

Missouri, Laws, 1875
LAW^YS OF MISSOURI.

GENERAL AND LOCAL LAWS

PASSRD AT TER

REGULAR SESSION

OF THE

TWENTY-EIGHTH GENERAL ASSEMBLY,

BEOUN AND FIELD AT

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

BY AUTHORITY.



JEFFERSON CITY:

BEGAN & CARTER, STATE PRINTERS AND BINDERS.

1875.

CITIES AND TOWNS: ST. CHARLES—BONDS—HOW ISSUED.

AN ACT to enable the City of St. Charles to issue and sell bonds to pay its floating debt.

SECTION

1. City bonds, how to be issued.

SECTION

2. Act to take effect.

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

SECTION 1. The mayor and councilmen of the city of St. Charles are hereby authorized and empowered to issue the bonds of said city to an amount not exceeding six thousand dollars, in addition to the amount already issued. Said bonds shall draw ten per cent. interest per annum, and run for a term not longer than twenty years, and be redeemable at the expiration of five years, or at any time thereafter within the twenty years, at the option of the council. Each bond shall be for the sum of five hundred dollars, with interest coupons attached, and shall be signed by the mayor and countersigned by the city register, and sealed with the seal of said city; and each coupon shall be signed by the mayor and city register. Said bonds shall be paid in legal tender money of the United States and of this state. The sale of said bonds, and the payment of principal and interest thereon, shall be made in such manner as shall be provided by ordinance; but no sale shall be made at less than par.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1875.

CITIES AND TOWNS: ST. JOSEPH—CHARTER AMENDMENTS—WATER-WORKS.

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.

SECTION

1. Creating office of city counsellor.
2. Mayor to appoint.
3. Duties of city counsellor.
4. City counsellor to take place of city attorney.
5. Fees of city officials.
6. Fees and costs; how collected and paid.
7. Marshal's deputies.

SECTION

8. Main sewers; construction and payment therefor.
9. Amount of legal tax therefor.
10. Repeal of acts in old charter.
11. For the payment of principal and interest of old debt.
12. Levy and collection of taxes for same.
13. Location of gas posts, etc.

SECTION

14. Repeal of section 8.
15. Waterworks.
16. City can subscribe stock.
17. Capital stock of waterworks company.
18. Stockholders elect directors.
19. Mayor to be *ex officio* president of the board.
20. Company to procure title to property.
21. Condemnation of real estate for waterworks.
22. Commissioners appointed.

SECTION

23. Company to become their legal successors.
24. Company to supply wholesome water.
25. City council to protect rights of the Company.
26. Hydrants and water-plugs.
27. Furnishing water to citizens.
28. Company may issue bonds to borrow money.
29. Inconsistent acts repealed.
30. Act to take effect.

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

SECTION 1. The office of city counsellor of the City of St. Joseph is hereby created.

SEC. 2. At the first regular meeting of the city council of the City of St. Joseph, after the election and qualification of the newly elected councilmen of said city, in the year 1876, and at such regular meeting every two years thereafter, the mayor shall, with the advice and consent of the city council, appoint a suitable person as city counsellor, who shall hold his office for two years, and until his successor shall have been duly appointed and qualified. But no person shall be appointed, confirmed or qualified as city counsellor, unless he shall have been, at the time of his appointment, a regularly practising lawyer in the courts of record, including the supreme court of this state, for five years or more next preceding his appointment, and shall be a qualified voter of the City of St. Joseph.

SEC. 3. It shall be the duty of said city counsellor to prosecute or defend, as the case may be, for and in the name of said city, or otherwise, all cases in the courts of record of this state, and in the United States courts, to which the said city is a party, or in which it shall be interested. Whenever requested by the mayor, the city council or any elective officer of said city, the city counsellor shall give his opinion, in writing, upon any question of law pertaining to the affairs of said city, and perform all other professional service required by said council; and said city counsellor shall not charge or receive any fee, reward or emolument for any such service or for any such opinion, the salary hereinafter provided for being intended as full compensation therefor.

SEC. 4. After the appointment of said city counsellor, the city attorney of said city shall not be authorized nor required to perform any of the duties hereinbefore devolved upon the city counsellor.

SEC. 5. After the expiration of the term or terms of office for which the present incumbents were elected, the following named officers of the said City of St. Joseph shall receive, for all their fees and services, compensation as follows: The city counsellor not exceeding one thousand dollars per annum; the city recorder, fifteen hundred dollars, and no more, per annum; the city register, eighteen hundred dollars, and no more, per annum; the city collector, eighteen hundred dollars, and no more, per annum; the city assessor, one thousand dollars, and no more, per annum; the city attorney shall receive one dollar for each case he shall prosecute to conviction before the city

recorder, and no other compensation; and none of the above mentioned officers shall employ, at the expense of or costs to said city, any assistant, clerk, agent or attorney to assist in the discharge or performance of any official duty.

