

commissioners shall have the further power to grant to such railroad company or companies the right of way for the construction and operation of a railroad or railroads, over, on, along or across such levee or levees.

APPROVED June 5, 1889.

DRAINAGE AND SEWERAGE.

SANITARY DISTRICTS.

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| <p>§ 1. Two or more incorporated cities, towns or villages may be organized into a sanitary district for drainage purposes; petition of 5,000 resident citizens to the county judge to submit the question to vote; petition shall be considered by the county judge and two judges of the circuit court as commissioners to fix the boundaries; the question shall then be submitted in November next following; notice of election; election, canvass of vote and return; record shall be made in the county court; result of vote.</p> <p>§ 2. Courts shall take judicial notice of districts; election of officers.</p> <p>§ 3. Trustees, election of; officers, election of after first election; election of president of trustees; corporate powers.</p> <p>§ 4. Trustees, powers and duties; officers of the board of trustees; duties and compensation of officers; limitation of salaries; ordinances, rules and regulations.</p> <p>§ 5. Appropriation ordinances, publication; when ordinances shall take effect.</p> <p>§ 6. Ordinances and resolutions, how proven.</p> <p>§ 7. Board of trustees may lay out, establish and construct, channels, drains, etc., may establish docks on any navigable channel, lease, manage and control the same; to control and dispose of water power; control of channels and outlets.</p> | <p>§ 8. Right of way, how acquired.</p> <p>§ 9. Corporations under this act may borrow money and issue bonds; limitation.</p> <p>§ 10. Taxation to pay principal and interest of indebtedness.</p> <p>§ 11. Work let by contract; notice of letting contracts; aliens shall not be employed, unless they have declared their intention to become citizens; 8 hours shall be a legal day's work.</p> <p>§ 12. Taxes levied by the board of trustees; limitation.</p> <p>§ 13. Taxation by special or general assessment; manner of assessing and collecting taxes.</p> <p>§ 14. Assessments may be levied by installments; proceedings.</p> <p>§ 15. Bonds may be used in anticipation of taxes due on installments.</p> <p>§ 16. Right of way, damages to private property, compensation; right of eminent domain; preferred claims.</p> <p>§ 17. Right of way, damages to public property; proceedings; use of Illinois and Michigan canal.</p> <p>§ 18. Expenses of acquiring right of way and condemning property.</p> <p>§ 19. Damages to lands on account of overflow; notice of suit; compromise.</p> <p>§ 20. Dilution of sewage; capacity of channel; sewage shall be free of dead animals and other solids, when discharged into natural water courses.</p> |
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| <p>§ 21. Prosecutions for violation of the preceding section.</p> <p>§ 22. The right reserved to the State to repeal or modify this act.</p> <p>§ 23. Capacity of channel from Lake Michigan to the DesPlaines and Illinois rivers; velocity of current; increase in population of sanitary districts; corresponding increase of capacity of the channel; removal of obstructions in DesPlaines and Illinois rivers.</p> <p>§ 24. Channel when completed declared to be a navigable stream.</p> | <p>§ 25. Use of channel by territory outside of districts for drainage and sewage; terms and conditions; capacity of channel shall correspond to the increased population.</p> <p>§ 26. Water supplies, how and upon what terms furnished.</p> <p>§ 27. Completion of channel, appointment of commissioners by the Governor to inspect; meeting of the commissioners; examination and report to the Governor; defects in construction, proceedings; compensation of commission and engineer; construction of channels under this act.</p> |
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AN ACT to create sanitary districts, and to remove obstructions in the Des Plaines and Illinois rivers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of contiguous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages, and shall be so situated that the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this act, in the manner following: Any 5,000 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: *Provided, however,* that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated, it shall be the duty of the county judge to call to his assistance two judges of the circuit court, and such judges shall constitute a board of commissioners which shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such commissioners will meet, by a publication inserted in one or more daily papers published in such county at least twenty days prior to such meeting. At such meeting, the county judge shall preside,

and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent, may alter and amend such petition. After such determination by said commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners at an election to be held on the first Tuesday after the first Monday in November thence next ensuing, notice whereof shall be given by said commissioners, at least twenty days prior thereto, by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have the right to cast a ballot at such election, with the words thereon, "For Sanitary District," or, "Against Sanitary District." The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this act.

