

LAWS

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OF

T H E S T A T E O F I L L I N O I S

PASSED BY THE

T W E N T I E T H G E N E R A L A S S E M B L Y .

CONVENED JANUARY 5, 1857.

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Feb. 11, 1857.

AN ACT to incorporate the Peoria City Hydraulic Company.

Body politic and
corporate.

Officers.

First officers.

Capital stock.

President.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That John Hamlin, John Anderson, N. B. Curtis, John Johnson, James Dougherty, Horace Anderson, John T. Lindsay, Isaac Underhill, of Peoria county, their heirs and assigns, be and they are hereby constituted a body politic and corporate, under the name and style of "The Peoria City Hydraulic Company;" and by that name and style they and their successors shall, in law, be capable of suing and being sued, plead and being impleaded, in all places whatsoever; may have a common seal and alter the same at pleasure; they shall be capable, in law, of purchasing and holding real estate, and conveying the same, for the uses and purposes of the said incorporation; which real estate shall not exceed in value the sum of fifty thousand dollars, which shall only be for the necessary purposes of carrying on the business of said company. The officers of said company shall consist of a president, treasurer, and seven directors, each of whom shall be stockholders in said company, and the president and treasurer shall each be one of the seven directors aforesaid, who shall be annually chosen, on the first day of April of each and every year, in such manner as the stockholders may direct; and for the first year John Hamlin shall be president; John T. Lindsay, secretary; John Anderson, N. B. Curtis, John Johnson, Hiram Anderson, James Dougherty, Isaac Underhill, John D. Arnold, directors of said company; and a majority of said board of directors shall constitute a quorum for the transaction of business.

§ 2. That the capital stock of said company shall consist of two hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars; and the whole of said stock may be taken in equal amounts, by the individuals who are hereby incorporated, or, at their option, they may divide the same into shares of fifty dollars each, and sell the same in such manner as they may deem most advisable for the interests of said company, for the promotion of the objects of said incorporation; and the purchasers of said stock shall thereupon become stockholders of the said company and entitled to vote in all meetings of the said stockholders, in manner proportioned to their respective interests and agreeable to the rules and regulations of the said company.

§ 3. The president shall preside at all meetings of the board of stockholders, and in case of a tie shall give a casting vote, and in his absence a president *pro tem.* may be elected.

§ 4. The treasurer shall record, in a book for that purpose provided, all acts and doings of the board of directors and stockholders. He shall give certificates of stock to each of the stockholders; which shall be countersigned by the president, and shall not be transferable, except upon the books of the company. He shall take and subscribe an oath to perform all his duties with fidelity, and shall give bond and security for the faithful performance of all the duties required by the rules, by-laws and ordinances of the said company. Each of the above named stockholders shall, at the time of subscribing his share of the stock, (if all the stock is taken by the individuals above incorporated,) pay into the hands of the treasurer the sum of five dollars, and the residue thereof at such times and in such sums as may be needed for the prosecution and completion of the works hereinafter mentioned; and said stock shall be sold in shares of fifty dollars; then each shareholder shall pay the sum of five dollars on each and every share by him taken, at the time of subscribing, and the residue thereof in such manner as hereinbefore stated.

Treasurer.

Stockholders.

§ 5. The said company, hereby incorporated, shall have full and exclusive power and authority to erect and construct water works for the convenience and accommodation of the public, within the incorporated limits of the town of Peoria, for and during the period of fifty years, and to conduct the same in iron, leaden or other aqueducts, from any point of the Illinois river or Lake Peoria, within two miles of the corporate limits of said city, paying to the owner or owners of any lands through or across which they may conduct said water a reasonable compensation for all damages by them sustained; and in case they cannot agree with the owners of such lands as to the amount of said damages the same shall be determined in the manner prescribed by the laws of Illinois for securing the right of way.

Power to construct water works.

§ 6. The said company shall have full and exclusive power and authority to conduct the said water, in aqueducts, as aforesaid, along any of the streets, alleys, and highways of the city of Peoria, and within the incorporated limits thereof, doing as little damage as possible to streets, alleys and highways, for time being, and as soon as practicable shall repair and place the same in as good condition as they were before; and shall also have the like power and authority to build and erect hydrants, reservoirs, in such manner, and at such places as shall best accommodate those desirous of using said water, and with the least inconvenience to the public.

Power to conduct water in aqueducts.

§ 7. The said company shall also have the like power and authority to rent or lease the said water and the privilege thereof to any and all persons whatever, upon such

Power to rent or lease water privilege.

terms, conditions and times, as the said company and such persons can agree upon, making the same as nearly equal to all persons as the circumstances of the case will permit, and upon such terms and conditions that the yearly profits of said company, deducting all expenses, shall in no case exceed the sum of fifty per cent. on the capital stock actually paid in.

Commencement
and completion
of works.

§ 8. The said company shall commence the construction of the said water works as early as one year from the passage of this act, and shall so far complete the same as to have the water ready to be delivered in the said city of Peoria within three years from the passage of this act, and when work is completed shall at all times keep in the reservoir a full supply of water.

Property exempt
from taxation
by the city.

