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INCORPORATION LAWS

OF THE

STATE OF ILLINOIS,

PASSED

BY THE ELEVENTH GENERAL ASSEMBLY,

Their Session began and held at Vandalia, the third day of December, one thousand
eight hundred and thirty-eight.

PUBLISHED IN PURSUANCE OF LAW.

VANDALIA:

WILLIAM WALTERS, Public Printer.

1839.



INCORPORATION LAWS.

AN ACT to amend "An act to incorporate the Caledonia Railroad Company." In force, Feb. 6, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name and style of the Caledonia Railroad Company shall hereafter be known and designated by the name and style of "The Caledonia Railroad and Manufacturing Company." That one-half of the capital of said company may be invested in manufactures, particularly in making and repairing steamboats and other vessels; in making engines, of all descriptions, for the use of steam; in making cars and engines for railroads, and such other things as may be deemed by the directors, chosen in the manner prescribed in the act of which this is an amendment, desirable for the improvement of the town of Caledonia: *Provided,* That the privileges hereby granted be confined to the incorporated limits of said town, and that the provisions of this act shall not grant any kind of monopoly in said town, or in said manufactures, so that individuals or other incorporate bodies be not excluded from any and all manufactories, he, it, or they may engage in, within the said town of Caledonia.

SEC. 2. The company shall not own real estate, only as granted in the act of which this is an amendment, and for the location of yards and building lots appertaining to the manufactories intended in this act.

SEC. 3. James L. Curtis, Henry F. Talmadge, Charles Butler, Campbell Bushnell, Henry L. Webb, Justus Post, and Timothy Barlow, shall be the commissioners to open the books for subscription to the capital stock of said company; and they, or a majority of them, shall proceed as is prescribed in the act of which this is an amendment. The first election for directors shall be holden by the commissioners, a majority of whom shall act as judges of said election; and all other elections shall be conducted in a manner prescribed in the by-laws of said corporation; and in all elections the stockholders shall

Agents and clerks to be employed. be entitled to one vote for each share he, she, or they shall own; and a plurality of votes shall in all cases elect. The directors may employ such agents and clerks as they may deem proper; and may call in the balance of the capital stock subscribed, after the five dollars to be paid on each share at the time of subscribing is paid, in such instalments, and at such times, as they may deem proper: *Provided* such instalments be made equal on each share of stock; and the rules, by-laws, and regulations which may be adopted by the directors, may embrace the manufactures and privileges granted in this amendment.

Proviso.

Right of State. SEC. 4. The right of purchase by the State of the proposed railroad, as mentioned in the 8th section of the act of which this is an amendment, is retained; but the stock of the manufactories, or the manufacturing interest and privileges, shall remain during the time specified as the life of the corporation in the act of which this is an amendment.

APPROVED, February 6, 1839.

In force

AN ACT to incorporate the McKendree College.

Body politic and corporate. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Wilson, Samuel H. Thompson, Thornton Peeples, John S. Barger, Benjamin Hypes, Hiram K. Ashley, Joshua Barnes, James Riggins, Nathan Horner, Benjamin T. Kavanagh, Theophilus M. Nicholas, Crispin Cunningham, John Hogan, Jesse Renfro, Benjamin Bond, and Alexander M. Jenkins, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of "The McKendree College," and henceforth shall be styled and known by that name, and by that style and name to remain and have perpetual succession. The number of trustees shall not exceed eighteen, exclusive of the president, principal, or presiding officer of the college, who shall, *ex officio*, be a member of the board of trustees. No other instructor shall be a member of said board: *Provided, however,* That the board of trustees, by a majority of two-thirds, at their annual meeting, may increase the number of said trustees to any number not exceeding thirty-six. For the present the aforesaid individuals shall constitute the board of trustees, who shall, at their discretion, fill the remaining vacancies, and such as may hereafter be created, should the number be increased.

Name & style.

Have perpetual succession.

Number of trustees.

Number of trustees may be increased.

Power to fill vacancies.

SEC. 2. The object of said corporation shall be the promotion of the general interests of education, and to qualify young men to engage in the several employments and professions of society, and to discharge honorably and usefully the various duties of life.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar corporate bodies, viz: to have perpetual succession, to make contracts, to sue and be sued, implead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase, or sell property, real, personal, and mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects aforementioned; to have a common seal, and to alter or change the same; to make such by-laws for the regulation of the corporation as are not inconsistent with the constitution and laws of the United States or of this State; and to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Powers bestowed.

To confer degrees.

SEC. 4. The trustees shall have authority from time to time to prescribe and regulate the course of study to be pursued in said college and the preparatory department attached thereto; to fix the rate of tuition, room-rent, and other college expenses; to appoint the president of the institution, and other members of the faculty, and such other instructors, officers, and agents, as may be needed in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove the president, any member of the faculty, either of the instructors, officers, or agents, as said trustees shall deem the interest of said college shall require; to fill all vacancies in the faculty and among the officers, instructors, and agents; to erect necessary buildings, purchase books, and chemical, philosophical, and other apparatus, and other suitable means of instruction; to put into operation, if the trustees shall deem it expedient, a system of manual labor, for the purpose of promoting the health of the students and lessening the expense of education; to make rules for the general management of the affairs of the college, and for the regulation of the conduct of the students; and to add, as the ability of said corporation shall increase, and the interest of the community shall require, additional departments for the study of any or all of the liberal professions.

Course of study, how regulated.

To remove officers.

Erect buildings, and procure chemical and other apparatus.

Manual labor system.

SEC. 5. The trustees shall faithfully apply all funds by them collected, or hereafter collected, according to their best judgment, in erecting suitable buildings; in supporting the necessary instructors, officers and agents; in purchasing books, maps, charts, globes, philosophical, chemical, and other apparatus, necessary to aid in the promotion of sound learning in said institution.

Funds, how applied.

SEC. 6. Any donation, devise, or bequest, made for special purposes accordant with the objects of the institution, if the trustees shall accept the same, shall be faithfully and truly

Donations to, how disposed of.

- applied in conformity with the express condition or conditions of the donor or devisor. The lands, tenements, and hereditaments, to be held in perpetuity in virtue of this act, shall not exceed three thousand acres: *Provided, however,* That grants, donations, or devises in lands, which from time to time shall be made to said corporation, may be held for the term of ten years from the date of every such grant, donation, or devise; at the end of which time, the said lands, over and above the before named three thousand acres, shall be sold by the corporation; and, in case of neglect to sell, said lands so donated shall revert to the original donor or devisor, or to the lawful heirs of the same.
- SEC. 7.** The treasurer and all other agents of the institution, when required by the trustees, shall give bond for the security of the corporation, in such penalty and with such security as the board shall approve; and all process against said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer at least thirty days before the return day thereof.
- SEC. 8.** The trustees shall have power to establish departments for the study of any and all of the learned and liberal professions, particularly law and medicine, and to institute and grant diplomas in the same; to constitute and confer the degrees of doctor in the learned arts, and sciences, and belles lettres; and to confer such other academical degrees as are usually conferred by the most learned universities.
- SEC. 9.** Said trustees shall have power to institute a board of competent persons, always including the faculty, who shall examine such individuals as may apply; and if said applicants are found to possess such knowledge pursued in said college as, in the judgment of said board, renders them worthy, they may be considered graduates in course, and shall be entitled to a diploma accordingly, on paying such fee as the trustees shall affix; which fee, however, shall in no case exceed the tuition bills of the full college course. Said examining board may not exceed the number of ten, three of whom may transact business, provided one be of the faculty.
- SEC. 10.** In its different departments the college shall be open to all denominations of christians, and the profession of any religious faith shall not be required in order to admission; but those students who are idle or vicious, or whose characters are immoral, may be suspended or expelled.
- SEC. 11.** Said college shall remain located at or near Lebanon, in the county of St. Clair, State of Illinois. The trustees shall hold at least one meeting in each year for business, and may appoint other stated meetings of the board, (special meetings may at any time be held by order of the president of the board, the president of the college, or any three members of the board,) ten of whom shall constitute a quorum to do business; and it shall be lawful for the Illinois
- Shall not hold more than 3,000 acres of land. Proviso.
- When lands to revert.
- Officers of institution to give bonds.
- Process against, how served.
- Board for examination of applicants.
- College open to all denominations.
- Annual meetings.
- Special meetings.
- Quorum.

Annual Conference of the Methodist Episcopal Church to appoint annually a board of visitors, consisting of nine persons, who shall have power to sit with the board of trustees at their annual meetings and participate with them, *ex officio*, as members of the board.

Board of visitors.

SEC. 12. Hereafter the filling of vacancies in the board of trustees, and the appointment of a president of the college, professors, and tutors, shall be made only at the annual meetings as provided in the eleventh section of this act: *Provided*, That the trustees may fill vacancies in the professorships, or employ additional professors or tutors, when necessary, until the succeeding regular annual meeting.

Vacancies filled at annual meetings. Proviso.

SEC. 13. In case of a division of said Illinois Annual Conference into two or more conferences of the Methodist Episcopal Church, or if any other Annual Conference of the said Methodist Episcopal Church shall unite with the said Illinois Annual Conference in the patronage and support of said college, each annual conference thus patronizing said college shall have the same powers and privileges granted in this act to the said Illinois Annual Conference: *Provided*, That said visitors shall at no time exceed the number of trustees; and should it so occur, by the increase of patronage, that the number of visitors herein provided for shall exceed in number that of the trustees, the ratio of visitors shall be fixed by the trustees equally between the several conferences patronizing the same, so as to limit the whole number of visitors to that of the number of trustees of said college.

In case of division of Illinois Annual Conference.

SEC. 14. The alteration of the name of the institution shall not affect the title to any property acquired by the institution heretofore; but the title to such estate shall be valid to the institution under the name set forth in this act, whether made to the same, or under the name and style of "The trustees of the McKendreean College," or "The trustees of the McKendree College;" that all contracts made with said corporation, whether made under the name of "The trustees of the McKendreean College," or "The trustees of the McKendree College," shall enure as well for as against said corporation under the name and style of "The McKendree College."

Alteration of name of college not to affect right or title to property.

SEC. 15. If any trustee shall be chosen president of the college, his former place as trustee shall be vacated, and his place filled by the remaining trustees and visiting committee, as hereinbefore provided. The trustees for the time being shall have power to remove any trustee from his office of trustee for any dishonorable or criminal conduct: *Provided*, That no such removal shall take place without giving to such trustee notice of charges against him, and an opportunity to defend himself before the board, nor unless that two-thirds of the whole number of trustees for the time being shall concur in such removal.

Trustees may be removed.

SEC. 16. This act shall be in force from and after the time at which the trustees of the McKendreean College shall accept the same; and the evidence of said acceptance shall be a copy

When this act shall be in force.

of the order of the board, ordering this act to be spread upon their journals, certified by the president and secretary of the board.

Violations of charter shall work forfeiture of same. **SEC. 17.** Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit court of St. Clair county a *scire facias* shall issue, and the circuit attorney shall prosecute in behalf of the people of this State for a forfeiture of this charter. This act shall be a public act, and shall be construed liberally in all courts for the purposes hereinbefore expressed; and, so far as this institution is concerned, all acts, as far as they may be contradictory to this act, are hereby repealed.

Act deemed public.

APPROVED, January 26, 1839.

In force, Feb. 3, 1839.

AN ACT to incorporate the town of Danville.

Name & style. **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Casedy, John M. Wilson, Isaac R. Moores, Guy Merrill, and William Knight, be, and they are hereby, constituted a body politic and corporate, to be known by the name of "The president and trustees of the town of Danville;" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive, and hold property, real and personal, within said town, and no other; and may lease, sell and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town; and may do all other acts as natural persons; may have a common seal, change and alter the same at pleasure.

Powers and privileges.

Lands in section eight. **SEC. 2.** That all the lands in section eight, township nineteen north, of range eleven west, lying north of the Big Vermilion river, and east of the north fork, be, and the same are hereby, declared to be within the boundaries of the town of Danville.

Trustees. **SEC. 3.** The corporate powers and duties of said town shall be vested in five trustees, after the term of present incumbents has expired, to wit, on the first Monday in May next, who shall form a board for the transaction of business.

Annual election. **SEC. 4.** The members composing the board of trustees shall be elected annually, on the first Monday in May, to serve for one year, and until others shall be legally qualified. They shall be at least twenty-one years of age, citizens of the United States, and shall possess a freehold estate within the limits of the corporation. Those persons only shall be qualified to vote for trustees, or in such town meeting as may be held in

conformity to this act, who possess the requisite qualifications Qualification of voters. to vote for State officers, and have resided within the limits of the corporation six months previous to such elections or town meetings.

SEC. 5. The board of trustees shall appoint their president from their own body, shall appoint all other officers of their board, and shall be the judges of the qualifications, elections, and returns of their own members, and shall give three days' notice, posted in three of the most public places in the said town, or printed in some newspaper in said town, of an election to fill all vacancies in the board occasioned by the death, resignation, or six months' absence of any member thereof. A majority shall constitute a board to do business; but a smaller number may adjourn from day to day, may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rules of proceedings, and make such other rules and regulations for their own government as to them may seem proper and expedient. President of board. Notice of election.

SEC. 6. The board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding one per cent. upon the assessed value thereof except as may be hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain horses, cattle, sheep, swine, and dogs from running at large; to establish night-watches, erect lamps in the streets, and lighting of the same; to erect and keep in repair bridges; to license and regulate taverns; to license and tax merchants, auctions, pedlers, theatrical and other shows of amusements; to restrain and suppress billiard tables and tipping houses; to prohibit gaming houses, bawdy houses, and other disorderly houses; to prohibit the shooting of fire-arms within the limits of the said town, except to persons licensed for the benefit of trade; to prohibit the exhibition of stallions in the streets; to establish and erect markets; to open and keep in repair streets and avenues, lanes and alleys, drains and sewers, and to keep the same free from incumbrances; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to regulate the police of the town; to regulate the election of town officers; to fix their compensations; to establish and enforce quarantine laws; and from time to time to pass such ordinances, to carry into effect the ordinances of this act and the powers hereby granted, as the good of the inhabitants may require, and impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof; and that in cases arising under this act or growing out of the by-laws or ordinances made in pursuance of this act of incorporation, any justice of the peace, within said corporation, shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* allowed from Tax on real estate. Nuisances, how removed. Night-watch. License powers. Streets and avenues. Prevention of fire. Fines. By-laws. writs of certiorari.

such decisions, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace.

