

*The Sovereign.*  
**ACTS** *Respectfully*  
*W.C.*

PASSED AT A

**GENERAL ASSEMBLY**

OF THE

**COMMONWEALTH**

OF

**VIRGINIA,**

BEGUN AND HELD AT THE CAPITOL,

IN THE

**CITY OF RICHMOND,**

ON MONDAY, THE SIXTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD,  
ONE THOUSAND EIGHT HUNDRED AND THIRTY, AND OF THE  
COMMONWEALTH THE FIFTY-FIFTH.

TO WHICH ARE PREFIXED,

**THE DECLARATION OF RIGHTS,**

AND

**THE CONSTITUTION OF VIRGINIA.**

**RICHMOND:**

PRINTED BY THOMAS RITCHIE,  
Printer to the Commonwealth.

1831.

- Company empowered to dispose of water to individuals.** 10. *Be it further enacted*, That it shall be lawful for the president and directors aforesaid, when they shall have conducted the water aforesaid into the said town, to sell and dispose of the same, to the citizens thereof, in such manner, and at such prices, as to them shall from time to time, seem expedient for the interests of the said company; and all the profits and emoluments accruing to the said company from a disposal of the water to be conducted into the said town, in the manner aforesaid, shall, after deducting all necessary expenses and charges, be divided among the said stockholders in proportion to the amount of stock owned by them respectively, at such times as shall be agreed upon by the said company in legal meeting assembled; and the stock of the said company shall be assignable and transferable in such manner and form, as shall be prescribed by the by-laws of the said corporation.
- Dividends.**
- Stock assignable.**
- Mutual assurance society authorized to subscribe for stock.** 11. *Be it further enacted*, That the mutual assurance society against fire on buildings in the state of Virginia, are hereby authorized to subscribe for part of the stock aforesaid; or may in any other manner which to them may seem proper, aid the said company in the aforesaid undertaking.
- Basin or canal of Rappahannock company, not to be disturbed.** 12. *Be it further enacted*, That nothing in this act contained, shall be so construed, as to authorize the said "Fredericksburg Aqueduct Company," to disturb the basin or canal of the Rappahannock company, without the consent of said company.
- Act under control of legislature.** 13. *And be it further enacted*, That this act and every part and provision thereof, shall be subject to be altered, amended, modified or repealed by any future legislature of Virginia, as to them may seem necessary and proper.
- Commencement.** 14. This act shall commence and be in force from and after the passing thereof.

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CHAP. CLXXXIII.—AN ACT incorporating the Norfolk aqueduct company.

(Passed January 6, 1831.)

- Books, where, when, and by whom to be opened.** 1. *Be it enacted by the general assembly*, That it shall be lawful to open books at Hall's book-store in the borough of Norfolk, on the first Monday in March next, under the direction of George Newton, Thomas Williamson, John Southgate, Frederick Myers, William B. Lamb, Thomas Reilly and Albert Almand, or any three of them, ten days previous notice thereof having been first given in two of the newspapers published in the said borough, for receiving subscriptions to raise a capital stock not exceeding the sum of thirty thousand dollars, in shares of twenty dollars each, for the purpose of conducting a constant and ample supply of good and wholesome water from Briggs's Point or elsewhere, into and along some one or any or all of the streets of the said borough: such subscription books to remain open for the term of ninety days, unless all the shares by this act authorized to be taken, shall have been sooner subscribed for.
- Amount of capital. Appropriated to conducting water into Norfolk.**
- Books, how long to remain open.**
- First general meeting, when.** 2. Whenever one hundred shares shall be subscribed for, a general meeting of the stockholders shall be called by the managers aforesaid, or a majority of them, notice of the time and place of such meeting being given as aforesaid: and if one hundred or more shares shall not be subscribed within the time aforesaid, it shall and may be lawful for the said managers, or a majority of them, to open the subscription books again, at such time and place as they may

think best, giving notice thereof as aforesaid; and all shares not subscribed for at the time of the meeting for choosing directors, shall thereafter be subscribed for or disposed of at such time and in such manner as the president and directors may deem necessary and expedient.

