

PRIVATE LAWS

OF

1855

THE STATE OF ILLINOIS,

PASSED AT THE

NINETEENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 1, 1855.

OHIO STATE

UNIVERSITY
SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

1855.

744 + 12

of stock so taken by any one town shall not exceed one thousand dollars.

Mag convert
bonds into stock

§ 22. Whenever any town in Grundy county shall have subscribed to the capital stock of said company and shall have issued the bonds of the said town therefor in the manner provided by this act it shall be lawful for the legal holders of such bonds or either of them to convert the same into stock of said company in manner following: 1st, said holder shall surrender said bonds to the town clerk of the town by which it was issued, and shall also pay to said clerk the amount of interest which shall have accrued on said bond and shall have been paid by said town, for which said clerk shall give his receipt and pay the same to the treasurer of said town. Said clerk shall also give his receipt for said bond, and upon the presentation of such receipt it shall be the duty of the secretary of said bridge to transfer on the books of said company, the amount of stock held by said town in said bridge company, which shall be equal to the amount of the bond so surrendered.

§ 23. This act shall be deemed and taken as a public act in all the courts in this state, and shall be in force from and after its passage.

APPROVED Feb. 13, 1855.

In force Feb. 14, 1856. AN ACT in amendment of and supplemental of an act entitled "An act to incorporate the Chicago City Hydraulic Company."

Water commis-
sioners.

South division.

Electd each year

Vacancy how
filled.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the persons hereafter to be elected water commissioners of said city shall be taken, successively, from the south, north and west divisions of said city, in the following order: The first election after the passage hereof shall be of a commissioner from the south division, the next from the north division, and the next from the west division, and so on in the same order, so that one commissioner shall be elected for one of said divisions each year, and shall hold his office for three years from the time of his election. No person shall be elected from any division unless he shall at the time of his election be a freeholder, and have been a resident of said city for at least three years and of said division for at least six months next preceding such election. In case of any vacancy in office of any one or more of*

said commissioners the vacancy shall be filled by the election, by the common council, of some citizen of said city, duly qualified and resident as aforesaid, who shall have power to act as such commissioner until the expiration of the full term for which the commissioner was elected in whose place he is appointed: *Provided*, that no person shall be considered elected by the said common council unless he shall receive a majority of the votes of all the aldermen by law authorised to be elected. The first election under this act shall be for a commissioner from the south division, and shall be held on the first Tuesday in May, A. D. 1855, and the succeeding elections shall be annually thereafter.

Provided.

§ 2. If any commissioner shall during his term of office remove his place of residence from the division from which he was elected such removal shall vacate the office of such commissioner, and the common council shall forthwith declare said office vacant and proceed to elect some person, duly qualified and resident as aforesaid, who shall act as commissioner during the unexpired term of the commissioner whose office is thus vacated.

Seat vacant on removal from division.

§ 3. The said board shall have the power and it shall be their duty to assess, as water rents, such amounts as they shall deem equitable upon the owner or owners, occupant or occupants of any building or buildings which shall be situated on lots adjoining any street, avenue or alley in said city through which the distributing water pipes are or may hereafter be laid from which such building or buildings can be conveniently supplied with water, whether the said owner or owners shall make use of such water or not; and said water rates shall be and become a continuing lien or charge upon all such buildings and the lot or lots upon which such buildings are situated, if owned by the same person or persons as such building or buildings, and shall be collected in like manner with other water rates of said city, as provided by the act of which this is an amendment.

Water rents.

§ 4. The said commissioners may make such division of duties among themselves for each year of their term as they shall deem expedient, and shall report, in writing, to the common council the nature and extent of the duties assigned to each commissioner; which report shall be made on the third Monday of May or as soon thereafter as may be in each year; and the council shall thereupon fix the salary to be paid to each of said commissioners during the year next succeeding for the performance of the duties so specially assigned to him, and such salary shall attach to the performance of the said respective duties and not be changed during the year for which it was fixed.

Report to common council.

2. to borrow money.