School houses
Proviso.
SEC. 7. The board of trustees shall have power to levy a tax for the erection of school-houses and the support of common schools within said corporation, and to raise money, by loan on the credit of the town, for commencing and prosecuting works of public improvement: *Provided, however,* That the same shall be submitted to the vote of the citizens of the town, and approved by two-thirds thereof.

Grading side-walks.
SEC. 8. That upon the application of the owners of two-thirds of the real estate upon any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street, according to their respective fronts, for the purpose of grading and paving the side-walks of said streets.

Alteration of streets, &c.
SEC. 9. That the board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said town, and to extend, open, and widen the same, and to set aside and appropriate sufficient ground for a square for a market and other public purposes, making the person or persons impaired thereby adequate compensation; to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by opening, widening, or extension of any street, avenue, lane, or alley, or setting aside and appropriating ground for a market square and other public purposes; and shall, moreover, estimate the amount of which other persons will be benefitted thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees, under their hands and seals; and the person or persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided; the residue, if any, shall be paid out of the town treasury.

Proviso.
SEC. 10. That the trustees shall have power to survey and plat the grounds within the corporation limits, and record the same; which, when thus surveyed, platted, and recorded, shall be a governing plat for town uses and purposes: *Provided, however,* That this shall not be so construed as to give the trustees power to vary from any established plat as thereby to affect the rights of private individuals.

Refuse to pay tax.
Lots how sold.
SEC. 11. That whenever the owners of any lot or piece of ground included within said corporation shall neglect or refuse to pay the tax or taxes levied on the same when they may become due, it shall be the duty of the constable to advertise the same for non-payment, either in a newspaper

printed in said town, or by posting in three of the most public places in said town, for the space of sixty days, and, on further failure of payment thereof, to sell at public sale said lot or piece of ground to pay said taxes and defray the expenses of collection. Notice of sale.

SEC. 12. All ordinances shall, within ten days after their passage, be posted in three of the most public places in said town, or published in some newspaper printed in said town. Ordinances to be published.

SEC. 13. That when any real estate in said town shall be sold by authority of said corporation for the non-payment of taxes, said lands may be redeemed in the time that other lands are redeemed by virtue of the laws of this State, upon paying the treasurer of the board double the amount of taxes for which the same was sold, together with all the costs accruing on such sale: lands not redeemed, such shall be conveyed by special warranty, under the sale [seal] of said corporation. Redemption of lots.
Deed of warranty.

SEC. 14. The officers of said town, in addition to the trustees, shall consist of one clerk, one constable, (whose duty it shall be to assess and collect the taxes, to weigh and measure, and act as free [fire] inspector,) one street commissioner, one treasurer, one town surveyor, and such other officers as the trustees of said town may deem necessary for the good of said town; all of whom shall be sworn or affirmed to act as conservators of the peace, and whose duty it shall be to complain to any justice of the peace residing in said town, without oath, of any violation of the laws of said corporation; and all of whom shall give bond to said trustees, in a suitable penalty, for the faithful performance of their respective duties. Officers of town.
To be sworn.
To give bond.

SEC. 15. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire-engine companies, hook, hose, and ladder and property companies; said companies to contain such number of members as said trustees by their ordinances shall direct. The members of said company shall be exempt from military duty; and, whenever a member of either company shall have served twelve years, he shall receive a discharge from the incorporation, signed by the president, and shall thereafter be exempt from further military duty, except in cases of invasion. Fire-engine companies.
Members of companies exempt from military duty.
Term of service.

SEC. 16. That all lots or parcels of ground in said town which have been conveyed, by the original proprietors thereof or other persons, to the inhabitants of said town in their aggregate capacity, or to any person or persons in trust for them or for their use and benefit, all funds raised or to be raised by the sale of donation lots or otherwise, whether for the erection of school-houses, academies, or places of public worship, are hereby declared to belong to and be vested in said corporation, and shall be under the management and direction of the trustees aforesaid and their successors, and applied in furtherance of the objects intended by the proprietors Academies.

Trustees may sue. or donors thereof; and the said trustees shall have power to institute suits for the recovery of every or any such lots or parcels of ground, should it be necessary, and to perfect in them and their successors the title thereof, or to make such other adjustment relative thereto as to them shall seem expedient and proper.

Notice of meetings. Proviso. SEC. 17. That it shall be the duty of the board of trustees, in such manner as they may hereafter provide, to give notice of all town meetings to be held, whether for the election of trustees or any other purpose arising under the provisions of this act, by posting the same in three of the most public places in said town, or by printing as aforesaid, and stating therein the object of such meeting: *Provided, however,* That not less than three days' notice of any such meeting shall in any case be given, except in cases of emergency.

Officers to be sworn. SEC. 18. That the members of the board of trustees and every officer of said corporation shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to discharge the duties of their several offices.

Town may be divided. Proviso. SEC. 19. That the trustees may have power to divide said town into such number of wards as to them shall seem expedient and proper: *Provided, however,* That no stock belonging to citizens without the boundaries of said town shall be hurt or injured by the authority of said corporation.

Fines and forfeitures. SEC. 20. All fines, penalties, and forfeitures imposed by the ordinances of the president and trustees of the town of Danville, or by this act, shall be recovered, in the name of the president and trustees of the town of Danville, before any justice of the peace residing in the said town; and when the amount of the fine, penalty, or forfeiture is not specifically defined by ordinance, or by this act, the court trying the case shall say what the amount shall be, and execution shall issue forthwith and be levied on the goods and chattels of the person or persons convicted, to be found in the county of Vermilion; and if no goods and chattels be found upon which to levy, a *ca. sa.* may be issued against the body of any delinquent offender or offenders, who shall be imprisoned in the county jail twenty-four hours for a fine of five dollars or less; forty-eight hours for a fine of ten dollars; and not less than five dollars and twenty-four hours for each additional five dollars as aforesaid.

Execution issued forthwith. Delinquent may be imprisoned. Ordinances. SEC. 21. The president and trustees of the town of Danville shall have power to pass any ordinance for the government of said town, for the preservation of the peace, good order, security, &c., not repugnant to the laws of this State; and all ordinances and acts passed by the president and trustees aforesaid shall be obligatory upon and cognizable by the several courts of this State, and justices, sheriffs, and constables in the county of Vermilion, and all other persons within

the limits of said town, to all intents and purposes, as the acts of the General Assembly of the State of Illinois; and it shall be the duty of all officers aforesaid to complain before any justice of the peace as aforesaid, under oath, of any violation of the laws of said corporation which may come to their knowledge; and it shall be competent for any person to lodge a complaint for any violation of the said laws, without an oath being required by said justice, whose duty it shall be forthwith to require the party so violating to appear before him.

SEC. 22. All funds in the hands or which may come to the hands of the late trustees of said town are hereby declared to be vested in the trustees hereby appointed; *Provided*, That if a majority of the legal voters within the limits of said corporation shall, at the first regular election for trustees of said town, vote against being incorporated under this act, then this act shall be void to all intents and purposes: *And provided, further*, that a majority of the legal voters of said corporation shall have power, at any regular election of trustees, to dissolve the same.

Funds with present trustees to be paid over.
Proviso.

Proviso.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this 3d day of February, 1839.

Certificate Sec. of State.

A. P. FIELD, *Secretary of State.*

AN ACT to amend "An act to extend the corporate powers of the town of Peoria," approved January 21, 1837.

In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the trustees of the town of Peoria to cause to be paid and refunded to the purchaser or purchasers of any lot or lots sold for the non-payment of taxes assessed thereon, that may be redeemed under the provisions of the 10th section of the act to which this is an amendment, the amount of purchase and redemption money, except the amount of tax, interest, and cost for which the same was sold.

Duty of trustees.

Act referred to.

SEC. 2. The next general election for trustees of said town of Peoria shall be held on the last Monday in November next; and every annual election for trustees thereafter shall be held on the last Monday in November. The present board of trustees of said town shall hold their offices until the first Monday in December next; at which time the new board that may be elected on the said last Monday in November shall be required to enter upon the discharge of the duties of their office, and continue in office for one year, and until their successors are elected and qualified.

Annual election of trustees.

Term of office

SEC. 3. The eleventh section of the act to which this is an amendment, and so much of the fourth section of the same act as requires the trustees to be elected on the last Monday in July, is hereby repealed.

Parts of acts repealed.

APPROVED, February 26, 1839.

In force, Jan. 12, 1839. AN ACT to incorporate the Mechanic Association and Galena Beneficial Society.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John L. Slaymaker, S. W. Schwatka, Matthew Fawcett, James Sparr, J. P. Stevens, James Connally, M. Gorman, G. H. Mars, H. H. Houghton, P. H. Schermer, G. Sparr, J. W. Moss,¹ Thomas Spriggins, Henry Yeates, S. B. Sparr, Robert Kirkpatrick, Timothy Falvey, A. Blaylor, John Jones, James Willson, S. E. Smith, S. B. Heron, Matthias Shears, D. K. Hinkle, J. P. Dezega, P. S. Dunbar, John Dowling, S. H. Haynes, S. P. Blood, David Smith, John Strong, Ephraim Getty, Richard Gear, Zephaniah Bell, James Johnson, and G. W. Brownwell, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Mechanic Association and Galena Beneficial Society," for the purpose of producing harmony and good fellowship, promoting their common interest, disseminating useful knowledge, and to relieve and give succor to the afflicted and distressed of their own members, and for no other purpose whatever.

SEC. 2. The said corporation, by the name of "The Mechanic Association and Galena Beneficial Society," is declared and hereby made capable, in law, to sue and be sued, to plead and be impleaded, to have a common seal, the same to alter and be renewed at pleasure; to make and adopt a constitution and by-laws for the government of said corporation, not inconsistent with the constitution and laws of this State, or of the laws or constitution of the United States, and the same to alter and amend whenever it may be deemed necessary: *Provided*, That the said corporation shall not hold more than one acre of ground, with the improvements thereon, except such as shall be donated to, and for the sole use and behoof of, said corporation.

SEC. 3. The officers of this corporation shall consist of a president, two vice presidents, secretary, treasurer, an executive committee of five members, librarian, and messenger, who shall continue in office for the term of one year, and until their successors are elected, together with such other officers as may be provided for by the constitution and by-laws of the corporation; the duties, rights, privileges, and liabilities of the said officers to be defined by the constitution and by-laws of said corporation.

SEC. 4. All fines and forfeitures imposed by the by-laws and constitution of said corporation, not exceeding twenty dollars, shall be recovered by action of debt, before any magistrate of the proper county, by the said company in their corporate capacity, which shall be for the use of said company.

SEC. 5. This corporation shall not be dissolved nor a dividend made of its funds or effects while there are seven resident members in favor of its continuance. How & when corporation may be dissolved.

SEC. 6. This act to take effect and be in force from and after its passage.

APPROVED, January 12, 1839.

AN ACT to amend an act, entitled "An act to incorporate the Carmi Bridge Cmmpany," approved February 6, 1835. In force, Jan. 18, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the eleventh section of the act to which this is an amendment be, and the same is hereby, repealed. Act repealed.

SEC. 2. The act to which this is an amendment shall cease to have effect, unless the said bridge be completed, so as to be passable, within three years from the passage of this act. Proviso.

APPROVED, January 18, 1839.

AN ACT to amend "An act to incorporate the Mississippi and Rock River Canal Company." In force, Jan. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporation enacted by the act to which this is an amendment, shall have two years, in addition to the time allowed by said act, both for the commencement and completion of said canal in said act mentioned, without working a forfeiture of said charter, any thing in said act of incorporation to the contrary notwithstanding. Corporation to have two years in addition, to commence and complete canal.

APPROVED, January 12, 1839.

AN ACT to incorporate the Menard Academy of Kaskaskia. In force, Jan. 24, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Matilda Flanigan, Harriet Brent, Mary King, Jerusha Barber, Margaret King, Josephine G. Barber, Mary A. Powers, Martha Tyler, Martha Brawner, Catherine Murray, Ellen Vocherine, and Catherine Rublout, and their successors, be, and they are hereby, created a body politic and corporate, to be styled "The Menard Academy of Kaskaskia;" and in that name to remain in perovetual succession, with power to sue and be sued, plead and be impleaded; to acquire, have, and convey property, real and personal; to have and to use a common seal, and to alter the same at pleasure; to make and alter, from time to time, such Matilda Flanigan and others created body politic. Name & style. May sue and be sued. Hold property Have a seal.

