

PRIVATE LAWS

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OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-SECOND GENERAL ASSEMBLY,

CONVENED JANUARY 7, 1861.

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1861.

§ 26. The city collector shall, on the first Monday of Annual report. March of each year, submit to the city council a statement of all the moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and the balance of moneys uncollected on the warrants in his hands, or returned to the controller, and a copy of such statement shall also be filed with the controller.

§ 27. The finance committee and the controller shall Inspection of reports. annually meet in the month of March, and compare all such reports and statements as are made by the controller, treasurer and collector, and report thereon to the city council.

§ 28. In the adjustment of the accounts of the treasurer and collector with the controller there shall be an appeal to the finance committee, whose decision in all matters of controversy, arising between said officers in the treasury department, shall be binding, unless the city council shall otherwise direct and provide.

§ 29. The said controller, collector and treasurer shall perform such other duties and be subject to such other rules and regulations as the city council may, from time to time, by ordinance, provide and establish.

§ 30. All acts or parts of acts, not inconsistent with this act, shall remain in full force and effect.

§ 31. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1861.

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 Williams, R. F. Ruth and C. W. Matheny be and they are hereby named and constituted as a board of water commissioners for the city of Springfield. 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 Springfield," 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 change the same at pleasure; to make by-laws, and do all legal acts which may be necessary and proper to carry out the intent and to effect the objects of this act. Water commissioners.

§ 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 Term of office.

this act, decide, by lot, their respective terms; which decision the city council shall be notified of by a written statement, which shall be entered of record on the journals of said city council; and on the first Tuesday of April, in the year of our Lord one thousand eight hundred and sixty-four, and on the first Tuesday of April annually thereafter, there shall be an election held by the qualified voters in said city, in the same manner and at the same hours and places that elections are held for the election of mayor, for the election of one or more commissioners to fill all vacancies occasioned by the termination, in any manner, of the term of any commissioner under this act. The said commissioners named in this act, and in case of the death or resignation of any of said named commissioners, those appointed and confirmed by the city council to fill such vacancy, shall hold their offices until the election and qualification of their successors. And 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 city council of said city for confirmation; who, if confirmed by said city council, shall have full power to act as such commissioner; but, if the said city council shall refuse to confirm such nomination, said commissioners shall nominate another, and so on, until such confirmation shall be made; such person, when confirmed, shall fill such vacancy until the next regular election of commissioners to be held after such confirmation.

Vacancy in office.

Report to city council.

§ 3. 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 city council, the nature and extent of the duties assigned to each commissioner; which report shall be made on the first Monday of May, in each year; and the council shall fix the salary to be paid to each commissioner for the performance of the duties so specially assigned to him.

Duties of commissioners.

§ 4. It shall be the duty of the said commissioners to consider all matters relative to supplying the city of Springfield with a sufficient quantity of water, to be taken and conducted from the Sangamon river; said commissioners to use all reasonable means to furnish the water from said river in as pure and wholesome a state as possible.

Engineers, &c.

§ 5. The said commissioners shall have power, and it is made their duty to employ engineers, surveyors and such persons as in their opinion may be necessary to enable them to perform their duties under this act.

Buildings and machinery.

§ 6. Said commissioners shall have the power, and it is hereby made their duty, as fast as the necessary funds shall be 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.

§ 7. Said commissioners shall have power to build a dam across the Sangamon river at such point as they shall deem most convenient and desirable, and to make all necessary excavations, and to erect all necessary buildings at the said river on such lot or lots of land as they may purchase for that purpose, and to procure the right of way from such point as they shall agree upon at said river across all lands between the same and such lot or lots of land as they shall fix upon at the city of Springfield for the laying down of all necessary pipes; and 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 to construct fountains in the public grounds of said city as they shall deem proper with the consent of the city council.

Reservoirs, pipes,
&c.

