

SPECIAL LAWS

OF

THE SEVENTH LEGISLATURE

OF

THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

**AUSTIN
1858**

CHAPTER 133.

An Act to incorporate the San Antonio Water Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel S. Smith, John James, Samuel A. Maverick, Francis Giraud, Gustavus Schleicher and their associates, successors and assigns, be, and they are hereby created and incorporated a body politic and corporate, by the name and style of "The San Antonio Water Company," and by that name and style they and their successors shall have continuance and succession for and during the term of thirty years from and after the passage of this act, and by such corporate name and style, shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing and holding, improving and conveying any estate real personal and mixed, for the use of said corporation; may have a corporate seal, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its business; and it shall be lawful for said corporation, after the expiration of its charter, to use the corporate name, style and capacity for the purpose of the final settlement and liquidation of its affairs and accounts, and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose, nor in any other manner whatever. Provided, nevertheless, that said corporation shall not hold, at any one time, real estate the cost value which exceeds one half the amount of the stock actually paid in, exclusive of the necessary reservoirs, conduits and pipes and machinery, requisite to force the water into the reservoirs.

Sec. 2. That the capital stock of said company shall not, for the present, be less than thirty thousand dollars, nor more than two hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be deemed personal property; and which stock shall be subscribed and paid in as in this and the following sections may be provided. Within forty days after this act goes into effect, it shall be the duty of the persons herein named, or any three of them, to cause to be published in two or more of the newspapers published in the city of San Antonio for at least twenty days, that within thirty

days from the date of said publication, books of subscription will be opened at the Court House in the city of San Antonio, under the superintendance of a majority of said persons, for the capital stock to said company; and no subscription of stock shall be received from any person, who, at the time of subscribing, does not pay into the hands of the Superintendents five per cent on the amount of his subscription. And said books of subscription shall be kept open at such hours as they may deem proper during each day, for the term of ten days; and if, at the end of this time, the amount subscribed shall be thirty thousand dollars or more, the books of subscription shall be closed, and the stockholders shall be notified to meet at the said Court House within the next ten days, for the purpose of appointing a Board of Directors as hereinafter provided. But should the amount subscribed be less than thirty thousand dollars, then each party shall be entitled to receive back from the Superintendents the five per cent. paid by him. Provided, however, that in the latter case the said Commissioners may re-open the books from time to time, until the first day of January, A. D. 1859, when if the sum of thirty thousand dollars be not subscribed, this charter shall cease to have force or effect. Should the persons herein named, or a majority of them, fail to perform the duties assigned to them in this charter, then it shall be legal and competent for any one or more of said parties, together with any number of citizens in all not to exceed five, to proceed to organize said company under the provisions of this charter, in the same manner as if named herein.

Sec. 3. That for the well-ordering and management of the affairs of said corporation, there shall not be less than five, nor more than seven Directors, who shall be elected by the stockholders at their first meeting, as in the preceding section directed, and annually thereafter, and shall continue in office until their successors are qualified; and who, at the time of their election shall be residents of Bexar county, and holders respectively of not less than ten shares of the capital stock of said company; and the Directors thus elected, shall at their first meeting choose one of their own members President. In all elections of Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share he or she may hold; but no stockholder shall vote at any election, unless the share or shares upon which he may claim to vote, shall have been standing in his or her name for at least three months

previous to such election; and in case of absence from any general meeting, any stockholder may vote by proxy in writing.

Sec. 4. That the Directors of said corporation, for the time being, a majority of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of the corporation, and to allow said persons so appointed such compensation for their services as the Directors may deem reasonable and just; and generally to exercise all other authority and powers for the well-ordering and governing of the affairs and funds of said corporation.

Sec. 5. The said corporation shall have the right and power to make and build one or more reservoirs for the reception and holding of water within the limits of the city of San Antonio, or between the limits of said city and San Pedro Spring and the head of the San Antonio river, to erect the necessary machinery to force the water from said San Pedro Creek and San Antonio river, into the said reservoir or reservoirs, to lay and construct all necessary conduits and pipes, of iron, clay, lead, gutta percha, stone, wood, or any other material, to conduct the water from said reservoir or reservoirs to any part of the ancient limits of said city; to contract with the authorities of said city, or the owner of any lands or lots, for the right of way for the conduits and pipes over said land or lots, or through the public streets, alleys, squares and plazas of said city, to establish and fix rates of charges for supplying water per cubic inch, to enter into contract with the authorities or individuals for supplying fountains or reservoirs with water for any length of time not exceeding the duration of this charter; or to supply the said city or the inhabitants of said city, or within the ancient limits thereof, with water, in such quantity, for such time, and at such rate or rates as may be agreed upon by the parties, to borrow money, and contract debts on account of such company, by mortgage, pledge of its stock or otherwise, never to exceed one-half the actual bona fide stock subscribed, to improve and ornament any lot or grounds owned by said company, to lend any portion of its surplus capital on mortgage or otherwise, at a rate of interest not to exceed twelve per centum per annum; and generally to do and perform all acts and things necessary to carry into effect the powers contemplated by this charter.

Sec. 6. That the shares of said corporation shall be assign-

able and transferable upon the books of the company, according to such rules and regulations as the President and Directors thereof shall for that purpose ordain and establish.

Sec. 7. That the President and Directors of the corporation shall annually or semi-annually divide to the stockholders thereof so much of the profits of the business of the company, as in their discretion they shall deem safe and proper.

Sec. 8. The office of the company, incorporated by this act, shall be established in the city of San Antonio, where all its books and papers shall be kept, and at all times open and subject to the inspection of the stockholders.

Sec. 9. After the organization of said Company, the President and Directors thereof, may provide for the re-opening of the books of subscription to the capital stock of said company in the same manner as hereinbefore prescribed, under the superintendence of one or more of the Board of Directors; Provided, the whole amount of the capital of said company shall not exceed two hundred thousand dollars.

Sec. 10. That in case said company, the authorities of the city of San Antonio, or any other person, should disagree as to the damages to be paid for the right of conducting the water over any public street, plaza, or private grounds the same shall be determined by arbitrators, one to be chosen by each party, and in case they cannot agree, the amount to be determined by an umpire to be chosen by said arbitrators.

Sec. 11. That the privileges herein granted, shall not be so construed as to prevent the exercise of similar privileges by any other company hereafter incorporated, nor by the city of San Antonio, nor by any other person or persons associated; nor shall said company exercise their privileges under this charter in such manner as to interfere with the existing rights of irrigation.

Sec. 12. That this Act take effect and be in force from and after its passage.

Approved February 16, 1858.