- by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided* such by-laws are not inconsistent with the constitution and laws of this State and of the United States.
- Proviso.**
- Power to fill vacancies.** SEC. 2. Said corporators shall have power to fill such vacancies in their own body as may happen by death, resignation or otherwise, and shall hold the property of said institution, solely for the purposes of female education, and not as a stock for the individual benefit of themselves, or of any contributor to the endowment of the same; and no particular religious faith shall be required of those who become students of said institution.
- Property held for exclusive use of institution.**
- Location of Institution at Kaskaskia.** SEC. 3. Said institution shall remain located in the town of Kaskaskia, in the county of Randolph; and the corporators and their successors shall be competent, in law and equity, to take to themselves, in their said corporate name, real, personal, or mixed estate, by gift, grant, bargain and sale, conveyance, will, devise or bequest of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell and convey, demise, let, place out at interest, or otherwise dispose of the same for the use of said institution, in such manner as to them shall seem most beneficial to said institution. Said corporators shall faithfully apply all funds collected, or the proceeds of the property belonging to said institution, according to their best judgment, in erecting and completing suitable buildings, supporting the necessary officers, instructors and servants, and procuring books, maps, charts, globes, and philosophical apparatus necessary to the success of said institution: *Provided, nevertheless,* That in case any donation, devise, or bequest shall be made for particular purposes accordant with the design of the institution, and the corporation shall accept the same, every such donation, devise, or bequest shall be applied in conformity with the express conditions of the donor or devisor: *Provided, further,* That said corporation shall not be allowed to hold more than two hundred acres of land at any one time, unless the said corporation shall have received the same by gift, grant, or devise; and, in such case, they shall be required to sell or dispose of the same within three years from the time they shall acquire such title; and, on failure to do so, said land shall revert to the original donor, grantor, devisor, or their heirs.
- May dispose of property.**
- Funds applied to erect buildings.**
- Proviso.**
- Not to hold more than 200 acres of land.**
- Officers of institution to give bond and security when required.** SEC. 4. The treasurer of the institution and all other agents, when required, before entering upon the duties of their appointments, shall give bonds for the security of the corporation, in such penal sums and with such securities as the corporators shall approve; and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least sixty days before the return thereof.
- Process against institution.** SEC. 5. The corporation shall have power to employ and appoint a principal for said institution, and all such instructors

and instructresses, and all such servants as may be necessary, and shall have power to displace any or either of them, as they may deem the interest of the institution requires; to fill vacancies which may happen by death, resignation, or otherwise, among said officers and servants, and to prescribe and direct the course of study to be pursued in said institution.

Vacancies
how filled.

SEC. 6. If at any time the corporation shall act contrary to the provisions of this act, or shall in any manner abuse the powers herein granted, it shall be the duty of the Attorney General to file an information, in the nature of a *quo warranto*, for the purpose of vacating and annulling this act and the powers herein granted.

Duty of At-
torney Gen.
in case of vio-
lation of this
act.

APPROVED, January 24, 1839.

AN ACT to incorporate the town of Shelbyville.

In force,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the boundaries of the town of Shelbyville, in Shelby county, be as follows, viz: one square mile, laid out by lines running due north and south, east and west; and that the southeast corner of lot number one in block number ten, in said town of Shelbyville, be the centre of said square mile; and the inhabitants of said town, and all persons within said boundaries, shall be and are hereby constituted a body politic and corporate, by the name and style of "The trustees of the town of Shelbyville;" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, and hold property, real and personal, within said town, and no other (burial ground excepted,) and may lease, sell, and dispose of the same for the benefit of the town, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

Boundaries of
Shelbyville.

Body politic.
Name & style.

Powers.

SEC. 2. The corporate powers and duties of said town shall be vested in five trustees, (to be chosen and appointed as hereinafter directed,) who shall form a board for the transaction of business.

Number of
trustees.

SEC. 3. The trustees shall be elected for the term of one year, and until their successors are elected, by residents of said town and incorporation who are qualified to vote for representatives to the Legislature. No person shall be a trustee who is not twenty-one years of age, a citizen of the United States, who has not resided within said incorporated limits six months previous to the election, and who is not a *bona fide* freehold.

Qualification
for trustee.

Appointment of president & all officers. **SEC. 4.** That the board of trustees shall appoint their president and all other officers of their board, and shall be judges of the qualifications, elections, and returns of their own members. A majority shall constitute a board to do business, and, in case of the refusal to serve, death, or resignation of any member of the board, may supply the vacancy by appointing some other person instead.

Quorum. **SEC. 5.** That the said trustees shall have power, by ordinance, to levy and collect a tax, not exceeding one per centum, on all real estate within the town and limits of the corporation, exclusive of improvements, according to valuation, and one per cent. on all personal property within the incorporated limits; to provide for licensing, taxing, and regulating merchants, auctions, taverns, groceries, and pedlers, and all shows and amusements; to restrain and prohibit gaming laws, bawdy houses and disorderly houses; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish and regulate markets; to open and keep in repair streets, alleys, and sewers; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets; and from time to time to pass such ordinances, to carry into effect the object of this act and the powers hereby granted, as the good of the inhabitants may require, and to impose fines and forfeitures for the breach of any ordinance, and provide for the collection of the same; and that in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* allowed for [from] any such decision, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace.

May levy tax.

License powers.

Further powers.

Fires.

Ordinances.

Fines.

Appeal.

Special tax to pave side-walks. **SEC. 6.** That, upon the application of the owners of two-thirds of the front of the lots on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the side-walks on said street.

Lanes and avenues. **SEC. 7.** The board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said town and corporation, and to extend, open, and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose by any person competent to administer an oath, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the

damages which would be sustained by reason of the opening, extension, or widening of any street, avenue, lane, or alley; and shall moreover estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the person injured; all of which shall be returned to the board of trustees, under their hands and seals; and the persons who shall be benefitted, and thus assessed, shall pay the same in such manner as shall be provided; and the residue, if any, shall be paid out of the town treasury.

Benefit or
damage by
widening
street.

SEC. 8. That the board of trustees shall have power, by ordinance, to regulate and cause to be cleared off all the timber, under-growth, and rubbish on such parts of the town as have been laid off into town lots, at the expense of the owners of said lots; and, if the owners refuse to comply, to cause the timber and wood to be sold to defray such expense.

Timber to be
cleared at the
expense of
owner.

SEC. 9. That the board of trustees shall have power to preserve good order and harmony in said town; to punish open indecency, breaches of the peace, horse-racing, shooting, riotous or noisy meetings; for which purpose they may make such ordinances as to them may seem proper, and that are not inconsistent with any of the public laws of this State, and may impose fines for the breach thereof; which fines shall be recoverable before any justice of the peace residing in said town; and all suits and judicial proceedings under this act shall be brought in the name and style of "The president and board of trustees of the town of Shelbyville."

Suits, how
brought.

SEC. 10. That the board of trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine, and to prescribe the manner of selling property when the tax levied upon it is not paid; *Provided*, No sale of any town lots or other real property shall be made until public notice of the time and place shall be given by advertisement in some newspaper, or at four public places in said town, at least fifteen days previous thereto.

Assessment.

Proviso.

SEC. 11. That when any town lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed, at any time within two years from the date of such sale, by the owner of said property, or his or her agent, executor, or administrator, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of purchase money, with interest at the rate of twenty-five per cent. per annum, together with the costs accruing thereon.

Lots may be
redeemed.

Redemption
money.

SEC. 12. That upon the sale of any town lots or real estate for taxes, a certificate of purchase shall be given to the purchaser, signed by the president of the board of trustees, describing the property sold, setting forth the amount bid, and that the purchaser will be entitled to a deed within two years from the date of the sale, if the property be not redeemed as provided by this act; a copy of which certificate of purchase

Cost of pur-
chase.

Deed. shall be left with the clerk of the board of trustees by the president within ten days from the sale aforesaid; and if the town lots or real estate be not redeemed as provided in this act, a deed shall be made to the purchaser, signed by the president of the board of trustees; which deed shall be good and valid in law.

SEC. 13. It shall be the duty of the board of trustees to cause to be paid to the purchasers of lots all moneys which may have been paid to the treasurer, over the costs for selling the same.

**Ordinances,
how made
public.**

SEC. 14. That all ordinances of the board of trustees shall be written out and signed by the clerk and published in a newspaper printed in said town, or posted up at four of the most public places, for two weeks before taking effect, and within one month from their passage.

**Town con-
stables.
Powers of.**

SEC. 15. That the board of trustees shall have power to appoint a town constable or constables, (and other necessary officers,) who shall possess the same powers and perform the same duties within said incorporated limits as the constables in the different townships possess, and shall be entitled to the same compensation.

Fees.

**All officers to
take an oath.**

SEC. 16. That the members of the board of trustees and every officer of the corporation shall, before entering on the duties of either office, take an oath or affirmation before some judge or justice of the peace to support the constitution of the United States and of this State, and faithfully to discharge their duties, and properly demean themselves in office.

**Notice of
election.**

SEC. 17. That the foregoing provisions of this act shall take effect and be in force so soon as they shall have been accepted by the inhabitants of said town and incorporated limits, and not before, in manner as follows, viz: An election shall be held, on the first Monday in May next, at the court house, by giving ten days' notice of the same by posting up advertisements in four of the most public places in said town; at which election any two justices of the peace in said town may preside and appoint their clerk; and all voters qualified as herein before described shall be entitled to vote for or against this charter; and if a majority of all the votes given be for the charter, then the said justices shall determine the time and place of holding the first general election, which shall not be more than one month nor less than two weeks after the acceptance of the charter, and shall publish notice thereof for ten days before the day appointed for the election of trustees; and those elected trustees at the general election shall then proceed as hereinbefore provided, and continue in office for one year, and until their successors are duly elected and qualified.

**Vote for or
against char-
ter.**

**General elec-
tion.**

SEC. 18. That the said justices of the peace who may be judges of the election shall make a true return of both elections, and deliver it to the board, who shall preserve the same; and the board of trustees first elected, or any future board,

may alter the time of holding elections for trustees, by ordinance, if to the board it seemeth expedient: *Provided*, That Proviso. nothing herein contained shall exempt the citizens of said corporation from working on the public highways as heretofore.

APPROVED, March 2, 1839.

AN ACT to incorporate the Tazewell County Commercial and Fire Insurance Company. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be established in the town of Pekin, in the county of Tazewell, an insurance company, to be called "The Tazewell Commercial and Fire Insurance Company." Name.

SEC. 2. All such persons as shall become stockholders, Stockholders. their successors and assigns, are hereby incorporated as a body corporate and politic, by the name and style aforesaid, to have continuance for and during the term of twenty-five Term of charter. years from and after the passage of this act; and such corporate name and style shall be, for the time aforesaid, capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, pleas, causes, matters, and demands whatsoever, in as full and effectual a manner as any person, body corporate or politic, may or can do; and may have a Powers. common seal, which they may alter or break at pleasure; and may purchase, hold, and convey any real estate or personal property for the use of said company: *Provided*, That the said company shall not, at any one time, hold real estate May hold and convey real estate. exceeding the sum of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. The said company shall have full power and law- Powers of insurance. ful authority to insure all kinds of property against loss or damage by fire or any other cause or risk; to make all kinds of insurance against loss and damage on goods, merchandize, and produce, in the course of transportation or otherwise, whether by land or water, and on any vessel or boats whatever they may be; to loan any part of their capital stock on respondentia or bottomry, or on mortgage of real estate, and to receive such interest therefor as is provided for by this act. Said company may cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest they may have in any vessels, boats, goods, merchandize, or other property, by means of any loan or loans which they may have on respondentia or bottomry; and generally to do and perform all other necessary matters and things connected

with, and to promote the objects of their incorporation: *Provided*, That where said company shall loan out, on mortgage of real estate, any portion of their capital stock, they shall not be authorized to receive a higher rate of interest than ten per centum per annum.

Capital stock \$50,000. SEC. 4. The capital stock of said company, exclusive of notes and profits arising from business, shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each, fifty per centum of which shall be paid in good and lawful currency of the United States, or of this State, within the first six months after the directors and company shall have been chosen; and the residue at such times and in such instalments as the president and board of directors may call for the same, under such penalties and forfeitures as the president and directors may order and direct.

Capital may be increased to \$200,000. SEC. 5. The capital stock of said company may hereafter be increased to an amount not exceeding two hundred thousand dollars, should a majority of the stockholders deem it advisable; which additional stocks shall be subscribed for under the direction of the president and directors of said company; fifty per centum of such increased capital stock shall be paid in within the first six months after the same has been subscribed: *Provided, however*, That the capital stock of said company shall not be increased until the whole of the original stock is paid in. The stock of said company shall be deemed personal property, assignable and transferable on the books of the corporation; but no stockholders, indebted to the corporation, shall be permitted to make a transfer until such debt be paid or secured to the satisfaction of the directors.

Proviso.

Commissioners to receive subscriptions. SEC. 6. David C. Alexander, Oliver Lindley, Spencer Field, Samuel Pilsberry, and Charles Oakley, are hereby appointed commissioners to receive subscriptions to the capital stock of said company. Said commissioners shall open one or more books for subscription to said stock, on such days and at such places as they may deem proper, and keep the same open until the whole of the capital stock of said company shall have been subscribed for, giving at least twenty days' notice of the time and place when such subscription books will be open. The sum of one dollar on each share shall be paid to the said commissioners at the time of subscribing; and whenever the whole amount of capital stock shall be subscribed for, said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving public notice in some newspaper published in this State, of at least thirty days, for the purpose of choosing a board of directors in pursuance of this act; which meeting shall be held in the town of Pekin: *Provided*, That each share of stock shall be entitled to one vote, which may be given either in person or by proxy; and so soon as a board of directors are elected and organized, the said commissioners shall deliver over the subscription books,

Meeting of stockholders.

Board of directors.

Proviso.

and the whole amount of money they may have received on subscription, to the said board of directors.

SEC. 7. The stock, property, and all the transactions, and business of said company shall be conducted by nine directors, who shall be chosen by the stockholders by ballot. Said directors, at the time of their election and during their continuance in office, shall be citizens of this State, and holders, respectively, of capital stock of said company. Said directors shall hold their office for one year from the time of their election, and until their successors are elected and qualified. They shall elect one of their own body president; and, in case of the death or resignation of any one of said board, whereby a vacancy shall occur, it shall be lawful for a majority of the surviving directors to appoint some person from among the stockholders of said company to fill such vacancy, who shall hold their office until the next annual election.

SEC. 8. The president and four other directors (or five of the directors during the absence of the president) shall constitute a board competent to do and transact business, and shall have power to make such rules, regulations, and by-laws as to them may seem needful and proper, touching the management and disposition of the property, stock, and effects of said company, and the transfer of stock, and touching the duties of the several officers and clerks employed by them, and the election of directors and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and to regulate the salary and pay of such persons as shall be in their employment: *Provided* such by-laws are not repugnant to the laws of this State or the United States.

