

GENERAL LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

EIGHTEENTH GENERAL ASSEMBLY,

NORTHWESTERN UNIVERSITY
LAW SCHOOL
CONVENED JANUARY 3, 1853.

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1853.

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in pursuance of this act, to the circuit court of Edgar county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

Vacancies filled
by election.

§ 12. Whenever the police justice or town constable shall remove from the town, resign, or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

Public act.

§ 13. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state without proof.

Acts repealed.

§ 14. All acts or part of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Execution of
writs.

§ 15. The town constable or any other officers authorized to execute writs or other process issued by the police justice, shall have power to execute the same any where within the limits of Edgar county, and shall be entitled to the same fees as other constables are in like cases.

Vote on charter.

§ 16. The president and trustees of the town of Paris shall cause an election to be held in said town on the first Monday of March next, at which the inhabitants residing within the limits of said town, who are authorized to vote for state officers, shall vote for or against this charter, and if the majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect as a law, but if a majority of the votes shall be against the adoption of said charter, then this act to be of no effect.

APPROVED February 12, 1853.

In force Feb. 2,
1853.

AN ACT to incorporate the Belleville Water Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That George Bressler, Asbury Harrison, Russell Hinkley, Frederick Von Schrader, Wm. H. Snyder, Nathaniel Niles, Alexander Kayser, L. D. Cabanu, William Davis, Thomas Heberer, W. C. Kinney, Simon Eimer, John W. Pullian, Edward Tittman, and Samuel B. Chandler, and such other persons as they associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Belleville Water Company," with perpetual succession, and by that name and style shall be capable in law of taking, holding, purchasing,*

Name and style.

leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes or objects of this act, as the same herein set forth.

§ 2. The Belleville Water Company shall have full power and authority to locate, and from time to time alter, change, relocate, construct, reconstruct and fully finish, perfect and maintain all such works, dams, canals, water reservoirs, water pipes, wells, pumps, steam engines, aqueducts, hydrants, and all such houses and buildings necessary for water-works, to supply with water the city of Belleville and the town of West Belleville, in the county of St. Clair, and state of Illinois, and for that purpose the said company shall have full power and authority to lay out, designate and establish their said works, and may take and appropriate to their own use any lands necessary for said water works, not exceeding sixty feet in width along the entire line from the water reservoirs to and through any part of the said city of Belleville and said town of West Belleville, and not exceeding six hundred acres of land for the purpose of water reservoirs, dams, dikes and depots; said company taking all such lands by gifts, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

§ 3. The said company, and, under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, body politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the constructing of said water works, and for all purposes connected with said water works for which said corporation, by the last preceding section, is authorized, to have, take and appropriate any land, and to fell and cut down all timber and other trees standing within fifty feet of the line of said water works; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid for in the manner hereinafter provided for assessing and paying damages for land taken for the use of said water company, the said company doing as little damage as possible in the execution of said power hereby granted, and making satisfaction in the manner hereinafter mentioned, for the damages to be sustained by the owners or occupiers of said land.

Grants, dona-
tions, &c.

§ 4. The said company shall have power to take, receive and hold all such voluntary grants and donations of land and real estate for the purposes of said water works as may or shall be made to said company to aid in the construction, maintenance and accommodation of said water works; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said water works, or which said company may wish to use for the purpose of procuring stone, sand, gravel or earth, or other materials to be used in dams, or otherwise in or about the construction, repairs or enjoyment of said water works, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said water works, which said company is authorized and empowered by this act to have or appropriate any lands, and to take and receive grants and conveyances of any and all interests and estate therein, and to them and their successors or assigns in fee or otherwise; and in case said company cannot agree with such owner or owners or occupiers of such land as aforesaid, so as to procure the same by the voluntary act and deed of such owners or occupiers of such land as aforesaid, then the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works, as prescribed by the act relating to "right of way," approved March 3d, 1845. But when the owner or occupiers, or either of them, of such lands shall be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the lands or property wanted may be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded; that to ascertain the amount to be paid as above to said owners or occupiers for land and materials taken for the use of said corporation, it shall be the duty of the governor of the state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the amount of damages which the owners or occupiers of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same: and it shall be the duty of the commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the lands or real estate appraised, to be recorded by said corporation in the circuit clerk's office of St. Clair county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same

Lands of infants,
&c.

Governor appoint
commissioners.

