

PRIVATE LAWS

OF

THE STATE OF ILLINOIS,

PASSED AT

THE FIRST SESSION

OF THE

SEVENTEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 6, 1851.

SPRINGFIELD:
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1851.

and the same is hereby extended to a period of eleven years from and after the passage of the act to which this act is supplementary.

APPROVED Feb. 15, 1851.

AN ACT to incorporate the Chicago City Hydraulic Company.

In force Feb. 15,
1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John B. Turner, Horatio G. Loomis and Alson S. Sherman be and they are hereby named and constituted as a board of water commissioners for the city of Chicago, who; and their successors in office, shall be a body politic and corporate, by the name and style of the "Board of Water Commissioners of the City of Chicago," and by that name shall have perpetual succession, with power to contract, sue and be sued, to purchase, hold and convey personal and real estate; to have a common seal, to alter and break the same at pleasure; and make by-laws and do all legal acts which may be necessary and proper to carry out the effect, intent and object of this act.

Commissioners.

Style.

General powers.

§ 2. The said commissioners shall hold their offices respectively for the term of three, four and five years. Said commissioners shall, within sixty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said city, which shall be entered of record on the books of the said common council, and on the first Tuesday of April, in the year of our Lord one thousand eight hundred and fifty-four, and annually thereafter, there shall be an election held by the qualified voters of said city, in the same manner that elections are held for the election of mayor, for the election of one or more commissioners to fill vacancies occasioned by the termination in any manner of the term of any commissioner under this act. All commissioners elected subsequent to the first election aforesaid, shall hold their office for the term of three years, and in case of the death or resignation of any of said commissioners the remaining commissioners shall nominate some citizen of said city, being a qualified voter, to fill such vacancy, and shall present such citizen to the common council of said city for confirmation, who, if confirmed by said common council, shall have full power to act as such commissioner, but if the said common council shall refuse to confirm such nomination, said commissioners shall nominate another, and so on until such confirmation shall be made;

Term of office.

Elections.

Vacancies.

such person when so confirmed shall fill such vacancy until the next regular election of a commissioner to be held after such confirmation.

- Loan of money.** § 3. The said commissioners shall have power to loan, from time to time, for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Chicago, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them or a majority of them, and bearing interest not exceeding ten per centum per annum. And it shall be the duty of said commissioners to keep an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to furnish to the clerk of said city a copy of such register, as soon as the same is made, which shall be preserved by said clerk and copied into the records of said city.
- Bonds.**
- Interest.**
- Register of bonds.**
- Supplies of water.** § 4. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Chicago with a sufficient quantity of pure and wholesome water, to be taken from Lake Michigan, for the use of the inhabitants.
- Engineers, &c.** § 5. The said commissioners shall have power, and it is made their duty, to employ engineers, surveyors, and such other persons as in their opinion may be necessary to enable them to perform their duties under this act.
- Purchase of lots.** § 6. Said commissioners shall have the power, and it is hereby made their duty, as soon as may be after the necessary funds shall have been procured as herein provided, to purchase such lot or lots of land, and to construct such buildings, machinery and fixtures as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city.
- Construction of buildings.**
- Reservoirs.** § 7. Said commissioners shall have power to construct reservoirs, jets and public and private hydrants, and to lay pipes in and through all the alleys and streets of said city, and also across all rivers and streams, not interfering with the navigation of the same, and, with the consent of the common council of said city, to construct fountains in the public squares or such other public grounds of said city as they shall deem expedient.
- Fountains.**
- Assessment of water rents.** § 8. The said commissioners shall, from time to time, assess the water rents to be paid for water used at each house or other building against the occupant or occupants, owner or owners, of such house or other building, upon such basis as they shall deem equitable, and such water rents shall become a continuing lien upon such house or

other building for the accommodation of which water shall have been introduced, and upon the land or lot and house or other building on which such house or other building stands, when said lot or land and building are owned by the same person or persons, from the time the water shall have been introduced as aforesaid.

§ 9. It shall be the duty of said commissioners to collect the rents so assessed, and in case any person or persons so assessed shall neglect to pay any such assessment for ten days after the time fixed for the payment thereof, of which notice shall be given in some newspaper published in said city, such notice to be at least ten days before the time fixed for the payment of such rents, said commissioners shall issue their warrants, under the seal of said corporation, directed to the marshal or any constable of said city, commanding him to make the amount specified in such warrant, being the amount due for water rent as aforesaid, together with the costs of advertising the same, and such fees as constables are entitled to by the laws of this state in the levy and sale of personal property upon execution, out of the goods and chattels of the person or persons so assessed as aforesaid; and the marshal or constable in such case may levy under said warrant upon any personal property of the person or persons against whom the same is issued, and sell the same at public auction, after giving ten days' notice of the time and place of sale in some newspaper published in said city; and such warrants shall authorize the sale of any house or building on which any lien shall have attached as aforesaid, subject only to such *bona fide* incumbrances as shall have existed prior to the time of the introduction of such water as aforesaid.

