

*Indiana*

**LOCAL LAWS**

**OF THE**

**STATE OF INDIANA,**

**PASSED AT THE**

**THIRTY-FIFTH SESSION**

**OF THE**

**GENERAL ASSEMBLY.**

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*By Authority.*

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**INDIANAPOLIS:  
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1851.**

## CHAPTER CLXXXIX.

An act to incorporate the Central Canal Manufacturing, Hydraulic, and Water Works Company.

[APPROVED FEBRUARY 13, 1851.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That Francis A. Conwell, Henry Van Bergess, William Burnet, Luther G. Bingham, David F. Worcester, and their associates, successors, and assigns, be, and are hereby made a corporation, by the name of the Central Canal Manufacturing, Hydraulic, and Water Works Company, with power to use and lease water power on or adjacent to the property belonging to said company for Manufacturing purposes, and for the purposes of supplying the city of Indianapolis in the county of Marion and State of Indiana, with water for the use and convenience of said city and its inhabitants, and in that name may purchase, hold, and convey, any such property or estate, real or personal, as may be deemed necessary for the uses and purposes aforesaid; may sue and be sued, plead and be impleaded, contract and be contracted with, may make and use a common seal, and shall have such other powers as may be necessary to carry out the objects of this act.

**Sec. 2.** The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, and transferrable in such manner as said corporation shall prescribe.

**Sec. 3.** As soon as one hundred shares of capital stock are subscribed for and paid, or secured to be paid to the satisfaction of the corporation, they may give notice in one or more newspapers in the State, appointing a time and place for the stockholders to meet and elect seven directors, who shall be stockholders of this company, and shall hold office until their successors are elected and qualified, which election shall be by ballot and conducted under the supervision of one inspector and two judges, appointed by the stockholders present, and in all elections each share shall entitle the holder to one vote: *Provided,* That any person having a right to vote may vote by proxy; and the directors thus elected may meet at such time as they may agree upon and organize such corporation by electing one of their body president, and after such organization any three of said board shall be a quorum to transact business.

**Sec. 4.** All elections after the first shall be held on the first Monday in May annually, under the direction of the stockholders

present; but should no election be made on the appointed day by this act, it shall be lawful to hold the election on any other day.

**SEC. 5.** The board of directors shall have full power and authority to adopt and have enforced all needful rules and regulations, not inconsistent with the laws of this State, to manage the business of the company, govern the proceedings of the board, regulate the payment of stock, enforce its payment, and to order sale of any stock unpaid on the holder thereof failing to comply with the requisitions of the board; such sale to be for the benefit of the holder who shall be liable to the company for any deficiency remaining due after such sale.

**SEC. 6.** The said company shall have full power and authority by order of the board of directors to borrow money for the purposes of their business, and make and execute a mortgage or mortgages upon the property by them held to secure the repayment thereof, which shall be signed by their president and attested by their secretary.

**SEC. 7.** The said company shall have power to make contracts with individuals and corporations to supply such individuals and corporations with water; also with the city council of the city of Indianapolis for the supply of public cisterns, fire-plugs, &c., on such terms and at such places, and enforce such contracts, and receive such compensation as may be agreed upon by the parties, for which said purposes said company shall have the right of constructing, re-laying, or repairing any of the works contemplated by this act to enter upon, use, or enjoy any lands, streets, roads, lanes, or alleys, and to take materials therefrom for the purposes aforesaid, doing no unnecessary damage and making no unnecessary obstruction; but said corporation shall pay to individual proprietors of such lands a fair and reasonable compensation for the damage actually sustained by them, which damage may be assessed by three disinterested persons to be mutually chosen by the parties; said assessors shall forthwith file their award in the office of the clerk of the circuit court of the county, and either party being dissatisfied therewith may appeal therefrom to said circuit court and have the damages assessed by said court or jury, the party so appealing executing bond with the security for costs within ten days after said award is made.

**SEC. 8.** Should the said company for the purpose of aiding in the construction of said water works deem it necessary, they may borrow bonds of the city of Indianapolis to an amount not exceeding thirty thousand dollars, to be issued in sums not less than five hundred dollars each, payable in money at such places and at such times, not exceeding thirty years, as said city of Indianapolis may determine: *Provided*, That such loan shall not be made until a majority of the voters of said city, voting at an election held therefor, shall have voted in favor of the same; and to secure the payment

of said loans, said company may mortgage their engines, reservoirs, machinery, pipes, and everything pertaining to the construction of said water-works, or such parts thereof as the city council may deem sufficient security therefor.

SEC. 9. Should said company, or any of the members thereof, or any other person or persons obtain an assignment from George G. Shoup, James Rariden, and John S. Newman, or any of them, of their purchase of the northern division of the Central canal, north of Morgan county, then and in that case the governor is hereby authorized and directed to make the conveyance of that part of said canal above named to such assignees or to any part of the original purchasers and the assignees of the other purchaser or purchasers, in as full and ample a manner as he could or should do to said purchasers or assignees, or part of such purchasers and assignees of the other purchaser or purchasers executing bond in the same penalty and with security to be approved by the governor in the same manner as said purchasers are now required to do: *It is further provided*, That the lessees from the State upon said canal shall have the right to sue said assignees in any court of competent jurisdiction for any damages they may sustain from the neglect or failure of said assigns to furnish them water or do any other thing the State has agreed to do.

SEC. 10. And the property so conveyed to said assignees shall be forever held and bound for the faithful performance of the conditions of said bond for the benefit of the lessees and all other persons interested; and the governor, whenever he may from time to time think the security insufficient, require additional security on said bond.

SEC. 11. This act to be in force from and after its passage.