

2921

**ACTS**  
**OF**  
**THE LEGISLATURE**  
**OF THE**  
**STATE OF MICHIGAN,**



**PASSED AT THE ANNUAL SESSION OF 1849,**

**WITH AN**

**APPENDIX,**

**CONTAINING THE**

**State Treasurer's Annual Report, &c.**

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**BY AUTHORITY.**

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**LANSING:**

**BY MUNGER & FATTISON, PRINTERS TO THE STATE.**

**1849.**

**Sec. 3.** That the title of said act be and the same is hereby amended by striking out the word "mining" and inserting the words "iron manufacturing," in lieu thereof, so that said title as amended shall read as follows: "an act to incorporate the Jackson iron manufacturing company of Jackson."

Approved April 2, 1849.

[ No. 223. ]

AN ACT to incorporate the Grand Rapids Hydraulic Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, and their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the "President and directors of the Grand Rapids hydraulic company," and are hereby ordained, constituted and declared to be, forever hereafter, a body corporate and politic in fact and in name; and by that name, they and their successors shall, and they may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law, capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation, provided that the real and personal estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

**Sec. 2.** That the capital stock of the said corporation shall not exceed thirty thousand dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened, and kept open under the direction of said president and directors, until the whole number of shares subscribed amount to six hundred shares, when the said president and direct-

ors may commence operation under this act, and may make thereafter, from time to time such regulations concerning further subscriptions to stock, as to them shall seem proper to enable the said company to enlarge or carry into operation their works; and especially as to when further subscriptions to the capital stock may be opened and made, and what amount of stock, from time to time may be subscribed, until the whole, or any part of said capital stock shall be subscribed.

Sec. 3. That the stock, property and concerns of said company shall be conducted and managed by five directors, who shall be stockholders, and residents of the said village of Grand Rapids, which directors shall hold their office for one year from the first Tuesday of May, in every year; and the said directors shall be elected on the first Tuesday in May in every year, at such time of day, and at such place within the village of Grand Rapids, as the directors for the time being, or a majority of them shall appoint; and public notice thereof shall be given by said directors, not less than twenty days previous to the time of holding the said election, by advertisement to be inserted in at least one public newspaper printed in said village; and the said election shall be made by such of the stockholders of the said company as shall attend for that purpose in their proper persons, or by proxy, which proxies shall be stockholders, and all elections shall be by ballot: and the five persons who have the greatest number of votes at any election shall be the directors: and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to vote at such election, shall proceed to ballot a second time and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of five. And the said directors as soon as may be after their election shall proceed in like manner to elect by ballot one of their number to be their president: and if any of the directors so to be elected, shall at any time remove out of the village of Grand Rapids, the office of such director or directors shall be considered as vacant: and if any vacancy or vacancies shall at any time happen among

Directors,  
their term  
of office,  
election,  
&c.

the directors by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them shall appoint: That the first directors shall be George Coggershall, Thomson Sinclair, Charles Shepard, Canton Smith and James M. Nelson, who shall hold their offices until the first Tuesday of May next: and the said first directors, at their first meeting shall proceed to appoint their president.

Powers of directors.

Sec. 4. That the directors shall have power to appoint the time and place of all meetings for the despatch of business, to appoint all such officers, agents, clerks, superintendents and servants, as they shall deem necessary for carrying into effect the powers by this act vested in said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents, clerks, superintendents and servants.

Objects of incorporation and powers of Co. in relation thereto.

Sec. 5. That it shall be lawful for the said company and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of, for the sole purposes contemplated by this act, any land which may be necessary for the purpose of conducting a plentiful supply of pure, wholesome water to the said village, for the use of the inhabitants of said village, and to supply reservoirs for extinguishing of fires. Said supply of water shall be obtained from the springs of water in and about said village; from Cold Brook; from the lake or lakes, from which it has its source, or from either of them, and from no other source; and to erect any dam or other works across said Cold Brook or springs where they shall judge proper for the purpose of raising the water of said Cold Brook, springs, lake or lakes, and to construct, dig, or cause to be opened, any trenches for the conducting of such water from said springs, Cold Brook, lake or lakes, that they may see fit; and to raise and construct such dykes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said village. The said Grand River hydraulic company shall not use the water or improvements made or obtained under this act of incorporation for the purpose of propelling any machinery, or for any other purpose than that of supplying the village of Grand Rapids with a pure,

wholesome supply of water for household purposes and domestic uses, and to supply reservoirs for the extinguishing of fires; and the said company shall not, in any manner, injure or interfere with any water power; and to agree with the owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her, or them for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they or any of them may sustain, by the employing, diverting or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid, but in case of any disagreement, or in case the owner of any such lands, tenements or hereditaments, shall be *femme covert*, under age, non compos mentis, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, upon the application of either party, to nominate and appoint three indifferent persons to view, examine and survey the said lands, tenements and hereditaments, and to estimate the injuries sustained as aforesaid, and to report thereupon to the said judge or judges, without delay, and upon the coming of such report, and the confirmation thereof by the said judge or judges, the said president, directors and company shall pay to the said owners respectively, the sums mentioned in such report, in full compensation for the said lands, tenements and hereditaments, or for the injury sustained as aforesaid, as the case may be. And upon such payment, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the said judge or judges, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such case, then a deposit with the treasurer of the county of Kent, of the amount of money assessed as the valuation or damages in manner as aforesaid, together with a certified copy of the said report, shall be considered equiv-

May agree with owners of land, &c. for compensation to be paid therefor.