§ 10. And when any such warrants shall be returned by said officer unsatisfied, the said commissioners shall proceed to sell said lands and lots and building or buildings, when owned by the same person as aforesaid, in the same manner and after having given the like notice as is required by the laws of this state for the sale of lands for taxes, and the certificate of sale in such cases, signed by either of said commissioners, shall have the same force and effect as the certificate required by law on the sale of lands for taxes as aforesaid. In case the said real estate shall be sold as aforesaid, and the person or persons owning the same shall neglect to redeem the same in manner provided by the laws of this state for the redemption of real estate in sales for taxes, the said commissioners may give a deed, under the seal of said corporation, of the said real estate so sold as aforesaid to the purchaser or purchasers thereof; which deed shall be, as near as may be, the same, and shall have the like force and effect as deeds given upon the sale of lands for taxes as provided by the laws of this state.

Collection of rents.

Sale of property.

Deeds.

Assessment for
use of public
hydrant.

§ 11. The said commissioners shall also, from time to time, assess upon the person or persons occupying or moving any house or other building situated in the vicinity of any public hydrant, when said house or other building is not supplied by a private hydrant, such amount as in their judgment the occupant of such house or other building might be benefitted by the use of such public hydrant, and such assessment when so made shall be a lien upon such house or other building, and upon the lot on which the same shall stand when said house or other building and lot are owned by the same individual, in the same manner as hereinbefore provided in case of private hydrants, and such assessment may be collected in the same manner in all respects as is hereinbefore provided.

Hydrants.

§ 12. It shall be the duty of said commissioners to construct hydrants of sufficient size and capacity, and in such localities, as they shall deem desirable, for the purpose of extinguishing fires, and they shall assess the houses and other buildings in the vicinity of the said hydrants in the proportion in which they shall deem the same respectively benefitted, and the said assessment shall be collected in the same manner as is herein provided for the collection of the water rent assessed by said corporation.

Record of pro-
ceedings.

§ 13. The said commissioners shall keep an accurate record of all proceedings, together with a list of all assessments for water rents, which shall be subject to inspection at all times, and may elect one of their own number to act as secretary of said board, or employ some other competent person for the purpose, as they may deem desirable.

Reports.

§ 14. It shall be the duty of said commissioners to make report to the common council of said city semi-annually; which report shall embrace a statement of the funds and securities of said corporation, and all debts due and owing to and from said corporation, together with an accurate account of their expenditures; which statement shall be certified by said commissioners under oath, and shall be entered for record by the clerk of the said city, and published in some newspaper in said city of Chicago.

Surplus rec'pts.

§ 15. Whenever the receipts of said corporation, from water rent or other sources, shall accumulate so that there shall be a surplus amounting to a sum of not less than five hundred dollars (\$500,) not needed for the payment of the current expenses of said corporation, it shall be the duty of the commissioners to invest the same in some safe stocks, or upon other real or personal securities, under the direction and approval of the judge of the circuit court of Cook county, or some other judge in said county having chancery jurisdiction; such approval to be signified in writing, under the hand of such judge. Such investment shall be made in the name of said corporation, and in such man-

Application.

ner as to make the same available for the payment of interest and the principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds as fast as such surplus fund will permit, and also the principal as the bonds become due, as funds for such purpose shall, from time to time, accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds, for such amount and on such time as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Bonds.

§ 16. It shall be the duty of said commissioners, at least thirty days before the time fixed by the ordinances of said city for assessing city taxes, to make a special report to the common council of said city, what, if any, sum will be needed by said commissioners, over and above the revenues of said corporation, to meet the payment of interest or principal of the bonds issued as aforesaid, and it shall be the duty of the common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax, and the said amount shall be paid over to the said corporation by the collector of said city.

Special reports.

Special tax.

§ 17. The salary of said commissioners, and also of the secretary of said board, shall be fixed by the common council of said city, from time to time, as soon as may be after the passage of this act, and after such election as herein provided, and the amount of such salary shall not be reduced during the term for which said commissioner shall be elected.

Salaries.

§ 18. Each commissioner, before entering upon the duties of his office, shall give bond to said city, in such sum and with surety to the satisfaction of the common council of said city, conditioned for the faithful performance of his duties as such commissioner, and that he will faithfully disburse and account for all moneys coming under his control as such commissioner; the amount of which bond may be increased at any time as the said common council may deem expedient.

Commissioners to give bond.