SEC. 9. It shall be the duty of the directors of said company, at such times as the by-laws thereof shall prescribe, to make dividends of the profits and interest accruing from the business of said company as to them shall seem meet and proper, and shall lay before the stockholders a particular statement of the profits, if any there be, after deducting losses and dividends, and also such other information relative to the affairs of said company whenever a majority of the stockholders shall require it; and said company shall not take any risk, nor subscribe any policy by virtue of this act, until one-half of the capital stock of said company shall have been paid in.

SEC. 10. Said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, or merchandize, or other commodities whatever. The capital stock of said company collected at each instalment shall, within six months thereafter, be invested either in bank stock of the State Bank of Illinois or Bank of Illinois, or loaned on bond and secured by mortgage on real estate in this State, at such rates of interest as is lawful for individuals to charge in this State.

In case of
losses.

SEC. 11. In case of any loss or losses taking place which shall be equal to the capital stock of said company, and the president and directors, after knowing of said loss or losses having taken place, shall subscribe any policy of insurance, their estate, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estate of the stockholders as aforesaid shall be liable to any losses, equal to the amount of said stock subscribed and not paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in or profits not divided.

SEC. 12. The said company shall not be permitted to insure on any one risk an amount exceeding ten per centum of the capital actually paid in, and secured to be paid in upon the call of the president and directors of said company; nor shall they be permitted to loan to any one individual or company an amount exceeding eight per centum of the capital so paid in.

When stock
is paid in.

SEC. 13. So soon as the capital stock of this company shall have been paid in according to the terms of this charter, it shall be the duty of the president and directors thereof to make oath, before some justice of the peace, that said money is paid in as the capital stock of said company, and for no other purpose whatever; and the oath, certified by said justice of the peace, shall be filed in the office of the clerk of the county commissioners' court of Tazewell county.

APPROVED, March 2, 1839.

In force, Feb.
23, 1839.

AN ACT to extend the corporate powers of the town of Pekin.

Name & style
of body poli-
tic.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Pekin, in Tazewell county, are hereby constituted a body politic and corporate, to be known by the name of "The president and trustees of the town of Pekin," and by that name shall be known in law and have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive, and hold real estate and personal property within the limits of said town, and no other, (burial ground excepted;) may sell and convey the same for the benefit of said town. They shall have power to lease any lands that now are, or which may hereafter be, reserved and appropriated to the use of said town, and to do all other lawful acts as natural persons; may have a common seal, and alter the same at pleasure.

Powers.

Boundaries of
town.

SEC. 2. That all that district of country contained within the following boundaries, to wit: Beginning at the northeast corner of section thirty-five, in township number twenty-five

north, of range five, west of the third principal meridian, in the county of Tazewell, and State of Illinois; thence, due south, two miles; thence, west, two miles; thence, north, to the west bank of the Illinois river; thence, up the west bank of said river, to a point due west from the place of beginning; thence, east, to the place of beginning, is hereby declared to be within the limits or boundaries of the town of Pekin.

SEC. 3. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business; they shall be elected annually, on the second Monday in August, by the persons residing in said town qualified to vote as hereinafter provided, to serve for one year and until their successors are elected and qualified. They shall be citizens of the United States, twenty-one years of age, shall possess a freehold estate within the limits of said corporation, and shall have been residents in said town one year next preceding the election.

Powers vested
in five trustees.

Qualification
of officers.

SEC. 4. That Samuel Pilsberry, David C. Alexander, Spencer Field, John O. Hide, and Richard H. Snell, be, and thereby [they are hereby] declared to be trustees of said town, to serve until the second Monday in August next, and until their successors shall be elected and qualified.

present trustees.

SEC. 5. The board of trustees shall appoint their president from their own body, shall appoint all other officers of their board, and shall be the judges of elections and returns of their own members. A majority shall constitute a board to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rule of proceeding, punish the members for disorderly conduct, and, by a vote of two-thirds of the whole number elected, expel a member, and make such other rules and regulations for their own government as to them may seem proper and expedient.

President.

Expulsion of
members.

SEC. 6. No person shall vote for trustees of said town unless he be qualified to vote for representative for the General Assembly, and shall be liable to pay a corporation tax for the then current year, and shall have resided in said town for at least three months next preceding the election at which he offers his vote.

Qualification
of voters.

SEC. 7. The board of trustees shall have power to levy and collect a tax on all real estate and personal property within the said corporation, not exceeding one per centum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night-watches; to erect lamps in the streets, and light the same; to license ferries and regulate the tolls thereof within the limits of said corporation; to restrain and prohibit shooting, horse-racing, houses of ill-fame, gambling, and other disorderly houses; to provide for licensing,

Tax in town.

Night-watch.

Licenses.

taxing, and regulating or prohibiting theatrical and other shows or amusements; to regulate and license merchants, inn-keepers, groceries, and auctioneers; to establish and regulate markets and erect market-houses; to widen and keep in repair streets, side-walks, lanes and alleys, drains and sewers; to keep the same clean and free from encumbrances; to dig wells and erect pumps on the streets for the convenience of the inhabitants; to construct aqueducts to supply the town with water; to regulate the storage of gun-powder and all other combustible materials; to provide for the prevention and extinguishing of fires; to regulate the police of the town; to regulate the election of town officers; to fix the compensation of town officers; and, from time to time, to pass such ordinances, to carry into effect the provisions of this act and the powers hereby granted, as the good of the town may require, and which may not be inconsistent with the laws of this State. For the breach of any ordinance, any justice of the peace within the county shall have power to hear and determine any of the aforesaid offences: *Provided* the same shall be tried within the limits of the corporation; and appeals may be taken, and writs of *certiorari* allowed from any such judgment, in the same manner as now is or hereafter may be provided by law for taking appeals from judgments of justices of the peace.

Streets and markets.

Wells and pumps.

Extinguishment of fires.

Power of justice of peace.

Special tax to improve side-walks.

Compensation of persons injured.

SEC. 8. That, upon the application of the resident owners of two-thirds of the real estate belonging to the residents on any street or part of a street, it shall be lawful for the board of trustees to levy and collect a special tax on all the lots on said street or parts of street, according to their respective fronts, for the purpose of paving the side-walks on the said street or part of street.

SEC. 9. That the board of trustees shall make adequate compensation to any person or persons who may be injured by opening, widening, extending, or improving, any street, lane, alley, or side-walk, within the limits of the town, under the provisions of this act; to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of the town, not directly interested, who, after being duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury that may accrue to the party, and estimate and assess the damages which would be sustained by reason of the opening, extending, widening, grading, or improving of any street, avenue, lane, alley, or side-walk; and shall moreover estimate the amount which other persons will be benefitted thereby, and may contribute towards paying persons injured; all of which they shall return to the board of trustees, under their hands and seals; and the person or persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided; and the residue, if any, shall be paid out of the town treasury.

SEC. 10. That the president and trustees of said town shall have the right to borrow, on the credit of the corporation, any sum, not exceeding ten thousand dollars, for the purpose of erecting school-houses, market-house, and opening and widening, improving and grading the streets, digging public wells, erecting pumps in the streets, and constructing aqueducts to supply the town with water; improving public wharves and landings for boats, and for making and improving any public road situated within two miles of the town which the trustees shall think for the best interest of the town to make and improve; and also for improving, leveeing, and bridging a road across the Illinois bottom, from the ferry on the west side of the Illinois river opposite said town, westwardly, to the Peoria and Canton road; and to receive donations for the purpose of carrying into effect any or all of the objects contemplated by the provisions of this act.

May borrow money.

Wharves and landings.

Illinois bottom.

SEC. 11. They shall have the right to establish and continue a ferry across the Illinois river at said town, the rates of toll to be fixed and regulated by the county commissioners' courts of Tazewell and Peoria counties, in the same manner as is prescribed by law. The president and trustees of said town shall be liable for all damages sustained by any person or persons, or penalties incurred under the laws which now are or hereafter may be made for regulating public ferries. *And it is further provided,* That the nett proceeds arising from said ferry, after the payment of the expenses of furnishing and keeping the same, to be applied and expended towards making and improving the road from the ferry to the bluff across the bottom on the west side of the river, or the payment of money which may have been borrowed and expended on said road, or in the payment of the interest thereon, or improving the streets and landings in the said town of Pekin.

Establishment of ferry.

Trustees liable for damages done.

SEC. 12. The officers of said corporation, in addition to the trustees, shall consist of one clerk, one treasurer, one collector, one constable, and three assessors, and one street commissioner, and such other officers as the trustees of said town may deem necessary.

Officers of town.

SEC. 13. It shall be the duty of the board of trustees, in such manner as they may hereafter provide, to give notice of all town meetings to be held, whether for election of trustees or any other purpose arising under the provisions of this act, by posting up notices in three of the most public places in said town, and stating the object of such meeting: *Provided, however,* That not less than three days' notice shall in any case be given

Notice of town meetings.

SEC. 14. All ordinances shall be posted up in three of the most public places in said town within ten days after they shall be passed, and, if there be a newspaper published in said town, shall also be published therein within ten days.

Ordinances, how made public.

Assessment
and collection
of taxes.

Notice of sale
of lots for tax-
es.

Lots may be
redeemed.

Conditions.

Time of re-
demption.

Fire compa-
nies.
Hook and
ladder com-
panies.

Streets, how
worked.

SEC. 15. That the board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes as they from time to time fix upon and determine, and to prescribe the manner of selling property, when the tax levied upon it is not paid: *Provided, however,* That no sale of any town lots or other real estate shall be made until public notice of the time and place shall be given by advertisement in a newspaper printed in said town or county, if there be any published, and by posting up written notices in three of the most public places in the town, if there be no paper published therein, at least fifteen days previous thereto.

SEC. 16. That when any real estate in said town shall have been sold by the authority of the corporation for the non-payment of any tax that may have been levied upon the same, the same shall be subject to redemption by the owner or owners thereof, his, her, or their agent or agents, within one year after the same shall have been sold, by paying to the treasurer of the board of trustees of said town, for the use of the purchaser or purchasers, double the amount of taxes for which the same was sold, together with the costs of such sale; but should the said lots or parts of lots, or real estate so sold for the non-payment of taxes as aforesaid, not be redeemed within the time specified, then and in that event it shall be the duty of the president of the board of trustees of said town to execute a deed, with special warranty, signed by the president and countersigned by the clerk thereof.

SEC. 17. It shall be the duty of the board of trustees to cause to be paid, to the owner or owners of lots or real estate, all moneys which may have been paid to the treasurer by them, over and above the amount of the taxes for which they were sold, and the cost of selling the same.

SEC. 18. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire-engine companies and fire-hook and ladder companies—the fire-engine companies to contain each from fifteen to thirty able bodied men—the fire-hook and ladder companies to contain each from ten to twenty; which companies shall be formed by voluntary enlistments, and shall be officered and governed by their own by-laws. Every member of said companies shall be exempt from military duty and serving as jurors during the time he may belong to and serve in such company, except in case of insurrection or invasion.

SEC. 19. That the board of trustees, for the purpose of keeping the streets and alleys in said town and corporate limits and the public roads passing from and through the said town in good repair, and to this end they are authorized to require every male inhabitant of said town and incorporated limits, over the age of twenty-one years and under fifty years of age, to labor in said streets and alleys and roads at least three days in each year; and any person who shall be notified

at least two days previous, by the street commissioner, to perform such labor so assessed as is herein provided, and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar for each day neglected to be performed; and the street commissioner in said town is hereby authorized to prosecute such delinquent person, in the name of the president and trustees of the town of Pekin, before any justice of the peace in said town; and said street commissioner shall be a competent witness against said delinquent; and in case of default as aforesaid, the justice shall render judgment against the defendant for the amount so forfeited, with costs of suit, and issue execution forthwith.

SEC. 20. That every officer of said corporation shall, before entering upon the duties of his office, take an oath or affirmation before some judge or justice of the peace to support the constitution of the United States and of this State, and faithfully to discharge the duties of his office: *And provided, also,* That the treasurer and collector, before they shall enter upon the duties of their offices, file in the office of the clerk of said town a bond, with security to be approved by the board of trustees, for the faithful performance of their duties.

SEC. 21. That all of that district of country included within the corporation limits of said town be, and the same is hereby, constituted into a district for the election of one justice of the peace and one constable. The county commissioners' court of said county are hereby required to cause an election to be held on the first Monday of August next, and at each quadrennial election thereafter, for the election of one justice of the peace and one constable in said town; and the persons so elected shall have and exercise the same jurisdiction, hold their offices by the same regulations in all respects as other justices of the peace and constables of this State.

SEC. 22. This act shall not extend so far as to authorize the trustees of said town to levy any tax upon merchants, auctioneers, tavern-keepers, or ferries, within the bounds of the corporation of said town, until the county commissioners' court of said county shall, by an order, to be entered on the records of said court, agree to relinquish the revenue arising from license of merchants, auctioneers, ferries, and taverns, within the bounds of the corporation of said town: *Provided,* That, if such order of said court shall be made, the trustees of said town shall take charge of all the paupers within the bounds of said corporation, so as that the county shall be free from any charge on account of any pauper in said town.

SEC. 23. The county commissioners' courts of the counties of Tazewell and Peoria shall have the right to levy and collect a tax upon the ferry authorized to be established by the eleventh section of this act, in the same manner as is now provided by the laws in force authorizing the county commissioners' courts to establish and regulate ferries.

APPROVED, February 23, 1839.