§ 8. The said commissioners shall have power to borrow, from time to time, as they and the city council shall deem expedient, a sum not exceeding two hundred thousand dollars, upon the credit of said city of Springfield; and shall have power, by and with the approval of the city council of said city, 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 be issued under the corporate seal of the city of Springfield and signed by the mayor and city clerk, and may be made payable at such place and in such currency as they shall deem expedient, and bear interest not exceeding eight per centum per annum: *Provided*, that no bonds shall be issued until the city council shall have approved of such issue by a vote of a majority of all the aldermen by law authorized to be elected. 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 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 this act, nor shall any part thereof be loaned to or used by the said city of Springfield.

Borrowing of money and issuing of bonds.

§ 9. The said commissioners shall, from time to time, assess the amounts 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 in-

Water rents.

troduced, and upon the land or lot 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.

§ 10. 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.

Assessment for
use of public hy-
drant.

§ 11. The said commissioners shall also, from time to time, assess upon the person or persons occupying or owning 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 benefited 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 upon which the same may stand, when said house or other building and lot are owned by the same individual, in the same manner as other water rates of said city.

Collection of wa-
ter rents.

§ 12. It shall be the duty of the said commissioners to collect the rents so assessed, as required in the foregoing sections; 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 the 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 rents, 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 goods and chattels of the person 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.

§ 13. It shall be the duty of the said board to return to the city council, as often as said board shall deem necessary, the warrants for the collection of water rents issued by them as provided above, which have been returned to said board unsatisfied; and shall report to the city 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 city council shall thereupon take the same proceedings for the collection 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 in any warrant for the collection of sidewalk assessments, after such warrant has been returned unsatisfied; and the amount, when so collected, shall be paid to the said board.

§ 14. 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 city 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 offense against any of the ordinances of the said city. In all cases where said water rates are not paid as required by this act, and the rules, regulations and ordinances passed in pursuance thereof, and in all cases where the rules and restrictions caused to be printed on the said permits by the said board 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 payment or compliance. Water permits.

§ 15. 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 benefited; and the said assessment shall be collected in the same manner as herein provided for the collection of the water rent assessed by said corporation. Hydrants for extinguishing fires.

§ 16. The said commissioners shall keep an accurate account or 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 Record of business and report.

other competent person for the purpose, as they may deem desirable.

§ 17. It shall be the duty of said commissioners to make report to the city council 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 of record by the clerk of the said city, and published in some newspaper in said city of Springfield.

Receipts.

§ 18. Whenever the receipts of the said corporation from water rents and other sources shall accumulate so that there shall be a surplus amounting to a sum not less than five hundred dollars not needed for the current expenses of the said corporation, it shall be the duty of the commissioners to invest the same first in the payment of 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 stock, or upon unincumbered real estate in the county of Sangamon, of at least double the value of the amount loaned, with the approval of the mayor and committee of finance of the city council, 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 the said board shall specify in full the nature and amount of the respective securities in which the said surplus fund is invested.

§ 19. No one or more of said commissioners, nor any of the officers of said board, nor any member of the city 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 person, nor in the purchase of any materials to be used or applied in or about the uses and purposes contemplated in this act.

Removal
of
office.

from

§ 20. The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Sangamon county, or the judge of the circuit in which Sangamon county is situated, upon petition addressed to said judge, at any time, by the order of the city 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 specification of 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 a 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 at the next term of said court after the service of such notice upon said commissioner. The said judge shall sit as a special commissioner to try said charges, and the course of proceedings in said 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 matter contained in said charges; and if it shall appear to the satisfaction of such judge 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 city council shall thereupon 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.

§ 21. It shall be the duty of said commissioners, at least thirty days before the time fixed by the city ordinance for assessing city taxes, to make a special report to the city council of said city what, if any, sum will be needed by said commissioners, over and above the revenue 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 city council to raise said amount by a special tax in the same manner as general taxes, to be designated water tax; and the said amount shall be paid over to the said corporation by the collector of said city. Taxes to pay interests.

§ 22. The said commissioners are hereby authorized to 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. Right of way.

