

# 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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by the officers duly appointed for that purpose, in a book to be kept by the president and directors for that purpose.

§ 12. This act to take effect from and after its passage.  
APPROVED February 9, 1853.

AN ACT to incorporate the Pekin Water Company.

In force Feb. 9,  
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel P. Baily, Peter A. Brower, Benjamin S. Prettyman, Benjamin Kellogg, jr., J. C. Thompson, Daniel McCook, Henry Wisner, Peter Weyrick, Daniel M. Baily, William B. Doolittle and Middleton Tackaberry, and such other persons as they may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Pekin Water Company," with perpetual succession; and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purposes 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; 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 are herein set forth.

§ 2. The Pekin 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, mills, pumps, steam engines, aqueducts, hydrants and all such houses and buildings necessary for water works to supply with water the city of Pekin, in the county of Tazewell, 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 water 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 lake east of the city of Pekin, called and known by the name of "Baily's lake," to and through any part of said city—said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

§ 3. The said company, and under their direction their agnts, servants and workmen, are hereby authorized and

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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; which said corporation, by the last preceding section, is authorized to have, take and appropriate any lands, 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 said trees, unless otherwise settled, to be assessed and paid for in 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, &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 owner or occupiers of 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, walls 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 occupants 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 public roads, canals or other public works as prescribed by the act relating to "right of way," approved March 3d, 1845; but when the owners or occupiers, or either of them, of such lands shall be a *femme covert*, infant, *non compos mentis*, unknown or out of the state or county in which the said 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

Right of way.

to ascertain the amount to be paid as above to said owners or occupiers for land and materials taken for the use of said company, 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 owner 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 by them appraised, to be recorded by said corporation in the circuit clerk's office of Tazewell 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 all rights, privileges, franchises and immunities in said act contemplated: *Provided*, that notice by publication in some newspaper in Tazewell 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 said corporation to apply to the governor for the appointment of commissioners as herein provided: *And provided, further*, that any appeal that may be allowed under the provisions of this act above mentioned, or any general law of this state, shall not affect the possession by said company to 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 corporation, 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 Tazewell 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 first hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all rights to use the land so condemned.

Deliver written statement.

Publication.

Appeal.

§ 5. The capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time by a majority vote 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 and fifty thousand dollars; which stock shall be divided into shares of one hundred dollars each, which shall be deemed per-

Capital stock.

Payment of sub-  
scription.

sonal property, which may be issued, certified and transferred in such manner and in such plans 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 request of the board of directors, the shares of such delinquents 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 interest and costs of suit, 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 ten 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.

Corporate powers

§ 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 three nor more than five in number, and such officers, agents and servants as they shall appoint. The first board of directors shall consist of Samuel P. Bailly, Daniel McCook, Benjamin S. Prettyman, Middleton Tackaberry and Peter A. Brower, who shall hold their offices until their successors are elected and qualified. Vacancies of the board may be filled by a vote of two-thirds of the directors remaining—such appointees to continue in office until the next regular annual election of directors shall be held, and which annual election of directors shall be held on the first Monday of January in each year, at the office of the company, thirty days' notice being given in a newspaper published in the city of Pekin.

Voters.

§ 7. At any election of 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 offices until the annual election, and until their successors 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 Pekin, 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.

§ 9. The said company shall have power to charge for the supply of water to families, mills, distilleries, breweries, founderies, fire companies, or to any person or persons and bodies corporate, applying to said company for a sup-

ply of water, such sums of money per annum as shall be lawfully established by the by-laws of said company.

§ 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. Dividends.

§ 11. The said company may accept subscriptions to their stock to any amount not to exceed one hundred and fifty thousand dollars; and for the purpose of raising the amount to be by them subscribed, the said company, by its corporate authority, is hereby authorized and empowered to borrow any sum not exceeding one hundred thousand dollars, payable at such times and places, and in sums and with such rate of interest as may be agreed upon, and may issue their bonds therefor under their seal. Subscriptions.

§ 12. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whereby any building or construction or work of said company, or any machine or water conveyance, or any water or thing appertaining to the same shall be stopped, obstructed, impaired or weakened, injured or destroyed, or if any person or persons shall throw or conduct or convey into the water reservoirs, dams or dykes of said company any filth, dust, mud, still-slops, offals or any other impurities, or by shooting game upon said lake, 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 in the penitentiary of this state, 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 the peace of this state, or before any court having jurisdiction thereof. Penalties.

§ 13. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing, finishing or enlarging their said water works; to issue and dispose of their bonds in denominations of not less than five 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 purposes aforesaid. And the directors of said company may confer on the bondholders 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 bonds, under such regulations as the directors of said company may see fit to adopt; Borrow money.

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.

Time of construction.

§ 4. The said company hereby chartered shall be required to construct and operate their said water works according to the terms of this charter within ten years from the passage of this act, which shall be taken and received as a public act in all courts and places whatever; and the said company shall have power to loan the balance of their capital stock to individuals, or to vest the same in the capital stock of any other corporation, as the directors of said company shall deem fit, at any rate of interest that may be agreed upon between the directors of this company and the individuals and corporation aforesaid. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853.

AN ACT to incorporate the Sangamon County Agricultural and Mechanical Association.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James McConnell, James M. Morse, their associates, heirs and assigns, and such other persons as shall hereafter become stockholders by virtue of the provisions of this act, are hereby constituted and declared a body politic and corporate, by the name and style of "The Sangamon County Agricultural and Mechanical Association," and by that name shall sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in this state.

Style.

By-laws.

§ 2. That said association shall have power to make and establish such by-laws, rules and regulations for the government of said association, and for the transaction of their business, as shall be deemed necessary and proper by said association: *Provided, however,* such by-laws, rules and regulations are not contrary to the provisions of the constitution and laws of this state, or of the United States.

Capital stock.

§ 3. That the capital stock of said association shall consist of two thousand dollars, to be divided into shares of twenty dollars each.

Increase capital stock.

§ 4. That said association may at any time increase the amount of their capital stock by a vote of two-thirds the members of said association.

§ 5. That said association may purchase real estate for the purposes of the said association.