§ 5. The said commissioners shall have power to borrow from time to time, as they and the common council shall deem expedient, a sum, not exceeding three hundred thousand dollars, upon the credit of said city of Chicago, and shall have power, by and with the approval of the common council of said city, to issue bonds pledging the faith and credit of the said city for the payment of the principal and interest of said bonds; which bonds shall be issued under the seal of said board, and shall be signed by them, and may be made payable at such place and in such currency as they shall deem expedient, and bearing interest not exceeding seven per cent. per annum: *Provided*, that the said commissioners shall not sell the said bonds, whatever rate of interest the same may bear, at a rate which will net to the said board less than par value for seven per cent. bonds: *Provided, further*, that no bonds shall be issued until the common council shall have approved of such issue by a vote of a majority of all the aldermen by law authorised to be elected: *And provided*, that all bonds issued by the said board, before they shall be binding upon said city, shall be marked "approved" by the mayor and clerk of said city, under the seal of said city, and that such signature and seal shall be conclusive evidence to the holders of said bonds of the fact of such approval. It shall be the duty of the said commissioners to keep an accurate register of all bonds and all interest coupons issued by them, showing the number, date and amount of each bond and coupon and to whom issued and where payable; and it shall be the duty of the city clerk to register the said bonds, when approved as aforesaid, in the same manner as the other indebtedness of said city is registered: *Provided, further*, that all funds derived from the sale of the bonds of the said board or from water rents or otherwise shall be exclusively used for and appropriated by said board to the objects and purposes specified in said act of which this is an amendment, nor shall the same or any part thereof be loaned to or used by the said city of Chicago.

Proviso.

Further proviso.

Bonds to be approved by mayor

Issue of bonds.

§ 6. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds for any of the purposes specified in the said act of which this is an amendment, to make a report to the common council, setting forth, in detail, the nature and amount of the work proposed to be executed and the amount which will be required by them for any of the purposes for which said board was constituted within a period not exceeding six months from the date of said report; which report shall specify, in detail, the amount and nature of the work and of the different kinds of work proposed to be executed in said time and the estimated cost of said work and of each

kind of work and the amount of material required to be purchased and the estimated cost of the same, and the common council may thereupon approve the issue of the whole amount of bonds called for, by such report or such part thereof as the said common council may deem expedient.

§ 7. The said board shall cause to be printed on each water permit issued to any party using the water a copy of all rules and restrictions regulating the use of the water, which shall be adopted by them, and they shall further report a copy thereof to the common council, who shall thereupon pass an ordinance establishing such rules and regulations and providing penalties for their violation, which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city. In all cases where said rules are not complied with the said board shall have the right to stop or cut off the supply of water from any person or persons refusing or neglecting such compliance.

Copy of rules to be printed on each water permit.

§ 8. It shall be the duty of the said board to return to the common council as often as said board shall deem necessary the warrants for the collection of water rents issued by them as provided in the 9th section of the act of which this is an amendment which have been returned to said board unsatisfied, and shall report to the common council, at the same time, the building or buildings, lot or lots to which the amounts specified in such warrants are respectively chargeable; and the common council shall thereupon take the same proceedings for the collections of such amounts as are or may hereafter be provided by the charter and ordinances of said city for the collection of the amount due or any warrant for the collection of the side-walk assessments after such warrant has been returned unsatisfied, and the amount, when so collected, to be paid over to the said board.

Return warrants to common council.

§ 9. Whenever the receipts of the said corporation from water rents or other sources shall accumulate so that there shall be a surplus amount, to a sum of not less than five hundred dollars, not needed for the current expenses of said corporation, it shall be the duty of the commissioners to invest the same, first in the payment of the interest on said bonds as it becomes due or in the purchase of the outstanding bonds of said company, if they can be purchased at or below par; if not, then in the purchase of United States' or state government stocks or upon unincumbered real estate in the county of Cook, of at least double the value of the amount loaned, with the approval of the mayor and committee on finance of the common council or of a majority of them, such approval to be signified in writing, under the hand of the said mayor and

Surplus amount to be invested.

