

Missouri, Laws, 1875
LAW^s OF MISSOURI.

GENERAL AND LOCAL LAWS

PASSED AT THE

REGULAR SESSION

OF THE

TWENTY-EIGHTH GENERAL ASSEMBLY,

BEGUN AND HELD AT

THE CITY OF JEFFERSON, WEDNESDAY, JANUARY 6, 1875.

BY AUTHORITY.



JEFFERSON CITY:

BEGAN & CARTER, STATE PRINTERS AND BINDERS.

1875.

SEC. 28. For the purpose of purchasing the necessary property, real and personal, and for the erection of waterworks, reservoirs, aqueducts, pumps, engines and other machinery, and of procuring the same, and of procuring and laying main pipes and erecting hydrants and water-plugs, and for any other necessary charge or expense of putting said waterworks into practical operation, said company is authorized to borrow any sum or sums of money that the board of directors may deem necessary, not exceeding the amount of stock taken in or subscribed to said company, upon such time, terms and conditions as said board of directors may order, and to evidence and secure all such loans, said company may issue its bonds on such time and in such amounts as said board may elect, and affix thereto coupons for such rate of interest, not exceeding ten per cent. per annum, and payable at such place or places, and at such intervals as the board may determine, and may by mortgage or deed of trust secure any or all such bonds and coupons by conveying or pledging any or all of the property of said company, both real and personal, together with its franchises, rights, privileges, rents, issues, profits, earnings and receipts, or any part thereof. And no dividend shall ever be paid to the stockholders out of the earnings whilst any matured obligation exists and is dishonored and unpaid.

SEC. 29. All acts or parts of acts inconsistent with or repugnant to this act are hereby repealed.

SEC. 30. This act shall take effect and be in force from and after its passage.

Approved February 27, 1875.

CITIES AND TOWNS: ST. JOSEPH—CHARTER AMENDMENTS.

AN ACT to amend and supplementary to an act entitled "An act to amend the charter of the City of St. Joseph and supplementary thereto; to provide for said city a supply of wholesome water, and for other municipal purposes," approved February 27, 1875.

SECTION

1. Waterworks company—election of directors.
2. The Board of Directors—how formed.
3. Subscription for stock.
4. Limit of franchise.
5. Annual rental and compensation.
6. Election to give right to company to build, etc.

SECTION

7. Regulating distance between hydrants or water-plugs.
8. Concerning water rates.
9. When the company may commence work.
10. City may issue bonds.
11. Acts inconsistent repealed.
12. Act to take effect.

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

SECTION 1. The election of directors by the stockholders of the St. Joseph waterworks company, shall, after the first election, take place annually in the City of St. Joseph, of which like notice shall be given, as is provided for in section twenty-two of an act entitled "An act to amend the charter of the City of St. Joseph and supplementary thereto; to provide for said city a supply of wholesome water, and for other municipal purposes," approved February 27, 1875.

SEC. 2. Section 18 of the above recited act shall be and is hereby amended so as to read as follows: Section 18. There shall be elected by and from amongst the stockholders of said company nine directors, who, with the mayor of said city, for the time being, as *ex officio* president thereof, shall constitute a board of directors for said company, and a majority of such board shall be citizens of Buchanan county, in the State of Missouri, and as such said board of directors shall have the sole power to manage and control all the business property and affairs of said company.

SEC. 3. At the time of subscribing for stock in the St. Joseph waterworks Company, every subscriber, except the City of St. Joseph, (if it should make a subscription,) shall pay in cash five per cent. on the amount subscribed, and the balance shall be paid from time to time, as the same may be assessed by the board of directors of said company.

SEC. 4. The exclusive privilege granted by section twenty of the above recited act shall be and is hereby limited to twenty years.

SEC. 5. Section twenty-six of the above recited act shall be amended so as to read as follows: Section 26. For each hydrant or water-plug so established, and maintained by said company, and for the use of water therefrom by said city, or the public, said company shall be paid by said city such annual rental or compensation as may be just and usual in such cases, which rental or compensation shall be fixed from time to time, at intervals of two years, by the judge of the circuit court of Buchanan county: *Provided*, That such rental or compensation shall be a fair average of the usual prices paid for such service and accommodation in other cities using a like number (as near as may be,) of hydrants or water-plugs, as said company shall establish for the use of said City of St. Joseph, and the official certificate or sworn statement of the mayor or other executive officer of any such other city, shall be received by said judge as *prima facie* evidence of the usual price paid for similar service by such other cities. Such rental or compensation shall be paid to the said company by the said City of St. Joseph quarterly at the end of each quarter: *And provided further*, That outside the limits of the original town of St. Joseph the mayor and council of said city shall have the right, and it shall be their duty to designate the street in and along which main pipes are demanded by the wants of the city, and its inhabitants, and the number and location of hydrants or water-plugs for the use of such city, and the distance between the same.

