

L A W S

OF THE

STATE OF MISSOURI,

PASSED AT THE

REGULAR SESSION

OF THE

TWENTY-SECOND GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON
ON MONDAY, DECEMBER 29, 1862.

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1862.

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not exceeding five hundred dollars, at such time as he, the Mayor, may deem reasonable.

§ 22. All fines, penalties and forfeitures arising from a breach of the peace, affrays, assaults and batteries, and the breach of any ordinance except cases of felony within the limits of the city, shall be paid into the City Treasury to be appropriated to the improvement of streets, avenues, lanes, alleys, and such other objects as by ordinance, may be provided.

§ 23. The Mayor of the city of Cape Girardeau, shall immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Cape Girardeau.

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

Approved March 23, 1863.

AN ACT to enable the city of St. Louis to extend the Water Works thereof, and for other purposes.

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| <p>§ Mississippi river, water of may be conveyed into and through the city; through what agency done; real estate, city may take and hold for what purpose.</p> <p>2. May build reservoirs where; acqueducts, where and how to be made; pipes, authority to lay down; may occupy highways for reservoir purposes, when.</p> <p>3. Commissioners, by what authority and how appointed; their qualifications; Mayor to be a Commissioner <i>ex-officio</i>; duty of Commissioners; shall be subject to ordinances, etc; term of office, how removed from office; vacancy in Board of Commissioners how filled; of Board of Commissioners, how many shall be a quorum; reports to Common Council, when to be made; work, how to be let out; plan of work to be approved; not to be commenced until when.</p> <p>4. Commissioners not to be elected until when; salaries, when not to be reduced or increased.</p> <p>5. Office of Commissioners ceasing, the powers granted by this act, how to be exercised.</p> <p>6. City, when liable for damages; disputes as to damages, how adjusted; party injured may petition the Circuit Court, within what time; petition filed, summons to issue, same, when returnable; when and how served; damages, how to be assessed; assessment to be final and judgment thereon to be rendered, unless when; parties dissatisfied may claim trial by jury, when and how; verdict of jury to be final; costs, how adjudged; city may tender damages, in what case; same being refused by complainant, costs how adjudged.</p> | <p>§ 7. Bonds or certificates of debt, when to be issued; how denominated; how printed; amount not to exceed what sum; rate of interest; same when payable; principal, when payable; said bonds, by whom and how to be sold or pledged; pledges not to exceed what sum; Common Council to authorize bonds to be sold; bonds, when exempt from taxation; how signed; record of, to be kept by whom; proceeds of bonds sold where deposited; bank receiving deposits to give security; money to be drawn upon warrants; warrants how signed and countersigned; Commissioners using money for private purposes, how punished.</p> <p>8. Use of water, prices or rents of, how to be fixed; net surplus arising therefrom, how set apart; how same shall be appropriated; who shall be trustees of same, until when; trustees to render accounts.</p> <p>9. Water, under this act, may be carried into the city of Carondelet.</p> <p>10. Water pipes to be laid when; cost of, how apportioned and paid; owners of lots charged with such cost may be sued; such cost to be a lien on lots charged therewith; lien, how enforced; licenses for water not to be issued until when; <i>proviso</i>, the tax on pipes laid down not to exceed what; property, when and how much to be assessed for supply pipes; property in other cases, how much to be assessed for water pipes; proceeds of such tax, how disposed of.</p> |
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Be it enacted by the General Assembly of the State of Missouri:

§ 1. The city of St. Louis is hereby authorized by, and through the agency of five commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the said city, the water of the Mississippi river from any point on said river, and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs.

§ 2. The said city may by and through the same agency, make or build one or more permanent reservoirs at the points hereinbefore named, or in said city; and may carry and conduct any aqueduct or other works, by them to be made, or constructed, over or under any water course, or any street, turnpike road, railroad, highway, or other way, in such manner as to not unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such street, road or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and may occupy for reservoir purposes all public highways which cut the ground selected for reservoirs, and in general do any other acts and things necessary, or convenient and proper for the purposes of this act.

