

1849

LOCAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-FOURTH SESSION

OF THE

GENERAL ASSEMBLY.

~~~~~  
**BY AUTHORITY.**  
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INDIANAPOLIS:

**JOHN D. DEFREES, STATE PRINTER,
1850.**

CHAPTER CXCII.

An act to incorporate the Madison and Clifton Water Works.

[APPROVED JANUARY 13, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Godman, senior, and Thomas J. Godman, junior, their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the "Madison and Clifton Water Works," for the purpose of supplying, by means of pipes and reservoir, the city of Madison, in the county of Jefferson, Indiana, and the inhabitants thereof with pure and wholesome water, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have all the powers and privileges, and be subject to the duties and requisitions contained in the Statutes of 1843, chapter 32, article second, entitled "general provisions respecting corporations," and such other powers as may be necessary and proper to carry out the objects of this act.

Sec. 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, which may be divided into shares of fifty dollars each, and transferable in such manner as the said corporation may prescribe; said corporation may, in addition to said capital stock, be seized and possessed of such real estate as may be necessary or convenient for the purpose aforesaid, and sell and convey the same at pleasure, and mortgage the same for said purposes.

Sec. 3. The said corporation is hereby authorized to receive by assignment from Thomas J. Godman, senior, a contract in writing, made by the said Godman with said city, by the Mayor of said city, bearing date the 19th day of December, 1846, providing for the supply of said city and its inhabitants with water, and to purchase from said Godman all the pipes, materials, cisterns, springs, and lands which said Godman has prepared and constructed under said contract, and receive the proper conveyances for the same, and pay therefor in stock in said company, or otherwise, as may be agreed on. And upon receiving said contract so assigned, all the rights, privileges, and remedies which said Godman could have by virtue of said contract, if the same had not been assigned, shall vest in said corporation, and said corporation shall thereby be bound to said city, to perform all the provisions of said contract to be performed by said Godman; and said contract shall, in all respects, have the same effect as though it had originally been made by and between the said corporation and said city; and on said assignment being made, said corporation shall have the exclusive right to supply said city and the inhabitants thereof with pure, wholesome water, in manner aforesaid, subject to be redeemed or purchased

by said city as in said contract is provided; or said corporation, after said assignment, may, at any time, and from time to time, cancel said contract, and make any other contract with said city, for the purposes contemplated by this act: *Provided*, Said city consents to said cancelling and contract, said corporation shall supply said city with a sufficiency of pure, wholesome water, for the necessary uses and purposes of all those who may purchase rights from said corporation, or be willing to purchase the same, and for the extinguishment of fires, and the use of fire companies.

Sec. 4. Said corporation shall have the right, for the purposes of constructing, re-laying, or repairing any of the works contemplated in this act, to enter upon, use, and 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 any two disinterested persons, to be chosen one by the said corporation and the other by the individual injured, the two thus chosen to select a third person, or, if the individual shall refuse to choose one, then the said corporation may choose both persons, who may, in like manner, choose a third; and the decisions of the persons chosen, or a majority of them, shall be final; and on payment of, or tender and refusal of, the damages assessed, the said corporation may proceed as though payment had been made; said assessors shall forthwith file their award in the office of the clerk of the circuit court of said county, and if either party be dissatisfied therewith, he may appeal therefrom to said court, and have the damages assessed by said court or a jury. In case of an appeal, the party appealing shall execute bond, with security to be approved of by said clerk, within ten days after said award is made, conditioned as in other cases of appeal, and on filing said appeal bond by the said corporation, she may proceed in the construction of said work on said land.

Sec. 5. The said corporation shall have power to make contracts with individuals and corporations, to supply such individuals or corporations with water, at such terms and places as may be agreed on by the parties, and enforce said contracts, and receive such compensation for the supply of water as may be agreed upon by the parties; but said corporation, within a reasonable time after laying and completing the main pipes in said city, so lay and construct, and keep, or have kept, in repair, lateral pipes, that every inhabitant of said city, from time to time, who will pay a reasonable price therefor, and not unnecessarily waste the water, shall have a suitable supply of water, reasonably convenient to their dwellings; or said corporation shall allow such persons, for a reasonable compensation, to supply themselves by pipes constructed by said persons, connected with such main pipes, or other pipes, of said corporation, that can spare sufficient water for such supply,

such persons being liable to said corporation for all waste of water occasioned thereby.

Sec. 6. The said corporation are hereby authorized, at such time or times as she may deem proper, to borrow such sums of money as may be necessary for the purposes contemplated by this act, and to pay such rate of interest therefor as may be agreed upon by the parties, not exceeding the legal rate of interest at the place where the money, by the contract, is payable; and to make such evidences of debt, and give such security by mortgage, or otherwise, as may be agreed upon by the parties; and she may, in like manner, make her bonds or other contracts payable in money, at such time or times and places as she may think proper, bearing any rate of interest not exceeding the legal rate of interest at the place where the same are made payable, and secure the payment thereof by mortgage on all or any part of her property, real or personal, and sell said bonds or other contracts at any price not less than ninety cents to the dollar, for the purposes aforesaid; and any such mortgages, bonds, or other contracts, shall not be usurious, any law of this State to the contrary notwithstanding.

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

CHAPTER CXCIH.

An Act to incorporate the Chaffrans Biken-Chalim Irkifirans Mesini Society, of Fort Wayne.

[APPROVED DECEMBER 12, 1850.]

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That John [F.] Nirdlinger, J. Lanferty, J. Wolf, S. Redelsheimer and A. Oppenheimer, and their associates and successors in office, be, and they are hereby created a body politic and corporate for the purpose of visiting the sick, burying the dead, and such other charitable purposes as they may think proper, by the name of "Chaffrans Biken-Chalim Irkifirans Mesini," and by that name they and their successors shall have perpetual succession, and all the privileges and immunities incident to a corporation, and may take, purchase, and hold, in fee simple, or otherwise, personal or real estate, for the uses and purposes in this act expressed.

Sec. 2. This act to be in force from and after its passage.