In force, Feb. 27, 1839. AN ACT to construct bridges across the Kaskaskia and Embarrass rivers, at or near the points where the Springfield trace crosses said streams, and for other purposes.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph Vandaren, Isaac Gruell, James Shaw, William J. Campbell, John H. McClelland, David Morgan, James Black, Claiborne C. Ashmore, and Snowden Sergeant, with their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Embarrass and Kaskaskia Bridge Company," for the purpose of constructing bridges across the Embarrass and Kaskaskia rivers, at or near where the Springfield trace crosses said streams; and they and their successors are hereby made as capable in law as natural persons to contract and be contracted with, to plead and be impleaded, to sue and be sued, in all courts of law and equity; to make, have, and use, a common seal, to alter the same at pleasure; and they and their successors shall have power to purchase and hold as much real estate as may be necessary for the sites of said bridges, abutments, toll-houses, and suitable avenues leading to the same; also, to borrow any money, not exceeding the capital stock mentioned in this act, to be applied exclusively to the works aforesaid; also, the power to ordain and establish such by-laws and regulations as shall be necessary for the well-being and government of said corporation, not incompatible with the laws or constitution of this State, or of the United States. The directors shall meet at Independence, on the second Monday of March next, and organize.*
- Body politic.**
- Name & style.**
- Powers.**
- May borrow money.**
- Capital stock.** **SEC. 2.** The capital stock of said company shall consist of fifty thousand dollars, to be divided into shares of ten dollars each, to be subscribed for or sold in the manner hereinafter mentioned.
- Book to be opened.** **SEC. 3.** Within six months after the passage of this act, the persons before named, or a majority of them, shall cause books for the subscription of stock of said company to be opened, at such places and times as they may direct; which books shall be kept open under the direction of such persons, or a majority of them, for such length of time as they may order.
- When to organize.** **SEC. 4.** When one thousand dollars of the capital stock shall have been subscribed, it shall be the duty of the directors named in the first section of this act to organize and proceed to the building and erecting of said bridges; and they shall hold their offices for one year after organizing.
- Annual election.** **SEC. 5.** An election shall be holden once in each year for nine directors, who shall manage the concerns and affairs of said corporation, and whose term of service shall continue for one year, and until their successors are duly elected and qualified. Said board of directors shall elect a president, secretary, treasurer, and such other agents or officers as may be needed in the management of the aforesaid business.
- Officers.**

Each share of the capital stock of said company shall entitle its owner to one vote; which may be given in person or by proxy. The president and directors shall have power to manage and control all the affairs and business of said corporation; and, at the annual meetings, a statement of the accounts and condition of said company shall be made out by the president and directors, and presented to said meeting, and such dividend of the profits be declared as may be deemed advisable.

No. votes to
shares.

SEC. 6. The concerns of the said corporation shall be under the control, superintendence, and management, of said president and directors; and the president and three directors shall constitute a quorum to transact business, or, in the absence of the president, any four directors, one of whom shall act as president pro tem., with power to fill any vacancy in the board occasioned by death, resignation, or otherwise. The president and directors, after they shall have been duly elected as aforesaid, may require such instalments to be paid on the stock subscribed as may be deemed right and proper.

SEC. 7. It shall be the duty of the board to appoint a clerk, and to cause a record of their proceedings to be kept. They may allow their officers, agents, and servants, such compensation as to them may seem just and equitable; to make contracts, and do all things necessary to carry the aforesaid object into immediate effect and execution, and to require and take such bonds, notes, or other securities, in their corporate capacity, from any person or persons, as they may appoint or contract with.

Clerk of board

SEC. 8. Said company may enter upon and take any land, stone, timber, or other materials, to be used in the construction of said bridges, by paying a fair compensation to the owner of said property; and, in case said company cannot agree with the owner of any such land as they may need for making and erecting said bridges, and establishing gates, toll-houses, and all other works to said bridges, the same may and shall be ascertained by three freeholders of the county of Coles, each party choosing one, and they two choosing a third, who shall be sworn by some justice of the peace of the county to make a just valuation; and when the owner of any such land shall have received the valuation money aforesaid, the title to said land shall vest in said company, and it shall be the duty of the owner thereof to make a deed to said company for said land.

Powers.
Toll-houses.

SEC. 9. It shall be the duty of the directors aforesaid to open separate columns, and to permit those who wish to subscribe for stock to have their election in subscribing stock to the bridge at the Embarrass, or at the Kaskaskia river; and the funds shall be kept and remain separate; and that which is subscribed to the Embarrass river shall be exclusively applied to that bridge, and so with the funds subscribed to the Kaskaskia bridge.

Duty of direc-
tors.

SEC. 10. As soon as either of said bridges shall be completed, it shall and may be lawful for the said company to erect

Rates of toll. toll-gates, and to demand and receive, at each of said bridges, when completed, the same rates of toll for passing the same as are now established and received for ferriage at the same places on said streams.

Time of commencement & completion. SEC. 11. Said bridges shall be completed within five years from the first day of June next, and shall at all times be and remain free for persons going to and from elections, and also to grand and petit jurors going to and from court.

Forfeiture for damage done to bridges. SEC. 12. If any person or persons shall wilfully or maliciously do, or cause to be done, any act whatever, whereby the said bridges, or any thing appertaining to the same, shall be impaired, injured, or destroyed, the said person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages occasioned thereby, to be recovered by the said corporation, with costs of suit, by action of trespass or any other appropriate action.

State or county may purchase bridges. Conditions. SEC. 13. The State of Illinois, or the county of Coles, shall have the right to purchase both or either of said bridges from said company, by paying the principal and ten per cent. interest on the money expended in their construction; and the said county of Coles may subscribe for as many shares of said stock as the county commissioners may deem proper, and be entitled to all the rights and privileges of other stockholders.

Stock transferable. SEC. 14. The stock of said company shall be transferable in such manner as the board may direct; shall be personal property, subject at all times to execution for the debts of its owner.

SEC. 15. This act to be and remain in force for thirty years from and after its passage.

APPROVED, February 27, 1839.

In force, Feb. 1, 1839. AN ACT to amend an act, entitled "An act to incorporate the Cairo City and Canal Company."

12th section of act repealed. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the said Cairo City and Canal Company shall not be obliged, as authorized by its charter, to lay off and construct a canal to unite with Cache river, should they deem the same to be injurious and detrimental to the health of the city; and the twelfth section of said act, which requires a certain amount to be expended on said canal within five years, is hereby repealed.*

APPROVED, February 1, 1839.

AN ACT to incorporate the Schuyler County Mutual Fire Insurance Company. In force, Feb. 4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hart Fellows, James McCrosky, Josiah Parrott, John Scripps, George H. Scripps, Adams Dunlap, Rensselear Wells, William E. Withrow, O. M. Houghland, William H. Ray, George Nelson, Micaiah Warren, Thomas Goodwin, and all other persons who may hereafter become members of this company in the manner herein prescribed, be, and they are hereby, incorporated and made a body politic, by the name of "The Schuyler County Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling-houses and other buildings, with their contents, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means excepting that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States or Territories; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and they may sell and convey the same at pleasure; may make and establish, and put in execution, such by-laws, ordinances, and resolutions, not being contrary to the laws of this State, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act.

Names of persons incorporated.

Name & style.

Exceptions to insurance.

May sue and be sued.

Have a seal.

Powers.

SEC. 2. All and every person and persons who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof for and during the time specified in their policies and no longer, and shall at all times be included and bound by the provisions of this act.

Who deemed members of company.

Members bound by act.

SEC. 3. There shall be a meeting of the said company at Rushville, in the said county of Schuyler, on the first Monday in the month of June annually, or on such other day as the said company may hereafter determine; at which shall be chosen, by a major vote of the members present, a board of directors consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their place and stead. All vacancies happening in said board may be filled by the remaining members until the next annual meeting, and a majority of the whole number shall constitute a quorum for

Annual meetings.

Number of directors. Term of office.

Vacancies, how filled.

Quorum.

the transaction of business. Special meetings of the company may be called by order of the directors, or in such manner as the by-laws thereof may have prescribed.

Powers of directors.

SEC. 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power, from time to time, to appoint a secretary, treasurer, and such other officers, agents, and assistants, as to them may seem necessary, and to prescribe their duties, fix their compensations, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance; the sum to be insured on any building not exceeding three-fourths of its value, and the sum to be deposited for their insurance thereof. They shall order and direct the making and issuing of all policies of insurance; the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and draw upon the treasurer for the payment of all losses which may have happened, and for the expenses incurred in transacting the concerns of said company. They shall elect one of their own members to act as president, and may hold their meetings monthly or oftener, if necessary, for the transaction of the business of the company, and shall keep a record of their proceedings.

Rates of insurance.

Policies, how issued.

Payment of losses.

President to be elected.

Per centum to be paid into treasury.

Annual payments.

Proportion of capital stock.

Members held liable for losses, may be prosecuted.

SEC. 5. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, pay into the treasury such a per centum, in money, on the property insured as the directors shall actually require to defray his proportion of the necessary expenses of transacting the business of said company for one year and no more; and annually thereafter such further sum as may be required during the current year for the same purpose; and he shall also, before he be permitted to receive his policy, deposit with the treasurer of said company his promissory note for the balance of the premium for the term of years for which his property shall have been insured; which note, together with the amount paid annually in money as provided above, shall constitute his proportion of the capital stock of said company; and for the payment of which, should any loss or damage happen by fire to the property insured in and with said company by any member thereof during the period for which he shall have insured, he shall be held liable for his proportion of such loss or damage forever; and any member neglecting or refusing to pay his proportion of such loss or damage, (and due notice having been given, and assessment made upon him for the same by the constituted authority of said company,) may be prosecuted against by suit, instituted in the name of said company, in any court of record or other

place whatever; and any member so neglecting or refusing to pay such assessment, or his or her annual proportion of the expenses of said company as hereinbefore provided, shall cease to have his property insured therein until the day on which he shall make such payment, and no allowance or alteration in the time of his next payment will be made. Should any member neglect or refuse to pay such assessment for one year after they shall have become due and payable, his right to the benefit of the capital stock of said company shall be forfeited.

Members refusing to pay shall cease to have insurance.

Forfeiture of stock.

SEC. 6. That in case of any loss or damage happening to any member upon property insured in and with said company, the said member shall give notice thereof in writing to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for loss or damage, at any court to be holden in and for the said county of Schuyler, within one year from the time of such loss or damage, and not afterwards; and if, upon the trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more be recovered than the amount determined by the directors as aforesaid, the said party shall become non-suit, and the company shall recover their costs: *Provided, however,* That the judgment last mentioned shall in nowise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid: *And provided, also,* That no execution shall issue on any judgment against said company until after the expiration of three months from the rendition thereof.

In case of loss.

Party suffering not satisfied, how to proceed.

To bring suit in one year.

Proviso.

Proviso.

SEC. 7. The said company may make insurance for any term not exceeding seven years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company in all cases.

Insurance not to exceed seven years.

SEC. 8. The directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper within that time to rebuild the house or houses destroyed, or repair the damages sustained, which they are hereby empowered to do, in convenient time: *Provided* they do not lay out and expend in such building or repairs more than the sum insured on the premises. No allowance is to be made, in estimating damages in any case, for gilding, historical, or landscape painting, statue or carved work, nor are the same to be replaced if destroyed by fire.

Policies, how executed.

Proviso.

What is not included in insurance.

In case premises are altered. SEC. 9. If any alteration shall be made in any house or building by the proprietor thereof, after insurance has been made thereon by said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance made upon such house or building shall be void, unless an additional premium and payment after such alteration be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in anywise affect the insurance previously made thereon.

Alterations not increasing risk.

Double insurance.

SEC. 10. If insurance on any house or building shall be and subsist in said company and any other office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsists with the consent of the directors signified by endorsement on the back of the policy, signed by the president and secretary.

If stock is not sufficient, sufferers to receive proportion of dividend.

SEC. 11. If it shall ever happen that the stock of said company shall not be sufficient to pay all the losses occasioned by fire, then and in such case the sufferers insured by said company shall receive, towards making good their losses, a proportionable dividend of the said whole stock according to the sums by them respectively insured.

SEC. 12. The directors shall never require assessments which shall make the funds of the company exceed three per cent. on the amount of property insured.

First meeting at Rushville.

SEC. 13. The said Hart Fellows, James McCrosky, Josiah Parrott, John Scripps, George H. Scripps, Adams Dunlap, Rensselear Wells, William E. Withrow, O. M. Hougland, W. H. Ray, George Nelson, Micaiah Warren, Thomas Goodwin, or either two of them, may call the first meeting of the members of said company, at any suitable time and place in Rushville aforesaid, by advertisement in any newspaper printed in the county of Schuyler or adjoining counties, giving at least twenty days' notice of the time and place and design of said meeting, for the purpose of choosing the first board of directors, of making and establishing by-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this act.

Certificate of Secretary of State.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this 4th day of February, 1839.

A. P. FIELD, *Secretary of State*

AN ACT to amend an act, entitled "An act to incorporate the Canton College of Illinois." In force, Feb. 9, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel Wright, Lathrop W. Curtis, Nathan Jones, N. G. Berryman, Robert Stewart, Royal Wright, Isaiah Stillman, Thomas D. Lord, Samuel G. Wright, and Samuel B. Owings, their associates and successors, be, and they are hereby, created a body corporate, to be styled and known by the name and style of "The trustees of the Canton College of Illinois," and by that name to remain and have perpetual succession, with full power to acquire, by donation, purchase, or devise, and to hold and transfer, property, real, personal, and mixed, subject to the restrictions and provisions contained in the sixth section of the act to which this is an amendment; by that name to make contracts, sue and be sued, plead and be impleaded, in any courts of competent jurisdiction; and, in their corporate capacity, to make, have, and use a common seal, and the same to break, alter, or destroy, at pleasure.

Name & style of body politic.

Powers.

SEC. 2. That said trustees shall have power to increase their own number, in any manner and at any time that they may deem right and proper, to any number not exceeding twenty-five, and, for the perpetuation of their own corporate existence, to fill all vacancies that may occur in said board by death, resignation, or otherwise.

Number of trustees may be increased.

Vacancies, how filled.