SEC. 6. All fees and costs now authorized by law, or that may be hereafter authorized by law, to be taxed and collected by and for the use of the city recorder and city attorney, in proceedings before such recorder, and all fees and emoluments arising from and belonging to the office of city recorder and city attorney shall be collected by the city marshal, and after the said present term of the incumbents of said offices, shall be paid by him to the treasurer of said city; and all fines assessed against any person for a violation of any of the ordinances of said city, shall be collected in the same manner as heretofore, and shall be paid over to said city treasurer; and all fees and emoluments heretofore allowed to be collected by law by the city register, shall be, by him, collected and paid over to said city treasurer. The city collector shall not deduct, from the amounts he may collect, any fees or commissions, but he shall pay to the city treasurer all moneys he may collect for taxes, penalties, interest or costs. All moneys collected and paid to the city treasurer, as hereinbefore directed, shall be by him credited to the proper fund of said city.

SEC. 7. The city marshal may appoint one or more deputies; but no paid policeman of said city shall act as such deputy, nor shall said city be liable for or pay any compensation for the services of any deputy.

SEC. 8. The mayor and council of said city may, by ordinance, authorize the construction of main sewers that are now located, or that may be hereafter located in said city, and provide for paying the cost of constructing, excavating and filling the same. All sewers built by authority of this act shall be constructed under the supervision of the city engineer, the mayor and two members of the city council, and in accordance with plans and specifications to be agreed upon and adopted by the mayor and council, prior to the making of any contract for any such work; and in pursuance of such plans and specifications, all work shall be let to the lowest bidder, on sealed proposals addressed to said mayor and council, and opened and read and considered in open session of said council; which proposals shall be invited by publication in two daily newspapers of said city for at least ten days: *Provided*, That no work shall be done under this section until a written contract shall have been entered into between the city and the contractor, specifying the work to be done, the amount of money to be paid therefor, and referring to plans and specifications to be annexed thereto: *And provided further*, That no more work shall be contracted for in any one year than the levy hereinafter provided for such year and the next succeeding year will be sufficient to pay for: *And provided further*, That on the completion and acceptance by the mayor and council of any work done under this section, the mayor and city register shall issue to the person or persons entitled to the contract price therefor, two certificates of indebtedness by said city, each for one-half the amount found to be due and owing such person or persons under his or their contract, one of which certificates shall be made payable out of the revenue of the current year, raised by the special tax hereinafter authorized for that purpose, and the other shall be payable out of the same revenue, to be levied and collected for the next succeeding

year, after said work is completed; and said certificates shall bear interest at the rate of six per centum from date until paid; and no such certificate shall be issued, nor shall any payment be made to any contractor, or his assignee, for work done of any kind authorized by this act until the final completion and acceptance of the whole work contracted for; and no claim, payment or allowance for any extra work, or work of any kind, authorized by this act, shall be entertained, or made, by said mayor and council, unless such extra or other work shall have been, previously to the doing thereof, authorized and directed to be done, and the price thereof fixed by the mayor and council in open session.

SEC. 9. For the purpose of paying for the sewers, excavation and filling, authorized by the last preceding section of this act, the mayor and city council of said city are hereby authorized and empowered to levy and collect, annually, a special tax of one-fifth of one per cent., or less, on all the taxable property in said city of St. Joseph; and the tax so levied shall be collected as other special city taxes, and shall be used and paid out for the purposes mentioned in the last preceding section of this act, and for no other purpose whatever.

SEC. 10. That sections 19, 20, 21, 22 and 23 of an act entitled "An act amending the charter of the city of St. Joseph," approved March 24, 1873, be and they are hereby repealed.

SEC. 11. For the purpose of paying the principal and interest of the debt contracted by virtue of the provisions of an act entitled "An act supplementary and amendatory of the charter of the city of St. Joseph," approved March 24, 1873, the mayor and council of said city are hereby authorized to levy and collect, annually, a special tax of one-tenth of one per cent. on all the taxable property in said city. The money so collected shall be appropriated to the payment of the debt specified in this section, and to no other purpose whatever.

SEC. 12. For the purpose of paying the principal and interest of the debt contracted by virtue of the provisions of "An ordinance for the consolidation of the floating indebtedness of the city of St. Joseph," approved May 15, 1868, the mayor and council of said city are hereby authorized to levy and collect, annually, one-tenth of one per cent. on all the taxable property in said city; the money so collected to be appropriated to the payment of the debt specified in this section, and to no other purpose whatever.