SEC. 6. Within eighteen months from and after the passage of this act, and not before four months after its passage, the mayor and council of said City of St. Joseph shall cause an election to be held at the usual places of voting in said city, of which sixty days' notice shall be previously given by publication, in one or more daily news-

papers in said city, at which the following proposition shall be submitted to the qualified voters of said city to wit: "Shall the St. Joseph waterworks company have the right to construct waterworks in accordance with the terms of the act creating said company, and the act amendatory and supplemental thereto?" If a majority of said voters, voting at such election, shall cast their ballots in favor of said proposition, then the said St. Joseph waterworks company shall proceed to such construction. But if a majority of such votes be cast against said proposition, the said St. Joseph waterworks company shall not have the right or power to build said waterworks under said act to which this is supplemental: *Provided*, That the City of St. Joseph shall have the right for eighteen months after the passage of this act, to construct, build and operate, a complete system of waterworks for said city and its inhabitants, and for that period said city, as such, shall have the first and prior right and franchise of so building, owning, constructing and managing such waterworks, and the mayor and council may make and appoint commissioners to superintend and carry on such work, if undertaken by said city; and if such work of construction is in good faith commenced by said city within the said eighteen months, the said city shall have the exclusive right and franchise of supplying itself and its inhabitants with water by the establishment and use of a complete system of waterworks, but without any power in said city to alienate or assign said right or franchise.

Sec. 7. The circuit court of Buchanan county, or the judge thereof in vacation, on a petition being filed before him by the authorities of the City of St. Joseph, setting forth that three hundred feet is a distance too short in the original town of St. Joseph, or any part thereof, between hydrants or water-plugs for the use of said city, as provided in section twenty-four in said act, shall cause both parties to be heard without delay, and shall determine whether such distance shall be increased, and in making his adjudication he shall take into consideration the public safety, and the usual distance in other cities of like condition (as near as may be) in the United States.

Sec. 8. The said circuit court, or (judge thereof in vacation,) in passing upon the rental to be paid by the City of St. Joseph to said waterworks company for the use of water, shall have the right to take into consideration, in addition to the rates charged by other cities, the actual cost of the whole waterworks, the expenses of operating the same, and the total receipts of the company from all sources, and said court shall not be bound by any unusual or unjust rate of any other city, and may make it greater or less than the rate of any city, if the facts proved justify it, and in like manner whenever complaint shall be made to said court, by any ten householders of said city that the water rates charged the inhabitants of said city are exorbitant and oppressive, and beyond a rate justified by the cost of the works and expenses of maintaining and operating the same, the facts shall be heard and determined, and thereupon such rates shall be adjusted and fixed by said court so as to be fairly remunerative to said company, and not exorbitant to the inhabitants of said city, or any of them.

Sec. 9. After the said St. Joseph waterworks company shall become entitled to proceed with the work of construction of said waterworks, by reason of any of the provisions of the said act, or this supplement thereto, said company shall commence the work of construction within six months, and within two years thereafter, unless

prevented or delayed by the city, or by injunction, or writ of *quo warranto*, shall so far complete said works as to have at least ten miles of main pipe laid down in the streets of said city, and be able to supply pure and wholesome water by means of engines, pumps and reservoirs, or other approved system, through the said ten miles of main pipe and its connections in said city. Otherwise the franchise granted by said act shall be forfeited and thereafter be irrevocably vested in said City of St. Joseph.

SEC. 10. In the event that the city should undertake or determine to undertake the construction of said system of waterworks, as provided in section six of this act, the said city is hereby authorized and empowered to issue the bonds of said city to such amount and of such tenor and effect, and at such rate of interest as the mayor and council may prescribe: *Provided*, That before any such bonds shall be issued by the mayor and council of said city, the assent of a majority of the qualified voters of said city, voting thereon, shall be obtained at a general or special election to be held in said city.

SEC. 11. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect from and after its passage.

Approved March 26, 1875.

CITIES AND TOWNS: ST. JOSEPH—CHARTER AMENDMENTS.

AN ACT supplementary to and amendatory of the charter of the City of St. Joseph.

SECTION

1. Subscriptions to Bush street funds.
2. Appropriation of same.
3. Ascertain the amount needed.

SECTION

4. Payments to be credited on taxbook.
5. Certificate to bear interest.
6. Act to take effect.

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

SECTION 1. The mayor and city council of the City of St. Joseph shall have power, and it is hereby made the duty of said mayor and council to open books for and to receive subscriptions from any person or persons desiring to subscribe to the Bush street fund, said fund not to exceed two thousand dollars.

SEC. 2. Said fund shall be devoted to the opening of Bush street between Hall and Robidoux streets, in the said City of St. Joseph, by continuing in a right line southward to the said Robidoux street the west line of the said Bush street, as it now is from Hall street, about two-thirds of the distance towards Robidoux street.

SEC. 3. Within sixty days next after the passage of this act, the said mayor and council shall ascertain, in a legal manner, the least amount of money necessary to so open the said Bush street, and then,