§ 23. In case of disagreement between the commissioners and 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 such owners, or in case any such owner shall be an infant, a married woman, or insane, or absent from this 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 authorized by this act, 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 of the condemnation of such property, or 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 right of way for purposes of internal improvements," approved June 22, 1852, and the act or acts of which the same is an amendment.

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

Custody of funds.

§ 25. No member or other officer of said board, and no member of the city 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 other officer of the said board, or any member of the city council, either directly or indirectly, make use of or borrow any of the 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. 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.

§ 26. 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 purposes or account the same are drawn. A careful register of the 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 city council for such purpose; and it shall be the duty of the said finance committee, or some other committee, or of such other person or persons as may be appointed by the city council for such purpose, to examine the said register, and the cash accounts and the checks and drafts of the said board, at least once in three months, and oftener if the city council shall deem it expedient.

Records and accounts.

§ 27. It shall be the duty of the said commissioners to keep books of account, 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 city council, or any other committee, person or persons appointed by the city 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 reports 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 city council, the results of said investigation.

§ 28. The said commissioners, as soon as they shall have decided by lot their respective terms, they and their successors annually thereafter, on the first Monday of May, shall elect a superintendent, who shall perform all such duties and acts as they, the said commissioners, have the power to perform by virtue of this act, and as they may adopt, by written order, and assign to such commissioner. The superintendent so elected may be removed at any time by a vote of all the members of the board. Superintendent.

§ 29. All contracts made and entered into by and with the said board 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 contractors, and a summary of the work to be done or materials to be furnished, one copy of which shall be retained by the said commissioners, and the other copy of which shall be filed with and kept and preserved by the clerk of said city among the files of said office. Contracts.

§ 30. The said commissioners, after they shall have decided by lot their respective terms, shall succeed to and take the control of the Springfield water works, (contract for the building of which has been entered into by and between the city of Springfield and Ennis & Eastman,) and also to succeed to and take the control of such lot or lots of land as have been or may be purchased or procured for the use of said works. Said commissioners shall have the same powers, rights and privileges with respect to and to the control and regulation of said lands and works that said board would have had, had the lot or lots referred to been purchased by said commissioners, and the work contracted for with them and by their authority under this act: *Provided*, that nothing in this act shall be construed so as to interfere with or invalidate said contract; nor shall any thing contained in this act release or impair any of the obligations or provisions of that or any other contract by and with the said city of Springfield in relation to said water works.

Superintendent's salary. § 31. The salary of said commissioners and superintendent shall be fixed by the city council of said city from time to time, as soon as may be after the passage of this act, and after each election as herein provided; and the amount of such salary shall not be reduced during the term for which said commissioners shall be elected.

Official bonds. § 32. 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 city council of said city, conditioned for the faithful performance of his duties as such commissioner—the amount of which bond may be increased at any time, as the said city council may deem expedient; and the city council shall have the power to require the superintendent to give such bond to said city as it shall deem necessary and expedient.

Preservation of property. § 33. The city council may pass such ordinances as they shall deem necessary for the preservation of the property of said board and the water procured by said corporation, and annex such penalties in such amounts as they shall deem appropriate, not exceeding the sum of one hundred dollars. Said penalties may be collected before any police magistrate of said city, as other penalties are collected for violations of the ordinances of said city, whether said injury to said property or water shall be to the property or water within or without the city limits, and within the county of Sangamon: *Provided*, that nothing contained in this section, or in any ordinance passed in pursuance thereof, shall deprive the proper party of the right to have and maintain the proper action for damages caused by said injury or of any person to prosecute the offender for a violation of the criminal code of this state in its commission.

Proposals for contracts. § 34. Public notice shall be given of the time and place at which sealed proposals will be received for entering into all contracts with said corporation. All proposals for contracts shall be sealed, and be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted upon.

§ 35. Every person who shall enter into any contract shall give satisfactory security to the commissioners for the faithful performance of his contract according to its terms.

§ 36. All acts or parts of acts heretofore in force, and inconsistent with the provisions of this act, are hereby repealed.

§ 37. This act shall take effect from and after its passage.
APPROVED February 21, 1861.