Deliver
statement.

all rights, privileges, franchises and immunities in said act contemplated: *Provided*, that notice by publication in some newspaper in St. Clair county shall first be given for thirty days to the owners or occupiers, or unknown owners, as the case may be, of the intention on the part of the said corporation to apply to the governor for the appointment of commissioners as herein provided: *And provided further*, that any appeal which may be allowed under the provisions of this act above mentioned, or of any general law of this state, shall not effect the possession by said company of any of the lands appraised or taken under this act; and when the appeal may be taken or a writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the land described in the petition, or required by said company for the use and purposes of said water-works, upon said company giving bond and security, to be approved by the clerk of the circuit court of St. Clair county, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all rights to use the lands so condemned.

§ 5. The capital stock of said company shall be ten thousand dollars, which may be increased from time to time by a vote of a majority in interest of the stockholders, at their annual meeting, or any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding one hundred thousand dollars, which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and which may be issued, certified and registered, and transferred in such manner and in such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner, and at the time, and in such sums as they may direct, and on the refusal or neglect on the part of stockholders, or any of them, to make payment on requisition of the board of directors, the shares of such delinquent may, after thirty days' public notice, be sold at auction, under such rules as the directors may adopt, the surplus money, if any remains after deducting the payment due, with the interest and cost of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed shall cause books to be opened for subscription to the capital stock of said company, at such time and places, and in such manner as they shall direct: *Provided*, that as soon as five thousand dollars of bona

fide subscription shall be made, and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said water-works.

Powers vested. § 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such officers, agents and servants as they shall appoint. The first board of directors shall consist of George Bressler, Asbury Harrison, Russell Hinkley, Frederick Von Schrader, William H. Snyder, Nathaniel Niles, Alexander Kayser, D. L. Cabanu, William Davis, Thomas Heberer, Simon Eimer, William C. Kinney, John W. Pullian, Edward Tittman, Samuel B. Chandler, who shall hold their offices until their successors are elected and qualified. Vacancies of the board may be filled by vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors is held, and which annual election of directors shall be held on the first Monday in January, in each year, at the office of the company, thirty days' notice being given in a newspaper published in Belleville.

Votes. § 7. At any election for directors each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their office until the annual election, and until their successors in office are elected and qualified. All elections to be conducted by three judges, to be selected by the stockholders present.

Office. § 8. The office of said company shall be located in the city of Belleville, and the directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

Charges for water. § 9. The said company shall have power to charge for the supply of water to families, mills, distilleries, breweries, fire companies, or to any person or persons, and bodies corporate, applying to said company for a supply of water, such sums of money per annum as shall be lawfully established by the by-laws of said company.

Dividends. § 10. The said company shall annually or semi-annually make such dividends as they may deem proper of the net profits, receipts or incomes of said company among the stockholders therein, in proper proportion to their respective shares.

Belleville subscribe stock. § 11. The said company may accept subscriptions to their stock from the city of Belleville and town of West Belleville, or either of them, to any amount not to exceed three thousand dollars each; and for the purpose of raising the amount so to be by them subscribed, the said city of Belleville, and the said town of West Belleville, by their

corporate authorities, are hereby authorized and empowered to borrow any sum not exceeding three thousand dollars each, payable at such times and places, and in such sums, and with such rate of interest, as may be agreed upon, and may issue their bonds therefor under their respective seals.

§ 12. If any person shall do or cause to be done, or Penalties. aid in doing or causing to be done, any act or acts whatever, whereby any building or construction, or work of said company, or any machine, or water conveyance, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, or weakened, injured or destroyed, or if any person or persons, shall throw, conduct or convey, or cause to be thrown, conducted or conveyed into the water reservoirs, dams or dykes of said company, any filth, dirt, mud, still slops, offals, or any other impurities, the person or persons so offending shall be deemed guilty of a misdemeanor, and may be punished, upon conviction, by fine in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass before any justice of this state, or before any court having jurisdiction thereof.

§ 13. Said company is hereby authorized, from time to Borrow money. time, to borrow such sum or sums of money as may be necessary for completing, finishing, or enlarging their said water-works, and to issue and dispose of their bonds in denominations not less than four hundred dollars, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purpose aforesaid, and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of bonds for less than their par value shall be good and valid and as binding upon said corporation as if the same were sold for the full amount thereof.

§ 14. The said company hereby chartered shall be re- Time of construction. quired to construct and operate their said water-works, according to the terms of this charter, within five years from the passage of this act, which shall be taken and received as a public law in all courts and places whatever.

APPROVED February 3, 1853.