§ 19. Said commissioners may purchase the corporate rights, and real and personal property, fixtures and stock of every name and description, of the Chicago Hydraulic company, on such terms as may be agreed upon between said commissioners and said company, and when such purchase shall be made the said commissioners shall succeed to

Chicago Hydraulic company.

and become invested with all the powers, rights, privileges and immunities exercised and enjoyed by the said Chicago Hydraulic company, under their charter, and shall continue to supply water to the citizens of Chicago under the same, and collect the money and rents due therefor, in all respects as fully and effectually as the said Chicago Hydraulic company can or may do, until the said commissioners, acting under the provisions of this act, shall have completed their arrangements, machinery, engines, pipes, buildings and other things provided for in this act, for the purpose of supplying the said city with pure and wholesome water; after which time the said Chicago Hydraulic company and their said charter shall become extinct and null: *Provided, always,* that if the said commissioners cannot agree with the said Chicago Hydraulic company as to what sum shall be paid the said Chicago Hydraulic company for their property, rights and privileges, then the said company shall have the right to establish, by satisfactory proof, the actual cost of their said property, before the judge of the circuit court of Cook county, upon petition to him, in term time or vacation, and no greater sum shall be paid for the same than the said judge shall decide the actual cost to have been.

Right of repeal. § 20. This act may at any time be altered, repealed or amended.

Materials, &c., exempt from execution. § 21. All materials procured or partially procured under a contract with the commissioners, shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Commissioners not to be interested in contracts. § 22. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Removal of commissioners. § 23. The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon petition presented to him, in term time or in vacation, by the common council of the city of Chicago, if it shall appear, after hearing and proof before said judge, that the said commissioners, or either of them, have been guilty of misfeasance or malfeasance in office, or of any breach of duty, either of commission or omission, under this act, and if the said judge shall remove any two or more of said commissioners from office, for any cause, before the expiration of their term of office, he is hereby authorized

and empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioner so removed.

§ 24. The said commissioners shall adopt such places Location of hydraulic works. as in their opinion may be most advantageous for procuring such supply of water, and shall ascertain, as nearly as may be, what amount of money may be necessary to carry the same into effect. The said commissioners shall make a report of their proceedings, containing a full statement and description of the place adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions may be founded, and all such other information connected with the object of their appointment as they may deem important.

§ 25. Such report shall be made and presented to the Report to common council. common council by the said commissioners, together with all such conditional contracts as may have been made by them by virtue of this act, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and fifty-two.

§ 26. The said commissioners are hereby authorized to Right of way. enter upon any land or water for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act as to the amount of compensation to be paid to such owner.

§ 27. In cases of disagreement between the commis- Damages, how determined. sioners and the owners of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner; or in case any such owner shall be an infant, a married woman, or insane, or absent from this state, the judge of the circuit court of Cook county may, upon the application of either party, nominate and appoint three indifferent persons to examine such property, and to estimate the value thereof, or damage sustained thereby, and to report thereon to the said court, without delay.

§ 28. Whenever such report shall have been confirmed by the said circuit judge of Cook county, the said commis- Payment of damages. sioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be, and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage.

§ 29. If any person shall wilfully do or cause to be Penalty. done any act whereby any work, materials or property

whatsoever, erected or used within the city of Chicago or elsewhere by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall wilfully pollute the water, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished therefor as other misdemeanors are punished.

Contracts to be
in writing.

§ 30. All contracts for materials or for the construction of the work shall be made in writing, and of each contract two copies shall be taken, which shall be numbered and indorsed with the date of the contract and with the name of the contractor, and a summary of the work to be done or materials to be furnished; one copy of which shall be retained by said commissioners and the other copy of which shall be filed with and kept and preserved by the clerk of the common council among the files of said office.

Sealed propo-
sals.

§ 31. Public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts. All sealed proposals for contracts shall be for a sum certain, as to the price to be paid or received, and no proposition which is not thus definite and certain, or which contains any alternative condition or limitation as to price, shall be received or acted on.

No person to
submit more
than one pro-
posal.

§ 32. No more than one proposition shall be received from any one person for the same contract, and all the propositions of the person offering more than one shall be received [rejected.]

Security.

§ 33. Every person who shall enter into any contract for the supply of materials, or the performance of labor, shall give satisfactory security to the commissioners for the faithful performance of his contract, according to its terms.

APPROVED February 15, 1851.

In force Februa-
ry 20, 1851.

AN ACT to authorize Young Stokes and J. W. Taylor to keep a ferry across Rock river, at Cleveland.

Ferry author-
ized.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Young Stokes and J. W. Taylor, their heirs and assigns, shall have the right and they are hereby authorized to establish and keep a ferry, for the term of ten years from the passage of this act, across Rock river, at Cleveland, in Henry county.

§ 2. The said Young Stokes and J. W. Taylor shall at all times keep good and sufficient boats, for the speedy passage and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers; and shall furnish said boats with men