SEC. 3. No person shall be considered honorary graduates of the aforesaid college, nor be entitled to a diploma as such, unless the applicant for such honorary degree shall be found, on examination by the board authorized to be appointed by the fifth section of the act hereinbefore referred to, worthy, and in possession of learning equal to that which is required on the part of the regular graduates of said college, any thing in the fifth section of said act to the contrary notwithstanding.

SEC. 4. The first section of an act, entitled "An act to incorporate the Canton College of Illinois," approved February 8, 1837, is hereby repealed: *Provided*, That nothing herein contained shall be so construed as to invalidate any proceedings of the trustees appointed by the said first section of the aforesaid act; but the acts done by the said trustees under the authority of said act, and the rights thereby acquired, are hereby ratified and confirmed as fully as if the same had been done strictly in conformity with the provisions of this act.

First section of act repealed.

Proceedings of trustees not made invalid.

SEC. 5. This act to be in force from and after its passage.

APPROVED, February 9, 1839.

In force, Jan. 24, 1839. AN ACT to authorize Thomas Reynolds and Elisha Seymour to build a toll bridge across the Kaskaskia river, at Farmington, in the county of St. Clair.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Reynolds and Elisha Seymour are hereby authorized to build a toll-bridge across the Kaskaskia river, at Farmington, in the county of St. Clair, situated on section twenty seven, township two south, seven west.

Rates of toll. **SEC. 2.** The rates of toll for crossing said bridge to be established from time to time by the county commissioners' court of St. Clair county: *Provided, however,* That the rate of toll for crossing said bridge shall never exceed the rates of toll of the different ferries across said river, as established by the county commissioners' court of said county.

Proviso.

Forfeiture if bridge is out of repair ten days.
Fine.

Proviso.

SEC. 3. Said Reynolds and Seymour shall at all times afford a speedy passage to all persons and their property, on payment of the lawful tolls; and they are hereby authorized to demand and receive the tolls, as herein authorized, for the term of twenty years, and to erect a gate or gates at either end of said bridge; and if said bridge shall at any time be out of repair for ten days together; the said Reynolds and Seymour shall forfeit and pay a fine of fifty dollars, and a like fine for every ten days thereafter that the said bridge may remain out of repair, to be recovered by action of debt before any justice of the peace for said county, one-half to be paid to the person suing for the same, the other half to be paid into the county treasury: *Provided,* That no injury to said bridge, caused by fire, high-water, or other unavoidable cause, shall work a forfeiture if reasonable diligence be used in repairing the same.

Bridge when to be commenced and completed.

Proviso.
Draw to enable steamboats or vessels to pass.

SEC. 4. Said Reynolds and Seymour shall commence the erection of said bridge within two years, and complete the same within five years, from the passage of this act: *Provided,* That said Reynolds and Seymour cause a sufficient draw to be made to said bridge to enable steamboats, or any other vessels, to pass without obstruction or detention. This act to be in force from and after its passage.

APPROVED, January 24, 1839.

In force, Jan. 24, 1839. AN ACT to repeal part of the act, entitled "An act to incorporate the Kaskaskia Bridge Company."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the fourth section of an act, entitled "An act to incorporate the Kaskaskia Bridge Company," approved January 31, 1837, as graduates the votes in a certain proportion to the number of

shares, be, and the same is hereby, repealed, and that each share-holder shall be entitled to as many votes as the number of shares he or she shall hold in said company. Part of act repealed.

SEC. 2. That so much of the fifteenth section of the act aforesaid as provides for the vesting of the right and title to said bridge in the people of this State, upon paying to said company all their expenditures, with interest thereon, &c., be, and the same is hereby, repealed. This act to be in force from and after its passage. Part of 15th section of said act repealed.

APPROVED, January 24, 1839.

AN ACT to incorporate the Mississippi Grand Tower Bridge Company. In force, Feb. 6, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Ritchie, John Logan, William B. Cowan, Thomas Jenkins, William Lagate, John Croghan, Wm. Croghan, Richard Lane, John E. Cowen, Pierre Menard, Wm. Kinney, A. P. Field, and such other persons as may associate with them by subscribing stock as hereinafter authorized, be, and they are hereby, constituted a body politic and corporate for the term of fifty years, by the name of "The Mississippi Grand Tower Bridge Company;" and by that name they and their successors shall and may hereafter have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answer and being answered unto, in all courts and places whatsoever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, they and their successors, by that name and style, shall be, in law, capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation; but the said real estate so to be holden shall be such only as shall be necessary for the transaction of the business of the said corporation at each end of said bridge; but the amount of real estate to be held and owned by said corporation shall never exceed one hundred and sixty acres; nor shall said corporation be permitted to carry on any commercial or manufacturing business, but shall confine their operations strictly to the erection and management of the bridge aforesaid. Body politic.
Term.
Name & style.
Powers.
May have seal
Hold and convey estate.
Amount of real estate.

SEC. 2. That the capital stock of said company shall be two hundred and fifty thousand, with the privilege of increasing the same to five hundred thousand dollars by new subscriptions, in such manner and form as they shall think proper, if such increase shall be found necessary to [ful]fill the intent of this act; which said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable in such manner as said corporation shall in their by-laws order and direct. Capital stock;
may be increased.
Shares

SEC. 3. The said John Ritchie, John Logan, William B. Cowan, Thomas Jenkins, William Lagate, John Croghan,

Commissioners appointed to open books. Places. William Croghan, Richard Lane, John E. Cowan, Pierre Menard, William Kinney, and Alexander P. Field, are hereby appointed commissioners, the duty of whom it shall be to open books in the following places, to wit: at St. Louis, Louisville, Philadelphia, Baltimore, Pittsburgh, Wheeling and such other places as the commissioners may deem necessary, and shall advertise the times and places of opening said books in the Carthaginian, and such other newspapers in this State or elsewhere as they may think proper, giving at least thirty days' notice of the time and place of opening books. If the whole of the capital stock herein named shall not be subscribed for at the time and place appointed for such subscription, said commissioners, or a majority of them, shall take such measures for completing such subscription as they may deem expedient and proper; and every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar on each share subscribed.

Thirty days' notice of time and place of opening books

Directors to be chosen.

Votes graduated by shares.

President.

Quorum.
President *pro tem.*

Vacancies, how filled.

By-laws.

SEC. 4. As soon as the capital stock shall be subscribed, the commissioners shall give notice thereof in like manner, and appoint the time and place, designating the same in said notice for such stockholders to meet for the purpose of choosing a board of directors, which shall consist of seven in number. Every stockholder shall be entitled, at such and all other elections, to one vote for each share to the number of ten, and one vote for every five additional shares; which votes may be given in person or by proxy. At the election to be held as aforesaid, the said commissioners, or such of them as may attend, shall be inspectors, and their certificates of the names of the persons elected shall be conclusive evidence of such election; and said commissioners shall deliver over the subscription books to the said directors, with the money received thereon. The said directors so chosen, and who may hereafter be chosen, shall immediately after their election proceed to choose one of their body to be president, who shall preside at all regular meetings of the board. A majority shall constitute a quorum; and, in case of the absence of the president, the board may appoint a president *pro tempore* to preside. The said board shall have the power to prescribe the time and place of holding all future elections for directors, which shall be once a year; and the said board of directors shall be vested with power to transact all the business of the incorporation in their corporate capacity, whose acts shall be binding on the same. The said board shall have power to fill all vacancies which may occur in their body; which appointment shall remain until the next annual meeting.

SEC. 5. The board of directors, when elected and organized, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, and effects of said corporation, the transfer of shares,

and touching the duties and conduct of their officers and servants, and all other matters whatsoever which may appertain to the concerns of the said corporation, shall appoint a secretary, treasurer, and such clerks as may be necessary for the transaction of business: *Provided*, That said by-laws be not repugnant to the constitution and laws of this State and of the United States.

Secretary &c.
to be appointed.
Proviso.

SEC. 6. The said corporation are hereby authorized and empowered to erect a bridge over the Mississippi river, at the town of Grand Tower, in Jackson county. The manner and form of construction of said bridge shall be decided upon by said corporation: *Provided*, That said bridge shall be constructed and built of sufficient height to leave the steamboat channel in said river free from all obstruction that might retard the navigation of said Mississippi river, either in high or low water, and so as not to be in the way of any improvements of the navigation in said river that may hereafter take place.

Bridge where
to be erected.

Proviso.

SEC. 7. The said corporation shall be authorized to procure a sufficient quantity of land at each end of said bridge on which to build toll-houses and gates, and to afford room for the necessary transactions of the business of the concern; and in case of a disagreement betwixt the corporation and the owners of the land on the east side of said river, as to the value and price of said land, the same shall be ascertained by three disinterested freeholders of the county in which the lands lie, who shall be appointed for that purpose by the county commissioners' court of the same county, on the application of either party, and shall be sworn to make a just valuation thereof; and when the said corporation shall have tendered to the owner or owners, or their agent or agents, the full amount of the valuation of said lands as assessed by the said freeholders, then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate; and it shall be the duty of the said freeholders, or a majority of them, to deliver to the said corporation a written statement of the award or awards they shall make, with the description of the said lands, to be recorded in the recorder's office of the county in which the lands lie.

Land at end
of bridge.

Toll-houses
and gates.

Purchase of
lands.

Appointment
of persons to
appraise
lands.

Duty of ap-
praisers.

SEC. 8. As soon as the said bridge shall be completed, it shall and may be lawful for the said corporation to erect a gate at the end of said bridge, and to demand and receive the same rates of toll for passing the same [as] may be then allowed to the ferries crossing the Mississippi within the limits of Jackson county. The said corporation shall obtain from the county commissioners' court of Jackson county a list of the rates of toll as established by them for the various ferries over the Mississippi within the limits of said county, (for which the same tax may be charged as is charged by the ferries aforesaid in such cases,) and shall set up in a conspicuous place, free for the

Rates of toll.

- inspection of travellers or other persons interested, the rates of toll as aforesaid.
- Toll boards.** **SEC. 9.** If any person or persons shall wilfully or maliciously do or cause to be done any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, injured, or destroyed, the said person so offending shall forfeit and pay to the said corporation treble the amount of damages occasioned thereby, to be recovered by the said corporation, with cost of suits, in an action of trespass in any court having competent jurisdiction thereof.
- Forfeiture for damage done to bridges.**
- SEC. 10.** If any toll gatherer shall unreasonably delay or hinder any traveller from passing said bridge, or shall demand or receive more toll than is by this act established, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, with cost, to be recovered before any justice of the peace of the county where such offence shall be committed, for the use of the person or persons so unlawfully delayed, hindered, or defrauded.
- If toll-gatherer shall hinder traveller.**
- Penalty.**
- SEC. 11.** It shall not be lawful for any person or persons to ride or drive over said bridge faster than in a walk, neither shall any person drive on more stock or teams at one time than shall be ordered or permitted by the toll-gatherer or attendant on said bridge, on penalty of forfeiting, for every such offence, the sum of five dollars, to be recovered before any justice of the peace as aforesaid.
- No person to drive over bridge faster than a walk.**
- SEC. 12.** All officers or directors chosen at the annual election aforesaid shall hold their office until their next annual election, or until others are elected in their stead; and the president and directors, or a majority of them, shall have power to call a meeting of the board whenever they may deem it necessary, by publishing a notice of the time and place for holding the same thirty days previous to the time of said meeting.
- Term of office.**
- Called meetings.**
- SEC. 13.** If the said bridge shall not be commenced in two years, and finished in ten years, after the passage of this act, the said corporation shall be dissolved, and this act of no effect.
- Time of commencement & completion.**

APPROVED, February 6, 1839.

In force, Feb.
12, 1839.

AN ACT to incorporate the Hanover Academy.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That James Craig, Seth Patridge, William Robinson, James Armstrong, Daniel Fowler, William Craig, and Samuel Jemison, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The president and trustees of the Hanover Academy," and by that style and name to remain and have perpetual succession. The said academy shall be and remain at or near the town of Wapello,*
- Name & style.**
- Location.**

in Jo Daviess county, and State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

SEC. 2. The objects of said corporation shall be the promotion of the general interest of education.

SEC. 3. The corporate powers hereby bestowed shall be Powers. such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase, and sell property, real or personal or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects before mentioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as By-laws. are not inconsistent with the constitution of the United States or of this State; and to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

SEC. 4. The president and trustees of said corporation Further powers. shall have authority, from time to time, to prescribe and regulate the studies to be pursued in said academy; to fix the rate of tuition and other academical expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general government of the affairs of the institution, and for the regulation of the conduct of the students.

SEC. 5. The trustees for the time being, in order to have Vacancies, perpetual succession, shall have power to fill any vacancy how filled. which may occur in the board from deaths, removal, resignation, or any other cause. A majority of the trustees for the Quorum. time being shall be a quorum to do business.

SEC. 6. It shall be the duty of said trustees to appoint one of their number treasurer to the board, who shall be required Treasurer to to give bond, with sufficient security, in such penal sum as give bond. the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

SEC. 7. The said institution shall be open to all denomina- College open tions, and the profession of any particular religious faith shall to all. not be required of those who become students: all persons, however, may be suspended or expelled from said institution

by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad.

Proviso. SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity, by virtue of this act, by said corporation, shall not exceed six hundred and forty acres: *Provided, however,* That if any donations, grants, or devises in land shall from time to time be made to said corporation over and above the six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by the said corporation, then and in that case the said lands so donated, granted, or devised, shall revert to the donor, grantor, or heirs of the devisor of the same.

Lands held in perpetuity.

SEC. 9. This act shall continue and be in force fifty years from and after its passage.

APPROVED, February 12, 1839.

In force, Feb. 6, 1839. AN ACT supplemental to "An act to incorporate the Rushville Railroad Company," approved January 16, 1836.