3. The subscribers aforesaid, and their successors or assigns, shall be, and they are hereby created a body politic and corporate, for the purpose aforesaid, by the name and style of "The Norfolk Aqueduct Company;" and shall by that name, have perpetual succession, and may sue and be sued, plead and be impleaded, in all the courts of law and equity in this commonwealth; and the said company may moreover have and use a common seal. Company incorporated.

4. The stockholders of said company, or a majority of them, at their first, and every subsequent election, which shall be held annually on the first Monday in June, shall elect nine directors, all of whom shall be stockholders, who shall, within ten days after such election, choose one of their own body as president. The president and directors shall remain in office one year, or until their successors can be appointed: *Provided however*, That nothing herein shall be so construed as to prevent the re-election of such president and directors from year to year. President and directors, how and when to be elected. How long to remain in office.

5. The president and directors, or a majority of them, shall have power to appoint officers under them, and to regulate their salaries, and to fill all vacancies which may occur in their own body, and to make all by-laws and regulations for the good government of said company, (not contrary to the constitution or laws of this state or of the United States,) subject however to the alteration or repeal of the stockholders at any subsequent meeting. Officers to be appointed, and their compensation. Vacancies, how supplied. Power to make by-laws.

6. Stockholders shall be entitled to vote, either in person or by proxy, as follows: On each share not exceeding ten, one vote; on every five shares above ten, and not exceeding fifty, one vote; and on every additional ten shares above fifty, one vote. Ratio of votes.

7. Any number of stockholders not less than ten, representing fifty shares, shall have power at all times to call a special meeting of the company, notice of the time and place being given as aforesaid. If from any cause there should be a failure of either an annual or special meeting, the president and directors, or a majority of those present, may adjourn to a subsequent day, giving notice thereof as aforesaid. Special meetings, how called.

8. Each person shall, upon subscribing, pay to some one of the managers five dollars upon each share so subscribed for, and the balance shall be called for by the president and directors from time to time, as circumstances may require. So soon as the said company shall be organized, the managers shall pay over to the president and directors whatever sum may be in their hands belonging to the said company. Subscriptions, how payable.

9. Any stockholder who shall fail to make payment, when thereunto required by the president and directors, shall subject his or her stock to be sold at public auction for ready money, notice of the time and place being published as aforesaid; and if the money produced by such sale shall be insufficient to discharge said call and expense, such delinquent stockholder shall still be bound to said company for the deficit, and shall not, by virtue of said sale, be discharged from the payment of the amount of the original subscription, as called for: *Provided*, That where the whole stock shall be sold, the amount Penalty for failing to pay subscriptions.

called for thereafter shall be recovered from said delinquent stockholder, by motion in the court of Norfolk borough, ten days previous notice having been given.

Power to contract for land for reservoir.

10. The president and directors, or a majority of them, shall have power to contract, in behalf of said company, with the proprietor or proprietors of any land on Briggs's Point or elsewhere in the said borough of Norfolk, on which there may be any spring or springs, or current or vein of water, or which may be deemed convenient for the opening of wells and the establishment of a cistern or reservoir, from whence it may be desired to conduct water into different parts of the said borough, for the purchase, or for the use and occupation, for a term of years, of any piece of such land, not exceeding five acres, for the purpose aforesaid; and such piece of land, if purchased, shall be forever vested in the said company: *Provided however*, That whenever the same shall cease to be used for the purposes aforesaid, it shall revert to the former owner or owners, and their heirs forever.

Such land, when to revert to original owner.

Power to open streets and highways.

11. *And be it further enacted*, That the said president and directors shall have power, by and with the consent of the mayor, recorder and aldermen of said borough, to open ground in any part of the streets and highways thereof, for the purpose of sinking or repairing such pipes or conduits as may be necessary for conducting water into different parts of the said borough: *Provided however*, That such streets or highways shall not be opened in such manner as to prevent the passing therein of carts, drays, waggons or carriages, with convenience; and that after opening the ground in said streets or highways, it shall be the duty of the said president and directors to put the same in good repair again, under the penalty of being liable for any nuisance which they shall have made or caused.

Proviso.