§ 3. Four Commissioners shall be elected by the Board of Common Council of said city, who shall be citizens of the United States, residents and tax payers of the city of St. Louis, three-fourths of the members elect being necessary to an election; and the Mayor of said city shall be a Commissioner, *ex-officio* for the time being. Said Commissioners shall during their continuance in office, execute and perform, and superintend, and direct the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations in the execution of their said trust as the Common Council may from time to time ordain and establish, not inconsistent with the provisions of this act, or the laws of this State; they shall respectively hold their offices for the term of five years next after their said election, unless the works aforesaid shall be sooner completed, but they, or either of them, after having had an opportunity to be heard in his or their defense, may be removed at any time by a vote of two-thirds of the Common Council; and in case of a vacancy in the Board of Commissioners by death, resignation, removal, or otherwise, such vacancy shall be filled by the Common Council, who shall hold his office for the residue of the said term of five years, with all the powers and subject to all the restrictions aforesaid. A major part of said Commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of said office; they shall once in every six months, and whenever required by the Common Council, make and present in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid. The Common Council shall provide by ordinance the manner of letting out the work herein authorized to be done; and the general plan of said works shall be approved by the Common Council before any part thereof shall be executed.

§ 4. Before the election of the Commissioners aforesaid, the Common Council shall establish and fix the salaries or compensation to be paid to the Commissioners for their services, and the said salaries of the said Commissioners so established and fixed as aforesaid, shall not be reduced nor increased during their continuance respectively in said office.

§ 5. Whenever the said office of Commissioners shall cease, either by the expiration of the said term of five years from the original election, or by the completion of the works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of St. Louis by this act shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained in such manner, and by such agents, officers and servants as the Common Council shall from time to time ordain, appoint and direct.

§ 6. The said city of St. Louis shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any lands or real estate, or public streets or highways for the purpose of this act, and if the owner of lands or real estate, which shall be taken as aforesaid, or which may be permanently injured in value by the taking of any street or highway, shall not agree upon the damages, to be taken therefore, [therefor] he may apply by petition for the assessment of his damages, at any time within one year from the taking of such lands or real estate, and not afterwards, to the Circuit Court of St. Louis county; such petition may be filed in the Clerk's office of said court in vacation, or in term time, and the Clerk shall thereupon issue a summons to the city of St. Louis, returnable, if issued in vacation, to the then next term of the same court, and if in term time, returnable, on such day as the said court shall order to appear and answer to the said petition; the said summons shall be served twenty days at least, before the return day thereof, by leaving a copy thereof, and of said petition certified to by the officer who shall serve the same, with the Mayor of the said city; and the said court may upon default, or hearing of said city, appoint three judicious and disinterested freeholders of the county of St. Louis, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of said freeholders, or the major part of them, being returned into, and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon, for the prevailing party with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided. If either of the parties shall be dissatisfied with the award of damages as herein expressed, such party may at the term at which said award was accepted, or at the next term thereafter, claim in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to said damages, and to assess the amount thereof, and the verdict of said jury being accepted and recorded by said court shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and costs shall be recovered by said parties respectively, as may be ordered by the said court. In every case of a petition to the Circuit Court by any person for the assessment of damages as hereinbefore provided, the city of St. Louis, by any of its officers, may tender to the complainant any sum that it shall think proper, or it may bring the same into court to be paid to the complainant for the damages claimed in his petition, and if the complainant shall not accept the same, with his costs up to the time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards; and the said city shall be entitled to recover costs afterwards, unless the claimant shall recover greater damages than were so offered.

§ 7. For the purpose of defraying all the costs and expenses of such lands and real estate as shall be taken, purchased or held for the purposes