SEC. 13. Section two (2) of an act entitled "An act to amend the charter of the city of St. Joseph," approved March 16, 1872, is hereby amended so as to read as follows, to wit.: Section 2. The location of said gas posts and lanterns on the streets and alleys of the said city of St. Joseph shall be designated by ordinances.

SEC. 14. That section eight (8) of an act entitled "An act amendatory of and supplementary to the charter of the city of St. Joseph," approved March 5, 1868, be and the same is hereby repealed.

SEC. 15. For the purpose of aiding the municipal authorities of the City [of] St. Joseph, to supply a sufficient quantity of pure water for the use of the said city, its inhabitants and environs, and to authorize and secure the erection of facilities and means therefor, Isaac T. Hosea, Silas Woodson, Williard P. Hall, Armstrong Beattie, Jos. C. Hull, John Colhoun, Calvin F. Burnes, B. F. Loan, J. W. Bailey, G. H. Hall, John A. Dolman, John Donovan, Wm. Zook, Milton Tootle, John J. Abell, John Saunders, W. M. Wyeth, G. H. Koch, W. Judson, C. B. France, John Williams, G. T. Hoagland, S. Adler, James McCoord, R. E. Turner, T. J.

Chew, jr., H. R. W. Hartwig, G. C. Catlett, John Quigley, H. W. Kastor, O. M. Smith, J. D. McNeely, C. B. Wilkinson, F. M. Tufts, R. L. McDonald, Isaac Weill, James A. Owens, Thomas Culligan, Lewis Hax, J. C. Ogden, V. B. Buck, Ferd. McCown, C. D. Smith, D. Carpenter, jr., James Craig, J. H. R. Cundiff, E. Gates, B. Patton, W. Z. Ransom, George Lyon, J. C. Hedenberg, J. C. Evans, J. D. Strong, H. K. White, J. B. Hinman, J. S. Lemon, J. S. Brittain, B. Pike, M. A. Read, W. B. Johnson, H. N. Turner, M. I. Couch, F. W. Smith, E. W. Ray, A. M. Daugherty, B. R. Vineyard, M. Oliver, H. M. Vories, D. Seigel, John R. Bell, W. H. Overton, W. H. Bartlett, J. A. Storm, J. Goodlive, sr., N. F. Baldwin, A. M. Saxton, P. Arnholt, H. M. Garlich, S. A. Garth, A. C. Dawes, J. F. Barnard, D. H. Winton, John Warfield, Charles Chesnut, R. P. Richardson, W. H. Floyd, John Severance, Jno. S. Kellogg, D. T. Lysaght, James Kay, Abe Furst, L. V. Fleming, Wm. Fowler, Isaac Wilkins, John Burnside, A. Kirkpatrick, H. M. Ramey, E. A. Donelan, Jno. A. McMenamy, John F. Tyler, J. P. Thomas, J. B. Maynard, I. N. Brooks, Thomas E. Tootle, R. D. Gilkey, R. K. Allen, John DeClue, John Donaphan, F. Lutz, W. R. Penick, Joseph Schmitz, George Carolus, Hiram Patterson, D. M. Steele, R. H. Jordan, I. G. Kappner, James Hunter, Edward Sheehan, and their successors, are hereby constituted a body politic and corporate, and as such shall be known in law as "The St. Joseph Waterworks Company," which company shall have perpetual succession, and shall adopt and use a common seal, and have power to contract, and be contracted with; sue and be sued; implead and be impleaded in the courts of this state, and shall possess such other general corporate powers and authority as are provided for in the general incorporation laws of this state, and which may be requisite for the purposes contemplated by this act.

SEC. 16. The City of St. Joseph, in its corporate capacity, may, in pursuance of ordinances to be passed by the mayor and council thereof, take and subscribe for stock in said company, and pay for the same with the bonds of the said city, or otherwise, as the said mayor and council may, by ordinance, provide: *Provided*, That no such subscription shall be made until two-thirds of the qualified voters of said city, voting at a general or special election to be ordered and held therein, in pursuance of an ordinance of the said city, made for that purpose, shall vote for and assent to such subscription: *And provided further*, That any such stock so taken by the city, shall be exempt from seizure and sale on execution, or other legal process against said city.

SEC. 17. The capital stock of said company shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each.

SEC. 18. There shall be elected, by and from amongst the stockholders of said company, five directors, who, with the mayor of said city, for the time being, as *ex officio* president thereof, shall constitute a board of directors of said company, 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. 19. The mayor of the City of St. Joseph shall be *ex officio* president of said board of directors, and from the directors the board shall elect a vice-president, who, in the absence of the president, shall succeed to and discharge all the duties of such president; and said

board shall appoint and define the duties of a secretary, treasurer, and such other officers, agents and servants, as the business of said company may require; and said board of directors may require of any officer, agent or servant of said company any such bond and security as will secure the company from loss and damage; and said board of directors may make and enforce all rules and regulations, orders and by-laws, requisite for the purpose of securing the proper management, government and control of the business affairs and property of said company.

