

PRIVATE LAWS

OF

THE STATE OF ILLINOIS,

PASSED AT THE

TWENTIETH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 5, 1857.

SPRINGFIELD:

LANPHER & WALKER, PRINTERS.

1857.

sums of money, and to issue the bonds of the company therefor; at a rate of interest not exceeding ten per cent. per annum, and so much of section fifteen of "An act to incorporate the Rock Island and Alton Railroad Company," approved February 14, 1855, as conflicts herewith is hereby repealed.

§ 5. The said company is hereby authorized to purchase, from time to time, any and all tracts of land adjacent to said railroad, for the use of said company, out of any money belonging to said company, which by the president or the directors of said company, may be deemed necessary for the interest of said company, and to dispose of the same, as to them may seem just and proper.

§ 6. The said company is hereby authorized and empowered to build, maintain and use a railroad bridge over the Illinois river, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect, by railroad or otherwise, such bridge with any railroad termination at or near said point; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money and pledge or mortgage its property and franchises; to condemn, according to law, property, for the use and purpose of said company; to contract, bargain and agree with any railroad company for and in the construction and maintenance of such bridge, to sell or lease said bridge, or the use of the same, or the franchises of said company, to any companies or corporation.

Bridge over the
Illinois river.

§ 7. This act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED Feb. 14, 1857.

Feb. 14, 1857.

AN ACT to incorporate the Jacksonville Hydraulic Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James Dunlap and his associates, and their successors and assigns, be and they are hereby constituted a body politic and corporate, by the name of "The Jacksonville Hydraulic Company;" and by that name to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded; to make, have and use a common seal, and alter the same at pleasure; also, to adopt and alter at pleasure, by-laws for the ordering and governing the business of the corpo-*

Name and style.

ration and for the regulation of the conduct of all officers, agents and servants, in the employment of the same; with power, also, to acquire, have, hold and use, property, real, personal and mixed, for the purposes of the corporation, and to grant and convey the same as a natural person.

Amount of capital stock

§ 2. The capital stock of the said corporation shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, subject to be assigned in such manner and on such terms as the by-laws may provide, and also subject to be sold on execution as personal property.

§ 3. The object and business of the said corporation shall be to supply the town of Jacksonville and vicinity and the inhabitants thereof with water, from springs or fountains, situated on the land of said James Dunlap, by the construction of reservoirs and cisterns, or either, or any other proper or necessary improvement or work, and conveying the water therefrom, by means of tunnels or pipes, into and through the said town and vicinity, wherever it may be desired for use or consumption.

Persons who may be elected directors

§ 4. The said James Dunlap is authorized to sell or dispose of the said stock to such persons as may be willing to purchase the same; and whenever ten thousand dollars shall be disposed of or sold the purchasers, in connection with said Dunlap, who shall be deemed the owner of the residue of said stock, may assemble and appoint five directors of said company, in and upon whom the government and regulation of the business and affairs of the corporation shall devolve, and who, and their successors forever, shall exercise the powers and perform the duties herein granted and prescribed. The said directors shall be elected for one year, and elections shall thereafter be held annually, by the stockholders. Each share of stock shall entitle the owner to one vote, and the majority of stock shall be represented at any election. Stockholders may vote in person or by proxy. Immediately after each election the directors shall appoint one of their body president of the board of directors, who shall thereby become president of the company. Provision shall be made in the by-laws in regard to the time and manner of holding elections for directors; but if at any time an election shall not be held at the time appointed or provided for the corporation shall not thereby be dissolved nor any right be forfeited, but the directors last elected shall continue in office until successors are elected and enter upon their duties.

Time of election

Provision

§ 5. Immediately after the first election herein provided for, the directors elected shall make and sign a certificate, verifying the fact of their election, and stating

the name of the president, and cause said certificate to be recorded by the recorder of Morgan county; after which the said corporation shall be held and deemed to have been duly and legally organized, and a certified copy of said certificate, under the seal of the recording officer of said county, whomsoever he may be, shall be conclusive evidence of the organization and existence of said corporation.

§ 6. The said directors, after the organization as aforesaid, shall have power to appoint all such officers and agents as may be necessary to the transaction of the business of the corporation, and may require bonds, with security, from any one or all of such officers and agents, conditioned for the faithful discharge of the duties required by the by-laws or orders of the board. A majority of the directors shall constitute a quorum for the transaction of business. The said directors shall also fix the price or sum to be charged for supplies of water, and also regulate the time and manner of drawing water from the fountains as well as quantity to be drawn by all persons using the same.

Officers and
agents appointed.

