hydrant, machinery or any other property held, owned or used by the said company, its lessees or assigns, by the authority and for the purposes of this Act, any such person or persons shall forfeit and pay the said company, its lessees and assigns, treble the amount of damages sustained by such injury, to be recovered in any court of competent jurisdiction; and any such person or persons shall moreover be deemed guilty of a misdemeanor and may on indictment and conviction thereof be punished by fine not exceeding five hundred dollars and imprisonment not exceeding one year, at the discretion of the court.

Remedy and right of action for trespass on property on damaging the same.

SECTION 10. That any such action or complaint by said company, its lessees or assigns, against any person or persons whomsoever on account of or grounded on a trespass or injury done to the said work, or any dam, lock, aqueduct,

pipe, wire, conduit, tunnel, hydrant, machinery or other property of said company, or appertaining to the same, shall in every instance be held and deemed as transitory in its nature, and may be brought, sustained and tried in any court of this State having jurisdiction in such like case; and nothing in this Act providing for special remedies of the said company, its lessees or assigns, shall be construed to deprive them of the right or impair the same of bringing any suit, in law or equity, to which they would otherwise be entitled.

A. D. 1898.

Approved the 19th day of February, A. D. 1898.

No. 592.

AN ACT to incorporate Charleston and Seashore Railroad Company.

No. 30.

SECTION 1. Be it enacted by the General Assembly of the State of South Carolina (a Concurrent Resolution allowing this Bill for a special charter to be introduced having been passed by a two-thirds vote of each house, as required by the Constitution), That J. S. Lawrence, Philip H. Gadsden and W. W. Lawton, of the city of Charleston, and their associates, be, and are hereby, created a body politic and corporate, by the name and style of Charleston and Seashore Railroad Company, and by that name shall have perpetual succession; may sue and be sued; may adopt a common seal and alter the same at will; may prescribe the mode of transferring its shares; may make contracts and acquire and transfer property, both real and personal, including shares of stock in other corporations, possessing the same powers in respect to same as individuals now enjoy; may make by-laws and all rules and regulations deemed expedient for the management of its affairs, not inconsistent with the Constitution and laws of the State or of the United States, and shall be generally vested with all the rights, powers, privileges and franchises conferred by laws of this State on railroad corporations.

Charleston and Seashore Railroad Company incorporated; incorporators, their rights and powers, &c.