Investment to be made in the name of the corporation.

committee on finance or a majority of them. Such investment shall be made in the name of said corporation, and in such manner as to make the same available for the payment of the interest and principal of the bonds issued by them. The semi-annual report of said board shall specify, in full, the nature and amount of the respective securities in which the said surplus fund is invested.

§ 10. No one or more of said commissioners nor any of the officers of said board nor any member of the common council, during the term for which they were elected, shall be interested, directly or indirectly, in any contract entered into by said board with any other person, nor in the purchase of any other materials to be used or applied in or about the uses and purposes contemplated in this act.

Commissioners not to be interested in any contract.

§ 11. The said commissioners or either of them may be removed from office by the judge of the circuit court or the judge of the court of common pleas of Cook county upon petition, addressed to either of said judges, at any time, by the common council of said city. The said petition shall be voted by a majority of all the members of said council, and when presented to such judge shall be accompanied by specifications of the charges made against said commissioner or commissioners. No technical form shall be required for the statement of said charges, so that the same are stated in such form as to be specific and intelligible. The judge to whom such petition is addressed, upon presentation of said petition, shall order a copy thereof to be filed in said court of which he is judge, and notice of the filing thereof to be issued forthwith, by the clerk of said court, to said commissioner, and that the same would be taken up in twenty days after the service of such notice upon said commissioner. The said judge

Remove commissioners.

shall sit as a special commission to try said charges, and the course of proceeding on such trial shall be governed by the general rules of procedure in the trial of misdemeanors in the courts of this state, excepting that no jury shall be allowed. Evidence may be given, either orally or by deposition, as in civil cases, and the said commissioners may each be interrogated, upon oath, touching the matters contained in said charges; and if it shall appear to the satisfaction of such judges that the said commissioner or commissioners, charged as aforesaid, have been guilty of malfeasance in office or of any breach of duty, either of commission or omission, under this act, which shall have been charged as aforesaid, the said judge shall order the removal of any one or more of said commissioners; and if the said judge shall, for any cause, remove any one or more of said commissioners from office before the expiration of the term of office the common council shall there-

upon appoint a commissioner or commissioners in the stead of those so removed, who shall fill such office for and during the unexpired term of the commissioner or commissioners so removed.

§ 13. In case of disagreement between the commissioners and the owners of property which may, in the judgment of the commissioners, be required for any of the purposes specified in this act, as to the amount of compensation to be paid to such owners, or in case any such owner shall be an infant, married woman or insane or absent from the state, or in case of disagreement between the said commissioners and any owner or owners of property touching the amount of damages arising from the construction of any part of the work authorised by this act or the act of which this is an amendment, the said commissioners shall have the right to condemn said property or to have the amount of such damages ascertained or both, and the proceedings for the condemnation of such property on the ascertainment of such damages or both shall conform, as nearly as may be, to those specified and provided in the act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 2d, 1852, and the act or acts of which the same is an amendment.

In case of disagreement, how to proceed.

§ 14. It shall be the duty of the said board of water commissioners to cause such connections to be made between the water pipes and the sewers or drains of said city as they shall be requested to make by the board of sewerage commissioners, and to furnish such amount of water for the purpose of cleaning out such drains or sewers as the said board of water commissioners shall deem requisite and the said board of water commissioners can conveniently supply: *Provided*, that such connections shall be made under the superintendence of the board of water commissioners, and that said board shall regulate the times and manner and amount of such supply of water. In case of disagreement between the two boards in respect to the matters hereinbefore provided the common council shall have the right to regulate the manner in which such connections shall be made and the water supplied for the purposes herein mentioned.

Commissioners to cause connections to be made

Provided.

§ 15. No account or claim against the said board shall be allowed except by the vote of a majority of the said board.

§ 16. No member or officer of said board and no member of the common council shall, either directly or indirectly, receive any interest or profit whatsoever on account of the deposit of any of the funds belonging to the said commissioners, nor shall any member or officer of the said board or any member of the common council, either directly or indirectly, make use of or borrow any of the

Officers not to receive any interest or profit.