Size of pipes.

12. *And be it further enacted*, That the pipes or conduits which may be sunk by the said company, shall be of a diameter not less than three inches; and at each corner or intersection of the streets along which such pipes or conduits shall be placed, it shall be the duty of the said company to erect a hydon, from whence the water may with convenience be drawn, and applied, if necessary, to the suppression of fires, or the cleansing and watering of the streets.

Hydrons to be placed at intersection of streets.

Authority to extend lateral pipes.

13. *And be it further enacted*, That it shall and may be lawful for the said president and directors to extend lateral pipes from the main pipes which they may have sunk as aforesaid, into the lot or lots of any person or persons, who may contract with them so to do, on such terms and conditions as shall be agreed upon between them.

Company authorized to sell water.

14. *And be it further enacted*, That it shall and may be lawful for the said president and directors to sell and dispose of the water from their wells or reservoirs and pipes, to the citizens of said borough and other persons, in such manner and at such prices as to them shall from time to time seem expedient for the interest of the said company: and all the profits accruing to the said company for the sale of their said water, shall, after deducting all necessary expenses and charges, be divided among the said stockholders, in proportion to the amount of stock owned by them respectively, at such times as shall be agreed upon by the said company in legal meeting assembled: and the stock of the said company shall be assignable and transferable in such manner and form as shall be prescribed by the by-laws of the said corporation.

Dividends.

Stock assignable.

15. *And be it further enacted,* That if any person or persons shall divert, use, apply or draw off any part of the water so by the said company introduced into any street of the said borough, without the consent of the said company first had and obtained, he, she or they shall forfeit and pay the sum of five dollars to and for the use of the said company, for every such offence, and shall moreover be subject to the action or prosecution of the said company for the same.

Penalty for using water without consent of company.

16. *And be it further enacted,* That the mutual assurance society against fire on buildings of the state of Virginia, be, and the said society is hereby authorized to subscribe for such part of the stock aforesaid as to it shall seem expedient.

Mutual assurance society authorized to subscribe for stock.

17. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CLXXXIV.—AN ACT concerning the water works in the city of Richmond.

[Passed March 23, 1831.]

Whereas it is represented to the general assembly, that a large majority of the citizens of Richmond, qualified by law to vote for members of the common hall of said city, have declared (by a vote taken under a resolution of the hall,) their desire to have water introduced by means of iron pipes through the various streets of said city, from some convenient point on James river, but which cannot conveniently be done without passing their pipes through the land of private individuals, both within and without the limits of the corporation: And whereas the said work has actually been commenced under contracts made under the authority of the said common hall:

Preamble.

1. *Be it therefore enacted by the general assembly,* That for the purpose of effecting said object, it shall be lawful for the said common hall of the city of Richmond, at any time hereafter, to contract and agree with the owners of any land for the use or purchase thereof, whether the same be situated within or without the limits of said corporation, if in the opinion of said common hall, the use or possession of said land be desirable for the convenient location of said pipes, water works, or any of the fixtures or appurtenances thereof; and in case of disagreement, or if the owner thereof be *feme covert*, under age, *non compos mentis*, out of the state, or unknown, the said common hall of the city of Richmond may apply to and obtain from the court for the county of Henrico a writ of *ad quod damnum*, (which it shall be the duty of said court, on application, to award,) directed to the sheriff of said county, commanding him to impanel a jury of twelve freeholders of the county of Henrico, not related to the parties, or in any manner interested, whose duty it shall be to go upon the land, and being sworn, to ascertain and fix the damages which will accrue to the owner of said land, by reason of the location of said water works thereon, or the passage of the said pipes or fixtures through the same. The damages assessed shall be certified under the hands and the seals of the said jury, and by the said sheriff shall be returned to the court of said county, and recorded, and shall be paid by the said common hall of the city of Richmond to the proprietors of the said lands, or deposited for his, her, or their use, in one of the state banks in the city

Common hall of Richmond authorized to contract for use of land.

Provision for acquisition of land in case of disagreement with owner.

Jury to be impanelled, to ascertain damages.

Damages to be certified to court and recorded.

To be paid by common hall.