§ 9. The property of said company shall forever remain free from taxation by the city of Peoria; and in consideration of said relinquishment of all taxes by said city, the said company shall at all times afford to the said city of Peoria or other constituted authorities of said city, including all fire companies in said city, the use, free of charge or claim, of any and all the waters so by them conveyed into the city of Peoria, for the purpose of extinguishing fires or for the convenience and use of fire companies, together with all reasonable access to the same by said authorities or companies, or individuals acting under and by authority of said city, or by their order or directions, to any or all the hydrants and reservoirs belonging to said company, for the purposes as aforesaid, so as not to damage or injure the works of said company. And the said company shall place, at their expense, one fire plug in each block, as the pipes are extended, and to such others at cost of the said city, whenever directed by the city council of said city so to do.

Lien.

§ 10. The said company shall, at all times and in all cases, have a lien for the contract prices for furnishing water to any house or building, as against the right of any person contracting with such company or such house or building, or the lot upon which house or building may stand, from the time such water rent may be due and payable; which lien may be enforced by filing an account in the county court of Peoria county, and causing the party indebted to be summoned, as in other cases of account, before justices of the peace. After obtaining a judgment thereon the said company shall be entitled to a special execution, requiring a sale of the premises on which said lien may exist, for the satisfaction of said judgment, without any formality in pleadings; which proceedings shall not affect the rights of a prior incumbrance.

Power to appoint
officers.

§ 11. The said company shall have authority, from time to time, to appoint such officers, not herein named, and to pass and enact such by-laws, rules and regulations

not inconsistent with the constitution and laws of the United States or of this state, as they may deem advisable and proper for their benefit and government.

§ 12. In case it shall so happen that at any time the officers of said corporation or any of them shall not be elected on the day appointed for their said election the corporation shall not for that reason be dissolved, but the said election, on reasonable notice being given, which shall not be less than four weeks, to be published in some newspaper published in Peoria, can be held at some other time for said officers; and in the meantime those in office shall hold over until their successors shall be duly elected and qualified. Failure to elect officers.

§ 13. If any person or persons shall, at any time, during the progress of said work or of the charter herein granted, willfully or maliciously injure any part or portion of the said water works or the appurtenances thereunto belonging, he, she or they, so offending, shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in circuit court of Peoria county for the same, and on conviction shall be fined in a sum not exceeding one thousand dollars, imprisonment not exceeding six months in the county jail of said county, and shall, moreover, pay to the said company damages for all the damages they may have sustained thereby. Injury.

§ 14. If any stockholder or subscriber to stock in said company shall, for the space of sixty days, neglect or refuse, after being duly notified for that purpose, to pay in any installment due from him for such stock, in manner directed and required by the board of directors, the said board shall be authorized to declare his said stock forfeited to said company, and may proceed to sell the same at public auction, to the highest and best bidder for cash; the purchaser whereof shall be liable to pay the balance due upon subscription in the same manner as the original stockholder would have been liable therefor. Delinquent stock

§ 15. The majority of the directors of said company shall be citizens of the city of Peoria. Qualification of directors.

§ 16. The city of Peoria shall, at all times, have the right and privileges to purchase all the stock of said company or a less amount, if she may so desire, by paying to the owner or owners thereof the actual cost of the same, with the interest, not to exceed 12 per cent. per annum, from the time said money is so expended until the same is actually paid for; and the said company, for said purpose, shall keep a correct and just account of all expenditures of moneys, bonds or obligations for the payment of money, used in the construction of said work; and in case the said city of Peoria concludes, at any time, to purchase said works, the actual cost shall be determined by three com- City may purchase stock.

missioners, one selected by the company, one by the city of Peoria, they to choose a third.

§ 17. This act shall be taken and considered a public act, and shall be in force from and after its passage.

APPROVED Feb. 11, 1857.

Feb. 11, 1857. AN ACT to amend "An act to incorporate the Belleville and Fairfield Railroad Company," and to change its name.

Name changed. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the name of said railroad company be and the same is hereby changed to "The Saint Louis and Louisville Railroad Company;" and by that name and style shall it hereafter be known and designated. All the rights, powers, privileges and property belonging or appertaining to said Belleville and Fairfield Railroad Company may be transferred to the said Saint Louis and Louisville Railroad Company, by a resolution of the commissioners or directors of said first named company—the assent thereto of a majority of the stockholders of said company being first obtained.*

Commissioners. § 2. That Henry Godeking, Edward Titman, James L. D. Morrison, William Kinney, John Moss, Russell Hinckley, Alexander D. Hay, Demsey Kennedy, Elzey Z. Coffey, James M. Lucas, Thomas M. Casey, Zadoc Casey, Harvey J. Pace, Edward Bonham, Daniel Turney, John Keen, John Moore, William Pickering, William Runin, Charles Schofield, C. O. B. Goforth, James H. Beall, Hiram Bell, Amos Watts, John D. Wood and William M. Phillips, be and are hereby appointed commissioners for the purpose of opening books to obtain subscription to the capital stock of said company; which commissioners shall have the same power as the commissioners named in the original act, to which this is an amendment: *Provided*, that as soon as one hundred thousand dollars of *bona fide* subscription to the capital stock of said company shall be made and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said road.

Extent of road. § 3. The railroad herein proposed to be built shall extend from the west bank of Bloody Island, opposite Saint Louis, in the state of Missouri, to Jeffersonville, in the state of Indiana. Said company may consolidate or unite with any other road or roads, by a resolution of the stockholders and directors of the railroad companies so wishing

Consolidation.