Funds to be kept deposited.

funds of the said commissioners for his own private benefit or advantage. The funds of the said commissioners remaining on hand shall at all times, until disposed of, be kept deposited in such place or places of deposit as shall, by an order of said board, be directed; which order shall be entered upon the records of the said board; and if either of said commissioners or any of the officers of the said board shall, either directly or indirectly, receive or appropriate for his own use or benefit any of the funds, money or property of the said board, or shall, directly or indirectly, receive or appropriate for his own use or benefit any of the funds, money or property of the said board, or shall, directly or indirectly, take, pledge or borrow any of the said funds or property for his own use or benefit, such commissioner or such officer of said board shall be deemed guilty of embezzlement, and shall be liable to indictment, and on conviction thereof shall be fined, not exceeding one thousand dollars, or imprisoned, not exceeding one year, in the county jail. The said commissioners shall be liable upon their bond for the loss of any or all money coming into their possession or control as such commissioners.

Any officer who shall appropriate money to his own use to be guilty of embezzlement.

Funds to be drawn out upon drafts or checks

§ 17. The funds of the said board shall be drawn out upon checks or drafts, regularly numbered, and payable to the order of the respective person or persons for whose benefit the same are intended and briefly specifying for what purpose or account the same are drawn. A careful register of said checks or drafts shall be kept in the office of said board, and the original checks or drafts, when returned to said board, shall be carefully filed and preserved among the vouchers of the said board, and the said register and the said returned checks or drafts shall always be subject to the examination of the finance or any other committee appointed by the common council for such purpose; and it shall be the duty of said finance committee or some other committee, or of such other person or persons as may be appointed by the common council for such purpose, to examine the said register and the cash accounts and checks and drafts of the said board at least one in three months, and oftener if the common council shall deem expedient.

Engineer to reside in city.

§ 18. The chief engineer and superintendent in the employ of the said board shall reside in the city of Chicago, and said engineer shall employ no assistant who shall not have been first approved by a vote of the said board; and the said engineer, superintendent or any of his assistants may at any time be discharged by a vote of the said board.

Keep books.

§ 19. It shall be the duty of the said commissioners to keep books of accounts, showing with entire accuracy the amount of the receipts and expenditures of such board in such manner as to enable the same to be readily understood and investigated, and also to carefully preserve on

file in their office vouchers for all their expenditures; which books and vouchers shall at all times be open to the examination of the finance committee of the common council or any other committee, person or persons, appointed by the common council for such purpose; and it shall be the duty of the said finance committee or any special committee appointed for such purpose, at the time of the presentation of the semi-annual report of the said board to the council, as herein provided, to make a thorough examination of the books, accounts and vouchers of the said corporation, and to report in writing to the common council the results of said investigation.

§ 20. The present commissioners shall hold their offices unless removed for cause in manner hereinbefore provided to fill their respective places.

§ 21. Sections 10, 27 and 28 of the act of which this is an amendment and all laws or parts of laws or parts of said acts which may be in conflict with the provisions of this act are hereby repealed. Acts repealed.

§ 22. This act shall take effect from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to incorporate the Chicago Tunnel Company.

In force Feb. 16, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William B. Ogden, George Steel, Henry Farnam, John H. Kenzie, Peter Page, Edward Benling, Edward H. Had-dock, Walter L. Newberry, John S. Reed, Isaac N. Arnold, Henry Smith, George F. Ramsay, Sylvester Lind, Ezra B. McCagg, A. C. Stuart, William Lill, Philo Carpenter, George W. Snow and James H. Rees and their associates, successors and assigns are hereby created a body corporate and politic, under the name and style of "The Chicago Tunnel Company," for the term of fifty years, and by that name be and are hereby made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity; make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are and may be necessary to carry into effect the purposes and objects of the act, as hereinafter set forth. Corporators.

§ 2. The city of Chicago, by its common council, is hereby authorised and empowered to contract with the said company for the construction of or for the construction and maintenance by said company of one or more tun- Name and style.
Common council to contract for the construction of tunnel.