mentioned in this act, and of constructing all works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, the Common Council shall have authority to issue, and shall issue from time to time, bonds or certificates of debt to be denominated on the face thereof, "St. Louis Water Bonds," with this act printed on the reverse side, to an amount not exceeding in the whole, the sum of three millions of dollars, bearing interest at a rate not exceeding six per cent. per annum, and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty nor less than twenty years from the issuing of said bonds, or certificates of debt, respectively. And the said commissioners may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purchases aforesaid, on such terms and conditions as the said commissioners shall judge proper. Such pledges shall not be of a greater amount than fifty thousand dollars at any time, and the Common Council shall authorize said commissioners to sell said bonds, from time to time, or whenever the necessities of said works shall require such sale to be made. Such bonds when held by a citizen of the State of Missouri, shall be exempt from taxation thereon. All bonds or certificates of debt, to be issued as aforesaid, shall be signed by the Mayor and countersigned by the Comptroller and Treasurer of said city, and a record of all such bonds, or certificates of debt, shall be made and kept by the said Comptroller and Treasurer respectively. The proceeds of the sales and pledges of said bonds shall be placed on deposit in any banking institution that may be designated by the Common Council for which said institution shall give satisfactory security to be approved by said Council, and all monies to be paid on account of said works, shall be drawn upon warrants signed by a majority of said commissioners, which warrants shall be countersigned by the Mayor and Comptroller; and if said commissioners, or any of them shall use of any of said money for his or their private purposes, shall upon conviction of the fact before the criminal court be imprisoned in the State Prison not less than two, nor more than five years.

§ 8. The Common Council may, from time to time, regulate the prices or rents for the use of water supplied by the works now in existence, and those herein authorized to be constructed, with a view to the payment from the net income, rents and receipts thereof, not only of the semi-annual interest, but ultimately of the principal, also of the St. Louis Water Bonds, so far as the same may be practicable and reasonable; and the said net surplus income, rents and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and shall be appropriated for, and towards the payment of the principal and interest of the said bonds, and shall, under the management, control and direction of the Mayor, Comptroller and Treasurer, and two members of the Common Council, to be chosen by the Council annually therefor, who shall be trustees of the said fund, be applied solely to the purpose and use aforesaid, until the said bonds shall be fully paid and discharged; and the said trustees shall, whenever thereto required by the Common Council, render a just, true, and full account to the said Common Council of all their receipts, payments and doings, under the provisions of this section.

§ 9. The city of St. Louis is authorized to convey the water, by means of the works herein provided for or such additional works as may be necessary, into the city of Carondelet, or into any other town or city in the county

of St. Louis, whenever the said city of St. Louis shall make a satisfactory arrangement with any of the said cities or towns therefor.

§ 10. That whenever a majority of the property-holders on any street, lane or alley, in said city of St. Louis, shall hereafter petition for water pipe to be laid along such street, lane or alley, or whenever two-thirds of the members of the Common Council, shall, by vote, declare it to be necessary, the city shall cause the same to be laid, the cost of all pipe and laying thereof, as above provided, shall be apportioned and charged on the adjoining lots, in the proportion of their fronts, and be paid by the owners of such lots respectively, and they shall be bound to pay for the same, as though the liabilities were contracted by themselves, and may be sued therefor accordingly, and the lots or lands, chargeable therewith, shall also be held by a lien for the respective apportioned share of such cost, until the same be fully paid. Such lien may be enforced by special tax, levy and sale, or by proceedings of law, all according to such provisions, as may be prescribed by said Common Council; and in no case shall a license be issued for the use of the water, until the tax for the water pipe has been paid: *provided*, that such tax shall not be greater, in the opinion of the Mayor, than the cost of a six inch pipe; and the Common Council is hereby authorized to assess, in like manner the property fronting on any street, lane or alley, where a supply pipe is now laid, with such portion of the cost thereof, as, in the opinion of said Council, shall be equivalent to the cost of a six inch supply pipe, or less, if a smaller pipe is used; and said Council is also hereby authorized to assess all property, fronting on any street or alley, or other way, where a water pipe is now, or shall hereafter be laid, with a tax of not exceeding one-twentieth of one per cent. per annum, on the valuation of such property; the proceeds of such tax to be disposed of in the same manner, as the other revenue from the works herein authorized to be constructed.

Approved March 23, 1863.

AN ACT to abolish a portion of the town of California, in Moniteau county:

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. All that portion of the town of California, in the county of Moniteau, known as Howard's and Leach's Addition, to said town, west of Moniteau street, in said addition, with the exception of lots Nos. 14, 16, 18, 20, 22 and 24, is hereby abolished, and declared not to be within the corporate limits of said town of California.

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

Approved March 21, 1863.

AN ACT to amend an act, entitled "an act to incorporate the city of Missouri City," approved March 14, A. D., 1859.