Road may be changed. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and directors of the Rushville Railroad Company be, and they are hereby, authorized and empowered to change the construction of the whole or any part of the road mentioned in the act to which this is a supplement, provided they may deem it expedient so to do, so as to construct and make it a clay or McAdamized turnpike road, suitable to common transportation in all wagons and carts and every kind of wheeled carriages, and for all ordinary traveling and business: *Provided,* That said company shall not in any event interfere with any right or privilege heretofore conferred upon the Springfield and Beardstown Railroad Company, nor construct any road in the county of Cass upon ground which the said Springfield and Beardstown Railroad Company have the right to occupy, except in crossing the same.

Proviso.

Turnpike. SEC. 2. That the said president and directors be, and they are hereby, empowered to extend the said road, either by railway or by a clay or McAdamized turnpike road, from the Illinois river to Virginia, in Cass county; and for which purpose they shall be, and they are hereby, vested with all the powers and privileges conferred upon them in the original act to which this is a supplement, subject also to the several restrictions contained in the same act.

Winchester, &c., road. SEC. 3. That the Winchester, Lynnville, and Jacksonville Railroad Company, and the Pittsfield and Mississippi Railroad Company, be, and they are hereby severally authorized to

change the construction of said railroads into turnpike roads; and that the time allowed in the charters of said companies, Further time for the commencement and completion of said roads, be ex- allowed to fin- tended five years longer than the time now allowed by said ish roads. charters.

APPROVED, February 6, 1839.

AN ACT to incorporate the Invincible Dragoons of the second division In force, Feb. of Illinois militia. 6, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* J. C. Bennett, W. L. Williams, H. W. Davinport, J. B. Blackford, D. J. Williams, E. Kirney, R. Coulter, Z. Boltinghouse, A. Calvin, N. Davis, H. Hardin, S. J. Lindsay, T. J. Hauks, J. Charles, R. L. Boggs, G. W. Hoke, J. McCown, R. D. Walden, J. P. McKay, all commissioned officers of the second division of Illinois militia, and the officers and privates now on their respective rolls, and under their respective commands, and their associates, and successors, be, and they hereby are, created, constituted, and declared to be a body corporate and politic, by the name and style of "The Invincible Dragoons;" and by that name they shall have perpetual succession, forever, with all and singular the plenary powers of a corporation.

Officers con-
stituted body
corporate.

Name.

SEC. 2. The corporation shall constitute an independent brigade, and shall be attached to the second division of Illinois militia, the court-martial of which shall consist of the com- missioned officers of the corporation; which court shall have full power and authority to pass all such by-laws, ordinances, rules, and regulations, as they may think necessary for the regulation, government, and prosperity of the corporation, its officers and privates; which by-laws, ordinances, rules, and regulations, however, shall not be repugnant to, nor inconsistent with, the constitution of the United States or of this State.

Court-martial

By-laws.

SEC. 3. The court-martial shall adopt, as nearly as possible, the discipline, drill, rules, regulations, and uniforms of the United States army: *Provided*, That each company may adopt its own uniform for the non-commissioned officers and privates belonging to it.

Rules.

Proviso.

SEC. 4. The captain of any company attached to this corporation may enlist into his company, by voluntary enrolment, any person residing within the counties of White, Edwards, or Wabash, under the laws of the corporation; and any independent company of light infantry, riflemen, artillery, cavalry, dragoons, lancers, or flying artillery, in said counties of White, Edwards, or Wabash, may attach itself to this corporation, by a vote of a majority of the company: *Provided*, should the minority, or any of them, be unwilling to join said

Voluntary en-
rolment.

Proviso.

brigade, they shall not be obliged so to do; and shall be entitled to all the privileges thereof; and the commandant of the brigade may organize any such company out of said counties, on being requested so to do by the court-martial: *Provided*,
Proviso. That the flying artillery shall rank first, the lancers next, the dragoons next, the cavalry next, the artillery next, the riflemen next, and the light-infantry next.

Public arms. SEC. 5. The companies attached to this corporation shall be entitled to their proportion of the public arms assigned by the laws of the State to the second division of Illinois militia, by entering into bond as by law required.

Musters. SEC. 6. The corporation shall hold at least one company muster, one battalion muster, one regimental muster, and one general or brigade muster, the last of which shall be on the fourth of July in each year; and any non-commissioned officer or private, who shall neglect or refuse to appear on said days, shall be fined in the sum of one dollar for the company, battaion, or regimental muster, and two dollars for the general or brigade muster on the fourth of July; and the brigadier

Officers. general the sum of twenty-five dollars; each colonel, aid-de-camp, and brigade major, fifteen dollars; lieutenant colonels or majors, ten dollars; captains, six dollars; lieutenants, four dollars; and every commissioned officer, non commissioned officer, or private, who shall neglect or refuse to uniform himself in full, after the lapse of eight months from the passage of this act, shall be fined in the same sums, in addition for each day of muster; all of which fines shall be assessed by the court-martial, and collected for the use of the corporation; to be recovered before any justice of the peace in the county, and collected as other debts, by execution, subject, however,
Proviso. to an appeal to the circuit court: *Provided, always*, That all members of this corporation, who are unable to attend musters on account of sickness in their families, or any other reasonable excuse satisfactory to the court-martial, shall, for the time being, be exempt from all such fines.

Court-martial SEC. 7. The court-martial shall compose a court of inquiry, appeals, and assessment of fines; and shall constitute the only law-making department of this corporation; and the regular court and law days shall be the Saturdays succeeding the days of regimental and general muster, at such place as the commandant of the brigade may direct; and said commandant may at any time appoint a special court, on a notice of ten days.

Proviso. SEC. 8. No member of this corporation shall be allowed to withdraw, except by permission of the court-martial, until he is exempt from military duty by the laws of the State: *Provided, however*, That they may at any time enlist into a company of superior rank under the laws of the corporation.

Brigadier general. SEC. 9. The brigadier general shall be the presiding officer, and the brigade inspector, the recording officer, of this corporation or any part thereof; and their official signatures shall

be considered sufficient evidence of the passage of any act by the court-martial, or of the legality of any proclamation, general order, or certificate for or on behalf of the brigade: *Provided* it is under seal of the corporation; which seal shall be kept by said general for said purposes. Proviso.

SEC. 10. The brigadier general may select his staff and a select guard of twelve choice lancers, who shall likewise be his aid-de-camps, and rank with his staff, from any portion of the second division of Illinois militia, and any four from the first division thereof. Staff of brigadier general.

SEC. 11. The corporation shall organize by the election of its brigadier general, by the commissioned officers, on the 20th February, one thousand eight hundred and thirty-nine, at the stone house of W. L. Wilmans, in Graysville, White county, Illinois; a due return of which election shall be made to the major general of the second division of Illinois militia, and by him to the office of adjutant general of State. How organized.

SEC. 12. Every commissioned officer of this corporation shall take the following oath of office: "I do solemnly affirm that I will support the constitution of the United States and of this State, and the act incorporating the Invincible Dragoons; and that I will strictly obey my superiors in office, and faithfully discharge the duties of in the Invincible Dragoons of the second division of Illinois militia, according to the best of my skill and understanding, on the pains and penalties of perjury; so help me God, and keep me steadfast in this my voluntary obligation;" which oath shall be endorsed on the commission and certificate by the officer administering the same. Commissioned officers. Oath; to be endorsed on commission.

SEC. 13. This act shall take effect and be in force from and after its passage, any law to the contrary notwithstanding.

APPROVED, February 6, 1839.

AN ACT of incorporation for the Upper Alton Manufacturing Company. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Elias Hibbard, Enoch Long, Benjamin F. Long, David S. Dodge, Henry C. Caswell, Richard R Randle, Aaron, Trabue, Peter W. Randle, Pardon T. Tuthill, Zephaniah Lowe, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name of "The Upper Alton Manufacturing Company," to be located in the town of Upper Alton, Madison county; and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction; and shall be vested with all Body corporate. Name & style.

the powers and privileges necessary to the object of their incorporation.

SEC. 2: The said company shall have power to carry on the manufacture of hemp and silk goods, sugar and lumber, and to erect such mills, machine-shops, and other buildings as may be necessary for that purpose.

Real estate.

SEC. 3 The real estate owned by the said company, over and above the lots of land on which their buildings are erected, shall not exceed six hundred and forty acres, except such as may be held as collateral security for debts, *bona fide*, owed to the said corporation; or may become the property thereof by virtue of such indebtedness; and, further, no real estate acquired by such indebtedness shall remain the property of the said corporation for a longer period than seven years, under the penalty of a forfeiture thereof to the people of this State.

Capital stock may be increased.

SEC. 4. The capital stock of said company shall be one hundred and fifty thousand dollars, with power to increase the same, at the pleasure of said company, to any sum not exceeding five hundred thousand dollars; which capital stock shall be divided into shares of one hundred dollars each: *Provided*, That the total amount of debt which said corporation shall at any time owe shall not exceed the amount of their capital stock; and in case of such excess, those under whose administration it shall happen shall be holden for the same in their natural and private capacity; but this shall not be construed to exempt the corporate property of the company from being also liable and chargeable for such excess: *Provided, also*, That any director, who shall protest in writing against such improper administration, shall not be held responsible for such excess of debt in his natural and private capacity.

Proviso.

Proviso.

SEC. 5. Subscription to the capital stock of said corporation shall be opened under the direction of the directors hereafter named; and, if more than one hundred and fifty thousand dollars shall be subscribed, they shall distribute the stock among the several subscribers in such manner as they shall deem most conducive to the interest of said corporation. And it shall be the duty of the directors for the time being to call for and demand of the stockholders, respectively, all sums of money by them subscribed, at such times and in such proportions as they shall see fit, under the penalty of the forfeiture of their shares, and previous payment made thereon, to the said corporation, always giving thirty days' notice in a newspaper printed in or nearest to said town.

Concerns of company.

SEC. 6. The stock, property, and concerns of the said corporation, shall be managed and conducted by seven directors, who shall all be citizens of Madison county, and shall, at the time of their election, be holders, respectively, of not less than ten shares of the capital stock of said company. Said directors shall be chosen annually, on the first Monday in June, by the stockholders or their proxies, which shall be

by ballot. Each share of the capital stock shall be entitled to one vote; and the seven persons receiving the greatest number of votes shall be deemed duly elected to fill their places. The directors so chosen, or the major part of them, shall constitute a board and be competent to the transaction of business; and may, from time to time, make and prescribe such by-laws, rules, and regulations, relative to the concerns of said corporation, the duties of the president and agent, (each of whom shall be elected by a majority of the directors so chosen;) and shall also regulate the duties of their agents, clerks, and all others by them employed; and shall also appoint a treasurer, who shall give bond to the president and directors, in such amount and in such manner as the said directors shall prescribe. And the said directors shall have power to fill all vacancies in their own body occasioned by death or otherwise, during their administration, and to appoint such other officers, agents, and clerks, as may be necessary for carrying on the business of said corporation; who shall give such bond and security for the faithful performance of their trusts as the nature of their duties shall require.

SEC. 7. Elias Hibbard, Benjamin F. Long, Henry C. Caswell, Enoch Long, Peter W. Randle, Pardon T. Tuthill, David S. Dodge, shall be directors from the time this act takes effect and until others are elected in their stead. Four weeks' previous notice of an election, after the first, shall be given of the time and place of holding such elections, by publishing such notice once in each week, for four weeks immediately preceding such election, in a newspaper printed in or near the said town; and such election shall be holden under the inspection of the directors.

SEC. 8. If the whole amount of the capital stock of said company shall not be subscribed within sixty days after the books are opened, the directors shall take such measures for completing such subscriptions as they may deem expedient; and when twenty thousand dollars of said stock shall be subscribed, said company shall have power to proceed to erect such shops and manufactories as they may deem proper. Every subscriber shall, at the time of subscribing, pay to the directors the sum of one dollar on each share subscribed.

SEC. 9. The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation; and the same shall, at all times, be subject to the inspection of the stockholders; and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors shall direct, of so much of the profits of said company as to them, or a majority of them, shall appear advisable. And the said directors, whenever required by a majority of the stockholders, shall exhibit, at a general meeting, a full and perfect statement of the debts

and credits, and all such other matters as may be deemed essential, relating to the affairs of the company.

SPECIAL MEETING. SEC. 10. A majority of the stockholders, whenever they deem it necessary, may call a special meeting of the company; and provided the regular election, from any cause, shall not take place at the time herein provided for, it shall be lawful for any two of the stockholders to call a special election, giving notice of the time and place as herein provided.

SEC. 11. The stock not disposed of by the directors in the manner hereinbefore named, shall and may be issued, by the directors for the time being, according to the by-laws and regulations that may be adopted by the said company.

STOCK DEEMED PERSONAL PROPERTY. SEC. 12. The stock of said company shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholders, indebted to the corporation, shall be permitted to make a transfer until such debt be paid, or secured to be paid, to the satisfaction of the directors.

COMPANY NOT TO ISSUE BILLS OF CREDIT. SEC. 13. Nothing in this act shall be so construed as to invest said company with any banking powers, or to authorize them to make, emit, or utter any bills of credit, bank notes, promissory notes, or other thing to be used as a circulating medium, as and in lieu of money.

SEC. 14. This act shall take effect from the time of its passage, and continue in force for the period of twenty years thereafter.

APPROVED, February 15, 1839.

IN FORCE, FEB. 12, 1839. AN ACT to increase the corporate powers of the town of Chester.

NAME & STYLE OF BODY POLITICAL. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Richard B. Servant, Joseph B. Holmes, William McGinnis, Amos Emerson, and Leonard Stevens, be, and they are hereby, constituted and appointed a body politic and corporate, to be known by the name and style of "The president and trustees of the town of Chester;" and by that name they and their successors shall be known, shall have perpetual succession, shall sue and be sued, plead and be impleaded, defend and prosecute, in all courts both of law and equity, and in all actions and things whatsoever; shall grant, purchase, receive, hold, lease, sell, and dispose of all real and personal property, for the benefit of the town; shall have a common seal, and may break or alter the same at pleasure; and may do all other acts as natural persons: *Provided, however,* That the said corporation shall hold no real property without the limits of the said town of Chester, burial grounds only excepted.