§ 7. The said corporation shall have power to construct, maintain and use, on the land of said James Dunlap, reservoirs or cisterns, or any other proper or necessary work or improvement, in which to collect and retain the water of the springs situated on said land, and may conduct the same through tunnels, pipes or other safe mode of conveyance, to any house or place within the corporate limits of said town or the vicinity thereof, for use and consumption; and to this end and for these purposes the streets, alleys and public highways may be excavated or embanked and used: *Provided*, that said corporation, shall in a reasonable time after making any excavation or embankment on or across any street, alley or public highway, restore the same to its former condition or otherwise so improve and change the same as not to interfere with the ordinary use thereof. Said corporation may also enter upon and excavate and embank any lands or tenements on or through which it may be necessary, to pass in conducting water to places desired, doing no unnecessary damage, and restoring such lands or tenements as near as may be to their former condition, upon making just compensation to the owner or owners thereof, as hereinafter required.

Water pipes.

Damages done.

§ 8. The said corporation may have and hold, in fee simple, lands and real estate, for the uses and purposes following: *First*—As much as may be necessary to the construction of reservoirs and cisterns or other proper or necessary improvements or works at the springs from which water is obtained, and the convenient use of such

Property held by
corporation.

constructions or improvements. *Second*—The lots on which to build houses and offices, in which to transact the business of the company. *Third*—Lots on or in which to place cisterns or reservoirs, to keep supplies of water, convenient to places of use, and from which to obtain supplies, in cases of fire or other emergency, without drawing from the fountain at the springs. *Fourth*—Strips of land of convenient width on or through which to lay pipes, or make tunnels for the conveyance of water from any of the fountains to the place required for use.

Right to lay
pipes, &c.

§ 9. When the company shall desire to make tunnels or lay pipes on or through the lands or lots of individuals or corporations, for the conveyance of water as aforesaid, and shall be unable to agree with owners, who are capable of contracting on the subject, as to the terms on which the right of way shall be granted; or in cases where such owners are nonresidents, or labor under legal disabilities of any kind, it shall be lawful for the said corporation to institute and prosecute proceedings and obtain such right of way under and according to the provisions of the act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved twenty-second of June, eighteen hundred and fifty-two—the mode of such legal proceedings and the action of the court and parties in the premises to be so varied as to make the principles and provisions of said law apply to the questions and inquiries [exigencies,] arising under this act.

Right of way.

Water to remain
in reservoirs.

§ 10. The said corporation shall be bound to keep all reservoirs, cisterns or other works constructed for the purpose of containing and keeping water, in good repair, so as to prevent injury to others by the escape of water, and so that the water drawn therefrom shall be pure and clean. The tunnels and pipes shall also be kept in like good repair. And whenever excavations or embankments are made for any purpose the surface of the land shall be so restored or replaced as not to materially obstruct passages over the same. The obtaining the right to make excavations and embankments for any of the purposes named in this act, shall necessarily include the right to enter upon the land obtained for purposes of repairs and improvements—the corporation being responsible for any unnecessary damage to adjacent lands, lots or improvements.

Directors.

§ 11. The directors of the corporation shall cause their secretary or clerk to keep a regular record of their action and proceeding as a corporate body, and regular accounts shall be kept of all moneys received and expended; and at the end of every year the profits arising from the operations of the company shall be divided among the

stockholders, in proportion to the amount of the stock: *Provided*, that half yearly dividends may be made whenever the directors shall so determine.

§ 12. The said corporation shall have power to borrow money, not exceeding the capital stock, to be used in making the improvements herein provided for, at any rate of interest not exceeding ten per cent. per annum, payable yearly or half yearly, as may be agreed on; and to this end the said company may make and sell bonds within or without the state.

This act is hereby declared a public act, and shall take effect on its passage.

APPROVED Feb. 14, 1857.

AN ACT to incorporate an institution of learning.

Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* J. Young Scammon, John Sears, jr., Alexander Officer, Robert W. Officer, Franklin Scammon, John Randolph Hibbard, Dyer N. Burnham, Robert E. Moss, Charles V. Dyer, Edward I. Tinkham, Benjamin F. Carver, Henry L. Fulton, Harrison Newhall, A. J. Galloway, Robert H. Murray, and Hiram Brown, their associates and successors, be and they are hereby constituted a body corporate, to establish and maintain, in this state, an institution of learning, under such corporate name as said persons above named, or a majority of them, their associates or successors, may elect or determine to be designated by; and such corporation shall possess all the powers and be entitled to all the rights and privileges of the Garrett Biblical Institute, or the Lind University, or any university or college, or any corporations for educational purposes, in this state, which said corporation, hereby created, may, by resolution, adopt as a part of its charter. And the provisions of the "Act to incorporate the Garrett Biblical Institute," or any section or sections thereof, may be accepted by the corporators herein named, or the survivor of them, except so much and such parts of said sections as relate to the Methodist Episcopal Church, or any conference thereof, or the doctrines held and maintained by said Methodist Episcopal Church. The doctrines taught in said institution shall be in conformity to the ten commandments, and in harmony with the heavenly doctrines of the New Jerusalem, as taught in the Word of God, and expounded in the writings of Emanuel Swedenborg.

Body corporate.

Rights and privileges.

Doctrines.