§ 2. All courts in this State shall take judicial notice of the existence of all sanitary districts organized under this act. Upon the organization of any sanitary district under this act, the county judge shall call an election to elect officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election in like manner as nearly as may be as he is required to perform in reference to the election of officers in newly organized cities under the provisions of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

§ 3. In each sanitary district organized under this act, there shall be elected nine trustees who shall hold their offices for five years, and until their successors are elected and qualified, except the term of office of the first trustees elected, shall be until five years after the first Monday in December after their election. The election of trustees, after the first, shall be on the Tuesday next after the first Monday in November, in every fifth year. In all elections for trustees, each qualified voter may vote for as many candidates as there are trustees to be elected, or he

may distribute his vote among not less than five-ninths of the candidates to be elected, giving to each of the candidates among whom he distributes the same, the same number of votes or fractional parts of votes. The trustees shall choose one of their number president, and such sanitary district shall, from the time of the first election held by it under this act, be construed in law and equity a body corporate and politic and by the name and style of the sanitary district of, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure.

§ 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give such bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employes of said sanitary district: *Provided, however,* that the salary of the president of said board of trustees shall in no case exceed the sum of four thousand dollars per annum; and the salary of the other members of said board shall not exceed three thousand dollars per annum: *And, provided further,* that the amount received by any attorney shall not exceed the sum of five thousand dollars (\$5,000) per annum. Said board of trustees shall have full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board of trustees and of said corporation and for carrying into effect the objects for which such sanitary district is formed.

§ 5. All ordinances making any appropriations shall, within one month after they have passed, be published at least once in a newspaper published in such district, or if no such newspaper of general circulation is published therein, by posting copies of the same in three public places in the district; and no such ordinance shall take effect until ten days after it is so published, and all other ordinances, orders and resolutions, shall take effect from and after their passage unless otherwise provided therein.

§ 6. All ordinances, orders and resolutions, and the date of publication thereof may be proven by the certificate of the clerk, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by the

board of trustees, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolution, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

§ 7. The board of trustees of any sanitary district organized under this act shall have power to provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more main channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed in a satisfactory manner; also to make and establish docks adjacent to any navigable channel made under the provisions hereof for drainage purposes, and to lease, manage and control such docks, and also to control and dispose of any water-power which may be incidentally created in the construction and use of said channels or outlets, but in no case shall said board have any power to control water after it passes beyond its channel, waterways, races or structures into a river or natural waterway or channel, or water-power, or docks, situated on such river or natural waterway or channel: *Provided however*, nothing in this act shall be construed to abridge or prevent the State from hereafter requiring a portion of the funds derived from such water power, dockage or wharfage to be paid into the State Treasury to be used for State purposes. Such channels or outlets may extend outside the territory included within such sanitary district, and the rights and powers of said board of trustees over the portion of such channel or outlet lying outside of such district shall be the same as those vested in said board over that portion of such channels or outlets within the said district.

§ 8. Such sanitary district may acquire, by purchase, condemnation, or otherwise, any and all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes: *Provided*, all moneys for the purchase and condemnation of any property, shall be paid before possession is taken, or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the county court taken by either party, whereby the amount of damages is not finally determined, the amount of judgment in such court shall be deposited at some bank, to be designated by the judge thereof, subject to the payment of such damages on orders signed by such county judge, whenever the amount of damages is finally determined; and, when not longer required for such purposes, to sell, convey, vacate and release the same, subject to the reservation contained in section 7, relating to water-powers and docks.

§ 9. The corporation may borrow money for corporate purposes, and may issue bonds therefor, but shall not become indebted, in any manner or for any purpose, to an amount in the aggregate to exceed five per centum on the valuation of taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness: *Provided, however,* that said five per centum shall not exceed the sum of fifteen million dollars (\$15,000,000).

§ 10. At the time or before incurring any indebtedness, the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within twenty years from the time of contracting the same: *Provided,* that the net earnings from water-power and docks may be appropriated and applied to the purpose of paying the interest or principal of such indebtedness or both, and to the extent that they will suffice, the direct tax may be remitted.

§ 11. All contracts for work to be done by such municipality, the expense of which will exceed five hundred dollars, shall be let to the lowest responsible bidder therefor, upon not less than sixty days public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper of general circulation published in said district, and the said board shall have the power and authority to reject any and all bids, and re-advertise. *Provided,* no person shall be employed on said work unless he be a citizen of the United States or has in good faith declared his intentions to become such citizen. In all cases where an alien, after filing his declaration of intention to become a citizen of the United States shall for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith, and that eight hours shall constitute a day's work.

