

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:

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1855.

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- Annual meeting. § 16. There shall be an annual meeting of said trustees, the day of meeting to be fixed by themselves.
- § 17. That the said board of trustees shall never be less than twelve (12) nor more than twenty-four (24).
- APPROVED Feb. 6, 1855.

AN ACT to incorporate the Springfield Water Works Company.

- SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John T. Stuart, Robert Irwin, N. H. Ridgely, John Priest, Charles R. Hurst, John Williams and Jacob Bunn, and all such persons as are or may hereafter be associated with them, are constituted a body corporate, by the name of "The Springfield Water Works Company," with perpetual succession, and by that name are hereby made capable in law or equity of suing and being sued; to make and use a common seal and alter the same at pleasure.
- Corporators. § 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each; and the said company are hereby empowered to increase their capital stock at any time, not to exceed two hundred thousand dollars.
- Capital stock. § 3. Books of subscription for the capital stock of said corporation shall be opened under the direction of the directors hereinafter named, subject to such rules and regulations as they shall prescribe; and the stock shall be considered personal property, and shall be assignable and transferable on the books of the company.
- Open books. § 4. The concerns of said company shall be managed by five directors, who shall be stockholders, and who shall hold their office for one year and until others are chosen in their places. The directors shall be chosen annually, on the first Monday of May, at such time of day and place in said city of Springfield as the directors for the time being shall appoint. The first election shall be held on the first Monday of May, 1855. Two weeks' notice of such election shall be given by a publication, at least once in each week, in two newspapers published in said city. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for at least twenty days previous to an election. Voting shall be by ballot, and may be in person or by proxy.
- Management. § 5. The directors shall annually appoint a president, secretary and treasurer and such other officers as they
- Directors chosen annually. President.

may deem necessary, who shall hold their offices until others are appointed in their places; and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business and for the accomplishment of the purposes of the corporation.

§ 6. The directors may require payment of subscriptions to the stock at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payments thereon, and may sue for and recover all such subscriptions. Notice of the time and place of said payments shall be published for three weeks previous to said time, at least once in each week, in two newspapers published in said city. Payment on stock

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Monday of May, 1855, and until others are chosen in their places; and in case of vacancy in the directors, by reason of death or resignation of any director or his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are chosen the directors may appoint three from time to time. The directors may remove all officers appointed by them and appoint others in their places and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act the corporation shall not for that cause be dissolved, but an election may be held on another day in such manner as shall be prescribed by the directors or provided for by the by-laws. Directors.
Vacancies.
Inspectors.

§ 8. For the purpose of supplying the said city of Springfield with pure and wholesome water the said company [may] purchase, take and hold any real estate and by their directors, agents, servants or other persons employed may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from any springs, fountains, wells, rivers or lakes and direct and convey the same to the said city, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs and other works or machinery necessary or proper for said purpose upon any lands so entered upon, purchased, taken, held, and may enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said springs, fountains, wells or rivers, and lay and construct any pipes, conduits or other works for that purpose, Objecta.
Take lands, &c.

leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry.

Survey.

§ 9. Before entering, taking or using any land for the purposes of this act the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same and by the president of said company and be filed in the office of the clerk of the county court of Sangamon county. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and map.

Right of way.

§ 10. In case the said company cannot agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid for the purchase thereof the directors may proceed and acquire the right to the same in the same manner, terms and conditions as provided by the act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852.

Laying pipes.

§ 11. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes or public squares of the city of Springfield, the said company shall conform to such regulations as the common council of said city may prescribe.

By-laws.

§ 12. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and use and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalty and forfeitures shall not, in any case, exceed ten dollars; which penalties may be recovered, with costs, in the name of the company, before any justice of the peace of said city. Said rules and regulations shall be published for three successive weeks in two newspapers printed in said city, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the publication of the same, made by any of the publishers of said papers, shall be received as evidence in all courts and places.

Furnish water.

§ 13. The said company shall furnish water to the city of Springfield for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the common council of said city. The said company may make any agreements, contracts, grants and leases for the

sale, use and distribution of water that may be agreed upon between said company and any person or persons, associations and corporations; which agreements, contracts, grants and leases shall be valid and effectual in law.

§ 14. Any person who shall maliciously or willfully destroy or injure any of the works or property of said company or who shall maliciously or willfully commit any act which shall injuriously affect or tend thus to affect the water of said company shall be guilty of a misdemeanor and punished by fine, on indictment found, as in other cases. Penalty.

§ 15. The said company shall have the exclusive right of supplying the city of Springfield with water. Whenever the said city of Springfield shall make provision for the repayment to said company of the amount expended by said company, with ten per cent. interest thereon and a premium thereon of twenty per cent., then the said water works, together with all lands, fixtures and appurtenances, shall vest in and become the property of the said city of Springfield. Exclusive rights.

§ 16. The city council of the city of Springfield may, on behalf of said city, take stock in said corporation, not exceeding five thousand dollars.

APPROVED Feb. 14, 1855.

AN ACT to establish a ferry across the Illinois river, at the city of Lacon. In force May 1, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Silas Ramsay, his heirs and assigns, be and are hereby authorized and empowered to establish and run a ferry across the Illinois river, at said city of Lacon, for the term of twenty-five years, from any land he or they own in said city, or with the consent of the mayor and aldermen of said city, from any street in said city, and landing at the end of any road opposite said city or upon any land, with the consent of the owner thereof, or upon any other road which is or may be established opposite said city. Establish ferry.

§ 2. Said Ramsay, his heirs or assigns, shall, on or before the first day of July next, enter into bond, with security, to be approved by the mayor and aldermen of said city, in the penal sum of two thousand dollars, conditioned Enter into bonds.