SEC. 20. When organized, as hereinafter provided for, said company is hereby authorized and empowered to purchase, take title to, and own such real estate and other property in the City of St. Joseph, and in Buchanan county, as shall be requisite for the uses and purposes contemplated by this act; and to erect, maintain and manage waterworks, reservoirs, aqueducts, buildings, engines, machinery, and any and all structures, instruments and contrivances, as may be necessary to fully carry out the purposes herein contemplated; and said company shall have the exclusive right to law [lay] down and maintain and own, supply, main^d and other water-pipes, in and along the streets, alleys, and other public ways and grounds of said city and its environs, to such an extent as may, from time to time, be necessary to furnish the said city and to its inhabitants and its environs, an abundant supply of fresh, pure water, for both public and private uses.

SEC. 21. Said company may, in manner and form^d and with like effect as now provided by law for the condemnation of real estate for the use of railroad companies, cause to be condemned, paid for and taken for its corporate uses, the real estate of private persons, to such an extent as the circuit court of Buchanan county or the judge thereof in vacation may determine to be necessary for such corporate use.

SEC. 22. That for the purpose of organizing and putting said company into operation, James N. Burnes, Frank M. Tufts, A. C. Dawes and James W. Strong, are hereby appointed and constituted commissioners; and as such they are authorized and empowered to open subscription books and solicit and take subscriptions to the stock of said company from the citizens of said city or other persons; and when they shall have secured subscriptions to such stock to an amount not less than one hundred thousand dollars, they shall appoint a time and place in said city when and where the subscribers to the capital stock of said company shall meet and elect directors for the company, of which time, place and election they shall give ten day's notice, by publication in two daily newspapers in said city; said commissioners shall, at the time and place so appointed and advertised as aforesaid, hold an election and act as judges thereof for directors of said company, and shall allow one vote to be cast for each share of stock subscribed as aforesaid; and the five persons receiving the highest number of votes, and a majority of all the votes cast at such election, shall be the directors of said company for one year, and until their successors are elected and qualified, in such manner as said board of directors may by by-laws provide. Vacancies in the board of directors shall be filled by the remaining directors.

SEC. 23. The stockholders of said company, after the organization as aforesaid, and their successors and assigns, shall constitute "The St. Joseph Waterworks Company," and as such shall be the legal successors of the corporators hereinbefore named.

SEC. 24. It shall be the duty of said company to provide and maintain an abundant supply of pure and wholesome water for all the public uses of said City of St. Joseph, and for the use of the people of said city, and to provide and maintain necessary and usual facilities for the public and private use of such water, and for that purpose said company may lay down sufficient main water-pipes in the streets, alleys and public grounds of the said city, as fast as may be practicable, and fairly remunerative and demanded by the necessities and convenience of said city and its inhabitants; and said company in laying down main water-pipes in the streets, alleys and public grounds of said city, shall make, establish and maintain at each interval of three hundred feet of such main water-pipes (or less if necessary) a hydrant, or water-plug, connected with such main water-pipes, with suitable fixtures for the attachment of water-hose used for extinguishing fires or sprinkling streets for the use of said city.

SEC. 25. It shall be the duty of the mayor and council of the City of St. Joseph, to make and pass all ordinances necessary to protect the property and rights of said company, and shall confer upon such company such additional rights, privileges and powers as may be necessary to enable it to accomplish the objects for which it is created; and said mayor and council may at any time designate additional streets and public grounds, to those already supplied by said company, in or along which they may desire main water-pipes to be laid, and additional hydrants or water-plugs to be constructed and maintained. And special hydrants for the use of the said city may be ordered at any time by the mayor and council to supply any fountain, public park, or garden adjoining which the company shall have laid a main pipe. And at the request of the said mayor and council, main pipes shall be extended and water-plugs established as aforesaid, to meet the demands and necessities of the city and its inhabitants, and to insure the safety of public and private property from loss by fire.

SEC. 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 five years by the judge of the circuit court of Buchanan county: *Provided*, That such rental or compensation shall not be below the usual price 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 statement, in writing, 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.

SEC. 27. It shall be the duty of the said company to furnish to all persons residing or doing business upon or adjacent to the line of any of its main water-pipes in said city, or its environs, desiring to use the water from such main pipe, facilities therefor; and the water required by such person or persons, at and for a reasonable compensation and rate: *Provided*, That said company shall not be required to fix its water rates, or other compensation, below those charged in other cities of like size, location and condition, as near as may be.

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.