§ 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which in any one year shall not exceed one-half of one per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for state and county taxes of the year in which the levy is made. Said board shall cause the amount required to be raised by taxation in each year to be certified by the county clerk, on or before the second Tuesday in August, provided in section one hundred and twenty-two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid

over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law.

§ 13. The board of trustees shall have power to defray the expenses of any improvement made by it in the execution of the powers hereby granted to such incorporation, by special assessment, or by general taxation, or partly by special assessment and partly by general taxation as they shall by ordinance prescribe. It shall constitute no objection to any special assessment that the improvement for which the same is levied is partly outside the limits of such incorporation, but no special assessment shall be made upon property situated outside of such sanitary district, and in no case shall any property be assessed more than it will be benefited by the improvement for which the assessment is levied. The proceedings for making, levying, collecting and enforcing of any special assessment levied hereunder shall be the same as nearly as may be as is prescribed by article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Whenever in said act the words "city council" are used, the same shall apply to the board of trustees constituted by this act, and the words applying to the city or its officers in that article shall be held to apply to the corporation hereby created and to its officers.

§ 14. When any assessment is made under this act, the ordinance authorizing such assessment may provide that it be divided into equal annual installments, not more than twenty in number, and fix the amount and time of payment of each installment, and that the installment shall bear interest at a rate not exceeding six per cent. per annum, payable annually, from the date fixed in said ordinance, and the several installments and interest thereon may be collected and enforced, as they shall become due, in the manner provided for the enforcement of assessments under said article 9. No more of any assessment need be returned or certified to the county collector than will show the amount due and unpaid at the time of such return, and no sale of any parcel of land for any installment of an assessment shall discharge the premises from any subsequent installment of the same or any other assessment. Any one or all of the installments may be paid any time after the assessment is confirmed, with accrued interest, if any, to the date of payment.

§ 15. Where any assessment is made payable in installments, the board of trustees may issue bonds or certificates not exceeding in amount eighty per centum of the unpaid portion of such assessment at the date of the issue thereof, payable only out of such assessment, and bearing interest at a rate not exceeding the rate of interest upon the installments of such assessments. The board of trustees shall have the right to call in

and pay off said bonds or certificates as fast as there is money received into the treasury from the assessment against which the same are issued, and all moneys received upon such assessment shall be applied to the payment of said certificates or bonds until they are fully satisfied.

§ 16. Whenever the board of trustees of any sanitary district shall pass an ordinance for the making of any improvement which such district is authorized to make, the making of which will require that private property should be taken or damaged, such district may cause compensation therefor to be ascertained, and condemn and acquire possession thereof in the same manner, as nearly as may be, as is provided in an act entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872: *Provided, however,* that proceedings to ascertain the compensation to be paid for taking or damaging private property shall, in all cases, be instituted in the county where the property sought to be taken or damaged is situated: *And, provided,* that all damages to property, whether determined by agreement or by final judgment of court, shall be paid out of the annual district tax prior to the payment of any other debt or obligation.

§ 17. When it shall be necessary in making any improvements which any district is authorized by this act to make, to enter upon any public property or property held for public use, such district shall have the power so to do, and may acquire the necessary right of way over such property held for public use in the same manner as is above provided for acquiring private property, and may enter upon, use, widen, deepen and improve any navigable or other waters, waterways, canal or lake: *Provided,* the public use thereof shall not be unnecessarily interrupted or interfered with, and that the same shall be restored to its former usefulness as soon as practicable: *Provided, however,* that no such district shall occupy any portion of the Illinois and Michigan canal outside of the limits of the county in which such district is situated, for the site of any such improvement, except to cross the same, and then only in such a way as not to impair the usefulness of said canal or to the injury of the right of the State therein, and only under the direction and supervision of the Canal Commissioners: *And, provided, further,* that no district shall be required to make any compensation for the use of so much of said canal as lies within the limits of the county in which said district is situated, except for transportation purposes.

§ 18. In making any special assessment for any improvement which requires the taking or damaging of property, the cost of acquiring the right to damage or take such property may be estimated and included in the assessment as a part of the cost of making such improvement.