Proceedings in case of disagreement.

Report of jury of view and proceedings thereupon.

alent to a payment or a tender thereof to the person entitled to the same; and the treasurer of said county shall receive and keep account of all moneys so received into the said county treasury, and shall pay them to the parties entitled thereto, on the order of the said judge or judges, for said county; and such assessment of damages when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person or persons to whom damages were awarded in manner aforesaid, and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed in manner aforesaid. The said three indifferent persons to be appointed as viewers, and to appraise the damages as aforesaid, shall receive such compensation for their services as the said judge or judges may, in their discretion deem proper and just, which shall be paid by the said company upon the order of said judge or judges. And the said company and all those who have acted under them, shall be acquitted from, and freed from responsibility for or on account of any such injury. But nothing in this section shall be construed to grant any rights, or give any privileges inconsistent or repugnant to the constitution of this state or of the United States.

Notice of application for appraisal of damages.

Sec. 6. Whenever application shall be made to the said judge or judges by either party to nominate three indifferent persons to view, examine and survey the said premises as hereinbefore prescribed, for the purposes of ascertaining and assessing said damages, previous notice of such application shall be given to the owner or occupier of such premises, either by personal service of such notice ten days before making such application, or by public advertisement, for three weeks previous to such application, in some newspaper printed in Kent county; and if there be no such paper printed in said county, then such notice shall be published in the state paper, if there be one; and if there be none, then in some newspaper nearest the place where such works are proposed to be constructed. Such notice to describe the lands, tenements and hereditaments proposed to be taken by said company, or touching which damages are to be assessed, by the section or quarter section, or any other legal subdivision, or if in a village, by the section, block or number of the lot, or by some suitable or proper description. And

evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, such affidavit to be made within three months after the last publication of such notice, shall be prima facie evidence of such facts set forth.

Sec. 7. That it shall be lawful for the said company hereby incorporated, and for all and every persons employed by, or under them, for the purposes contemplated by this act, from time to time, to enter upon any lands contiguous or near to said stream, fountains, aqueducts, dams or other works, or the places which may be selected for, and intended to be used and employed for the same, with curts, wagons and other carriages, and beasts of draught and burthen and all necessary tools and implements both for executing and making, and also for altering and repairing said works, or any of them, and to take and carry away timber, stone, gravel, sand or earth, from the same, for the making, altering or repairing of the said works, or any of them, subject always to the making compensation for all actual damages thereby occasioned, either by agreement of parties or in the mode hereinbefore prescribed.

Company  
may enter  
upon lands,  
&c.

Sec. 8. That it shall be lawful for the president and directors of said company, from time to time, to make and establish such by-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state and the United States, for conducting and managing the affairs of said company, and for conducting and preserving the said works and every of them, and for conveying, employing, distributing and disposing of the water so as to be conducted as aforesaid, and for carrying into effect all the objects and purposes of said corporation: and may also agree with the corporation of the said village of Grand Rapids, the inhabitants of said village, and others choosing to use or take said water, regarding the rates at which the same shall be paid for: *Provided*, That the said company shall within five years from the passage of this act, furnish and continue with no unreasonable delay, a supply of pure and wholesome water, sufficient for the use of all such citizens dwelling in the said village, as shall agree to take it on the terms to be demanded by said company: in default whereof, the said corporation shall be dissolved.

By-laws of  
company.

Sec. 9. That it shall be lawful for said directors to call and de-

**Assessm'ts on shares.** mand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times, and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

**Trespasses on works of company.** Sec. 10. That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of damages sustained by means of such offence or injury, to be recovered by such company with costs of suit, and by action of debt in any of the courts of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this state.

**General provisions.** Sec. 11. Said company shall be entitled to all the benefits, and subject to all the restrictions of chapter fifty-five of the revised statutes of 1846, so far as the same be applicable and not inconsistent with this act. The legislature may at any time hereafter amend or repeal this act.

Approved April 2, 1849.

[ No. 224. ]

AN ACT to incorporate the Union Mining Company.

**Incorporation.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Ramsay Crooks, John J. Palmer, Daniel S. Miller, Robert Hyslop, Charles W. Borup and John R. Livingston, and others who shall be associated with them, are hereby constituted a body corporate by the name of the Union mining company, for the purpose of mining, smelting and manufacturing ores, minerals and metals: *Provided,* That nothing in this act contained shall confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing of any stock of any bank, or for any other purposes than those here- particularly specified.