§ 19. Every sanitary district shall be liable for all damages to real estate within or without such district which shall be overflowed or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet or other improvement under the provisions of this act; and actions to recover such damages may be brought in the county where such real estate is situate, or in the county where such sanitary district is located, at the option of the party claiming to be injured. And in case judgment is rendered against such district for damage the plaintiff shall also recover his reasonable attorney's fees, to be taxed as costs of suit: *Provided, however,* it shall appear on the trial that the plaintiff notified the trustees of such district, in writing, at least 60 days before suit was commenced by leaving a copy of such notice with some one of the trustees of such district stating that he claims damages to the amount of dollars, by reason of (here insert the cause of damage) and intends to sue for the same: *And provided, further,* that the amount recovered shall be larger than the amount offered by said trustees (if anything) as a compromise for damages sustained.

§ 20. Any channel or outlet constructed under the provisions of this act, which shall cause the discharge of sewage into or through any river or stream of water beyond or without the limits of the district constructing the same, shall be of sufficient size and capacity to produce a continuous flow of water of at least two hundred cubic feet per minute for each one thousand of the population of the district drained thereby, and the same shall be kept and maintained of such size and in such condition that the water thereof shall be neither offensive or injurious to the health of any of the people of this State, and before any sewage shall be discharged into such channel or outlet all garbage, dead animals, and parts thereof, and other solids shall be taken therefrom.

§ 21. In case any sanitary district in this State formed under the provisions of this act shall introduce sewage into any river or stream of water, or natural or artificial watercourse, beyond or without the limits of such district, without conforming to the provisions of this act or having introduced such sewage into such watercourse, shall fail to comply with any of the provisions of this act, an action to enforce compliance shall be brought by the Attorney General of this State, in the courts of any county wherein such watercourse is situate, or he may authorize the State's Attorney of any such county to commence and prosecute such action in any such county: *Provided,* that nothing in this section contained shall be construed to prevent the prosecution of any action or proceeding by individuals or bodies corporate or politic against such district.

§ 22. Nothing in this act contained shall be so construed as to constitute a contract or grant between the state of Illinois and any sanitary district formed under its provisions, or to prevent, debar or deprive the state of Illinois from, at any time in the future, altering, amending or repealing this act, or imposing any conditions, restrictions, or requirements other, different or additional to any herein contained upon any sanitary district which may be formed hereunder.

§ 23. If any channel is constructed under the provisions hereof by means of which any of the waters of Lake Michigan shall be caused to pass into the Des Plaines or Illinois rivers such channel shall be constructed of sufficient size and capacity to produce and maintain at all times a continuous flow of not less than 300,000 cubic feet of water per minute, and to be of a depth of not less than fourteen feet, and a current not exceeding three miles per hour, and if any portion of any such channel shall be cut through a territory with a rocky stratum where such rocky stratum is above a grade sufficient to produce a depth of water from Lake Michigan of not less than eighteen feet, such portion of said channel shall have double the flowing capacity above provided for, and a width of not less than one hundred and sixty feet at the bottom capable of producing a depth of not less than eighteen feet of water. If the population of the district drained into such channel shall at any time exceed 1,500,000, such channel shall be made and kept of such size and in such condition that it will produce and maintain at all times a continuous flow of not less than 20,000 cubic feet of water per minute for each 100,000 of the population of such district, at a current of not more than three miles per hour, and if at any time the general government shall improve the Des Plaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property so as to save harmless the said district from all liability therefrom, then such sanitary district shall within one year thereafter, enlarge the entire channel leading into said Des Plaines and Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet of water per minute with a current of not more than three miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than eighteen feet throughout said channel, and shall have a width of not less than one hundred and sixty feet at the bottom. In case a channel is constructed in the Des Plaines river as contemplated in this section it shall be carried down the slope between Lockport and Joliet to the pool commonly known as the upper

basin, of sufficient width and depth to carry off the water the channel shall bring down from above. The district constructing a channel to carry water from Lake Michigan of any amount authorized by this act may correct, modify and remove obstructions in the Des Plaines and Illinois rivers wherever it shall be necessary so to do to prevent overflow or damage along said river, and shall remove the dams at Henry and Copperas Creek in the Illinois river, before any water shall be turned into the said channel.

And the Canal Commissioners, if they shall find at any time that an additional supply of water has been added to either of said rivers, by any drainage district or districts, to maintain a depth of not less than six feet from any dam owned by the State to and into the first lock of the Illinois and Michigan Canal at LaSalle, without the aid of any such dam, at low water, then it shall be the duty of said Canal Commissioners to cause such dam or dams to be removed. This act shall not be construed to authorize the injury or destruction of existing water-power rights.

§ 24. When such channel shall be completed, and the water turned therein, to the amount of three hundred thousand cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the general government shall improve the Des Plaines and Illinois rivers, for navigation, to connect with this channel, said general government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

§ 25. Any district formed hereunder shall have the right to permit territory lying outside its limits and within the same county to drain into and use any channel or drain made by it, upon such payments, terms and conditions as may be mutually agreed upon, and any district formed hereunder is hereby given full power and authority to contract for the right to use any drain or channel which may be made by any other sanitary district, upon such terms as may be mutually agreed upon, and to raise the money called for by any such contract in the same way and to the same extent as such district is authorized to raise money for any other corporate purposes: *Provided*, that where the united flow of any sanitary districts thus co-operating shall pass into any channel constructed within the limits of the county wherein such districts are located and which passes into the Des Plaines or Illinois rivers, such united flow shall in no case and at no time be less than 20,000 cubic feet of water per minute for each one hundred thousand of the aggregate of the population of the districts co-operating: *Provided*, nothing in this act shall in any wise be so construed as to diminish, impair or remove any right or rights of any city, village, township or corporation, body politic or indi-

vidual situated on the Des Plaines or Illinois rivers or their tributaries within the valleys of the same to use the channel for drainage or otherwise not inconsistent with the rights of the district constructing the same as expressed in this act.

§ 26. Whenever in any such sanitary district there shall be a city, incorporated town or village, which owns a system of waterworks and supplies water from a lake or other source which will be saved and preserved from sewage pollution, by the construction of the main channel, drain, ditch, or outlet herein provided for; and the turning of the sewage, of such city and district therein, and there shall be in such sanitary district, any territory bordering on any such city, incorporated town or village, within the limits of another city, incorporated town or village, which does not own any system of waterworks, at the time of the creation of such sanitary district, then upon application by the corporate authorities of such latter named city, incorporated town or village, the corporate authorities of such city, incorporated town or village, having such system of waterworks shall furnish water at the boundary line between such municipalities by means of its waterworks to the corporate authorities asking for the same in such quantities as may be required to supply consumers within said territory, at no greater price or charge than it charges and collects of consumers within its limits for water furnished through meters in like large quantities.

§ 27. If any channel shall be constructed under the provisions of section 23 of this act, it shall be the duty of the trustees of such district, when such channel shall be completed, and before any water or sewage shall be admitted therein, to duly notify in writing, the Governor of this State of such fact; and the Governor shall thereupon appoint three discreet persons as commissioners, one of whom shall be a resident of the city of Joliet, or between said city and the city of LaSalle, and one a resident of the city of LaSalle, or between said city and the city of Peoria, and one a resident of the city of Peoria, or between said city and the mouth of the Illinois river, to inspect said work. The said commissioners shall, within ten days after such appointment, meet at the city of Chicago, and shall appoint a competent civil engineer, and they may employ such other assistance as they may require to expeditiously perform their duties. The said commission shall take as their datum line for the survey, the datum established by the Illinois and Michigan canal trustees in 1847, and shall make such examination and surveys of Chicago river and of the channel or channels authorized by this act as shall enable them to ascertain whether said channel is of the character and capacity required by this act. And in case they shall find the work in all respects in accordance with the provisions of section 23 of this

act, they shall so certify to the Governor, who shall thereupon authorize the water and sewage to be let into said channel. But in case said commissioners shall find said channel is not constructed in accordance with the provisions of this act, it shall be their duty to file in any court of competent jurisdiction, on the chancery side thereof, in their name as such commissioners, a bill against said corporation, which bill shall set forth wherein said work is deficient and fails to comply with the provisions of this act; and said court shall thereupon issue an injunction without bond against said defendant, enjoining and restraining it from admitting water or sewage into said channel until the final order of the court. And in case said court, upon hearing, shall determine that said channel is not constructed in accordance with the provisions of this act, said injunction shall be continued until the provisions of this act shall have been fully complied with.

Such commissioners and engineer shall receive for their services ten dollars per day each, and their reasonable expenses and outlays for the time by them necessarily employed in the discharge of their duties, which shall be paid to them from the State treasury; and the said sanitary district shall reimburse the State for all expenses and disbursements on account of said commission.

If any channel is constructed under the provisions of this act, which shall discharge the sewage of a population of more than 300,000 into or through any river beyond or without the limits of the district constructing it, the same shall be constructed in accordance with the provisions of section 23 of this act. and if any such channel receives its supply of water from any river or channel connecting with Lake Michigan, it shall be construed as receiving its supply of water from Lake Michigan.

APPROVED May 29, 1889.