POWERS.

PROVISO.

SEC. 2. All the land now embraced within the boundaries of the town of Chester, as laid out by the county surveyor of Randolph county, is hereby declared to be within the limits, and under the jurisdiction, of the present incorporation.

Boundaries
of town.

SEC. 3. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business.

Powers vested
in five trustees

SEC. 4. The said trustees shall be elected annually, on the first Monday in April, to serve one year, and until others are duly elected and qualified. No person shall be eligible as trustee unless he shall be twenty-one years of age and a citizen of the United States, shall possess a freehold within the limits of said town, and himself reside within said limits. Such persons only shall be qualified to vote for trustees, or at town meetings to be held under the further provisions of this act, as shall be citizens of the United States and twenty-one years of age, qualified according to law to vote for State officers, and possessed of a freehold within the limits of said town, or resident therein for three months next preceding such election or meeting.

Election:

Trustee.

Voters to be
freeholders.

SEC. 5. The board of trustees shall elect their president out of their own body; shall be the judges of the qualifications, elections, and returns of its own members; and shall have power to fill all vacancies in said board occasioned by the death, resignation, or six months' continued absence of any member thereof. A majority shall constitute a quorum to do business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as the board may provide. They shall establish the rules of their own proceedings, and may make such other regulations for their own government as to them shall seem fit and proper.

Vacancies,
how filled.

Quorum.

SEC. 6. The board of trustees shall have power to levy and collect taxes upon all real estate within the corporation, at a rate not exceeding two per cent. on the assessed value thereof; but in no case shall they levy a tax of more than one-half of one per cent. without first obtaining the consent of three-fourths of all persons qualified to vote under the fourth section of this act. Such consent shall be obtained from a town meeting to be called for that purpose, and of which the president of the board shall give notice at least six days previously, by publishing an advertisement in a newspaper printed in said town, or by posting written notices in three of the most public places in said town.

Taxes.

Consent of
three-fourths
of town on
levying tax.

SEC. 7. The said board of trustees shall have power to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to suppress all riotous and disorderly conduct; to establish a house of correction, and to punish, with confinement therein, all persons guilty of violating the town regulations or disturbing the

Further pow-
ers of trustees.

public peace; to impose and collect fines for all such offences; to establish night-watches; to put up lamps in the streets, and provide for lighting the same; to open and keep in repair streets, avenues, and alleys, drains and sewers, and to keep the same clean and free from encumbrances; to erect pumps, and sink wells, in the streets; to build and repair bridges; to license and regulate ferries; to establish and regulate markets; to establish and enforce quarantine laws; to establish and regulate a fire department, and to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and other combustible materials; to prevent the shooting of fire-arms within the limits of the corporation; to restrain swine and dogs from running at large; to prohibit and punish the keeping of gaming-houses, bawdy-houses, and other disorderly houses; to provide for licensing, taxing, and regulating merchants, auctioneers, pedlers, taverns, groceries, theatres, and other public amusements; to regulate the election of town officers, and fix their compensation; to pass from time to time all by-laws and ordinances necessary and proper to carry into effect the foregoing powers, and to impose and collect and appropriate fines and forfeitures for the breach thereof. Any justice of the peace within the limits of said town shall have jurisdiction of all cases arising under such by-laws and ordinances; and appeals may be taken, and writs of *certiorari* allowed, from his decisions, in the same manner as is now or may be hereafter provided by law in case of judgments of other justices of the peace.

Writ of *certiorari*.

Officers of town.

SEC. 8. The officers of the said town, in addition to the board of trustees, shall consist of one clerk, one street commissioner, one treasurer, one assessor, one town constable, one collector, and such other officers as the trustees may deem necessary; all of whom shall reside within the limits of the said town. The qualifications for these officers shall be the same with those required of members of the board of trustees. They shall be elected at the same time, in the same manner, and by the same voters, as the said trustees of the town. The trustees shall also have power to require bond and security of all officers (justices of the peace excepted) provided for in this act, conditioned for the faithful performance of their duty. Said trustees shall have power to fill all vacancies which may occur in any of the offices provided for in this section; and persons appointed to fill such vacancies shall continue in office until the next regular election under this act, and until their successors are duly elected and qualified.

Vacancies.

Oath.

SEC. 9. The members of the board of trustees and all the other officers of said town shall, before entering on the duties of their offices, respectively, take an oath or affirmation before some judge or justice of the peace to support the constitution of the United States and of the State of Illinois, and to discharge faithfully the duties of their respective offices.

SEC. 10. It shall be the duty of the board of trustees to give notice of all town meetings to be held either for the election of trustees or for any other purpose under this act, by publishing an advertisement thereof in some newspaper printed in said town, or by posting written notices in three of the most public places in said town, stating in such advertisement or notice the object for which such meeting is held: *Provided*, That, in cases of elections, such notice shall be given ten days previous to the day of such election or meeting; and in no case shall a notice of less than three days be deemed legal.

Town meetings.

Proviso.

SEC. 11. All ordinances, by-laws, and other regulations of a general nature shall be made public, within ten days after their passage, by a publication in a newspaper printed in said town, or by posting written copies of the same in three of the most public places therein; nor shall any such general by-law, ordinance, or regulation be in force or take effect until it has been so published.

Ordinances, how made public.

SEC. 12. The board of trustees shall have power, at any time, to divide said town into as many wards as to them may seem proper and expedient.

Wards.

SEC. 13. The said board shall have power to levy a tax for the erection of school-houses and the support of common schools within said corporation, and to raise money, by loan on the credit of the town, for commencing and prosecuting works of public improvement: *Provided, however*, That the same shall be submitted to a vote of the freeholders living within the town, and approved by two-thirds of them.

Common schools.

Proviso.

SEC. 14. Upon the application of two-thirds of the owners of real estate upon any street, it shall be lawful for the board of trustees to levy and collect a special tax upon the lots on such street, proportioned to the number of feet which every such lot shall have fronting upon such street, for the purpose of grading and paving the side-walks of such street.

Special tax.

SEC. 15. Whenever the owner or owners of any lot or piece of ground included within the limits of said town shall neglect or refuse to pay the tax or taxes levied thereon when the same shall become due, it shall be the duty of the trustees to cause the same to be advertised for non-payment, either in a newspaper printed in said town, or by posting written notices in three of the most public places in said town, for the space of sixty days; and if, at the end of that time, the said tax or taxes be still unpaid, the said trustees shall cause the said lot or piece of ground, or so much thereof as may be necessary, to be sold; and out of the proceeds the said tax or taxes shall be paid, and the expenses of collection defrayed.

Neglect to pay tax.

Lots may be sold for tax and cost.

SEC. 16. When any such lot or piece of ground shall have been so sold for non-payment of taxes, the same shall be subject to redemption by the owner or owners thereof, his, her or their agent or agents, at any time within two years after

Redemption within two years.

President of
board to make
deed.

the same shall have been sold, upon paying to the treasurer of said town double the amount of the tax or taxes for which the same was sold, together with the expenses of collection; and if such lot or piece of ground shall not be redeemed, in the manner herein provided for, within two years from the date of such sale, then it shall be the duty of the president of the board of trustees to execute to the purchaser of such lot or piece of ground a deed of special warranty, signed by the said president and sealed with the corporate seal of said town.

Schools and
academies.

SEC. 17. All lots of land or parcels of ground in said town, which have been or may hereafter be conveyed or granted by the original proprietors of the said town, or by any other person or persons, to the inhabitants of said town in their corporate capacity, or to any other person or persons for them or for their use or benefit, and all funds raised or to be raised, by the sale of such lots or otherwise, for the erection of school-houses, academies, places of public worship, or for any other purpose, are hereby declared to belong to, and be vested in, the corporation of said town, shall be under the direction and control of said trustees and their successors in office, and shall be applied in furtherance of the objects intended by the donors or grantors thereof; and the said trustees shall have power to sue for and receive any or all such lot or lots, parcel or parcels of ground, and to perfect in themselves and their successors the title thereof, or to make such other adjustment thereof as to them shall appear necessary and proper.

Additional
justices of the
peace;

SEC. 18. In addition to the officers provided for in the eighth section of this act, there shall be elected in said town of Chester two justices of the peace, to be elected at the same time that the trustees of said town are elected. The election shall be conducted by the same judges of election that may be appointed by the board of trustees to conduct the elections of other officers, and returns thereof made in the same manner that is or may be required in relation to other justices of the peace, and shall be commissioned by the governor for the term of four years. Should a vacancy occur in the office of either of said justices, the trustees of the town shall order an election to fill such vacancy; which election shall be conducted and returns thereof made as above: *Provided* the justices of the peace and constable provided for in this act shall have the same powers and jurisdictions, and be entitled to the same fees, and collect them in the same manner, as other justices of the peace and constables.

term of office

Certificate of
Secretary of
State.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this 12th day of February, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to incorporate the town of Warsaw.

In force, Feb. 12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the individuals and residents of the town of Warsaw, in Hancock county, in the State aforesaid, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The president and trustees of the town of Warsaw," and by that name shall have perpetual succession, and may have and use a common seal, which they may alter or revoke at pleasure; and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Name & style.

Seal.

SEC. 2. That all that section of country contained in fractional section number four, and the north half of section number nine, and to the middle of the Mississippi river, in township number four north, and range number nine, west of the fourth principal meridian, is hereby declared to be within the boundaries of the town of Warsaw.

Boundary of town.

SEC. 3. That the present trustees of said town shall continue in office until the first Monday in March next, and until their successors are duly elected and qualified; and forever thereafter an election shall be holden, on the first Monday in April annually, for five trustees, to hold their offices one year, and until their successors are qualified; and public notice of the time and place of holding said election shall be given by the president and trustees, by an advertisement published in a newspaper in said town, or by posting it up in four of the most public places in said town, at least ten days before the election. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, who has not resided in said town six months next preceding his election, and who is not, at the time thereof, a *bona fide* freeholder in said town; and all free white male citizens over twenty-one years of age, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, removal, or six months' absence from the town.

Term of office.

Annual election.

Notice of election.

Eligibility to hold office.

President of board.

SEC. 4. That the board of trustees shall have power to appoint a clerk and assessor, a treasurer and street inspector, and such other officers as may be necessary, and shall be judges of the qualifications, elections, and returns of their own members. A majority shall constitute a board to do business, but a smaller number may adjourn from day to day, may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rules of proceeding, punish their members for disorderly conduct, and, by the concurrence of a majority of the whole board, expel a member, and make such other rules

Officers.

and regulations for their own government as to them may seem proper and expedient.

Taxes, how
levied.

Powers of
trustees.

Writs of cer-
tiorari.

Proviso.

Special tax.

Streets and
alleys.

SEC. 5. That the board of trustees shall have power to levy and collect taxes upon all real estate within the town and limits of the corporation, not exceeding one per cent. upon the assessed value thereof, exclusive of improvements, except as hereafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to regulate and license ferries within the corporation; to provide for licensing and taxing taverns, stores, groceries, auctioneers, theatrical and other shows and amusements within said corporation; to prohibit and restrain gaming houses, bawdy-houses, and other disorderly houses; to build market-houses, and regulate the same; to open and keep in repair streets, lanes, alleys, drains, and sewers, and to keep the same clean; to require bond and security of town officers for the faithful performance of their duties, and from time to time to pass such ordinances, to carry into effect the provisions of this act and the powers hereby granted, as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; and that, in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* allowed, from any such decision, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace: *Provided, however,* That the said trustees shall in no case levy or collect a tax upon any lands until the same shall have been laid off into town lots and recorded.

SEC. 6. That, upon the application of the owners of two-thirds of the front lots on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on such street or parts of a street, according to their respective fronts, not to exceed one per cent., for the purpose of grading and paving the sidewalks on said street.

SEC. 7. The board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said town and corporation, and to extend, open, and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which the said board shall cause to be summoned six good and lawful men, freeholders and citizens of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, or widening of any street, avenue, lane, or alley;

and shall moreover estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the person injured; all of which shall be returned to the board of trustees, under their hands and seals; and the person which shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided by the board of trustees; and the residue, if any, shall be paid out of the town treasury. The board of trustees shall have power to pass such by-laws or ordinances, from time to time, as to them may seem expedient, and not inconsistent with any public law of this State, as the good of the citizens of said town may require.

SEC. 8. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town; and no ordinance shall be in force until published as aforesaid.

Ordinances to be made public.

SEC. 9. That the board of trustees are also vested with power to declare what shall be considered a nuisance within said town and incorporated limits; to prevent the running and indecent exhibition of horses within the bounds of said town; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays within the limits of said corporation; and to provide that such punishment may be inflicted for any offence against the laws or ordinances of the corporation as is or may be provided by law for like offences against the laws of this State: *Provided*, That no person shall be deprived of the right of the trial by a jury in any case where such person would be entitled to a trial by a jury for a like offence against the laws of the State.

Nuisances.

Offenders.

Proviso.

SEC. 10. That the board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall refuse or fail to pay fines which may be assessed, or for forfeitures or penalties which may be recovered: *Provided*, That no person shall be imprisoned, under the provisions of this act, for a longer period than twenty-four hours for every five dollars of any fine assessed, or forfeiture or penalty recovered.

Punishment of offenders.

Proviso.

SEC. 11. The board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine, and to prescribe the manner of selling property, when the taxes levied upon it are not paid: *Provided, however*, That no sale of any town lots, or other real estate, shall be made until public notice of the time and place shall be given by advertisement in a newspaper, or by posting up written notices in three of the most public places in said town, at least fifteen days previous thereto.

Sale of lots.

Proviso.

SEC. 12. That when any town lot or lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed, at any time within two years from the date of such sale, by the owner of said property, his or her heirs or assigns, agents, administrators, or executors, paying to the

Redemption of lots.

treasurer of said town, for the use of the purchaser of said property, the full amount of the purchase money, with interest at the rate of fifty per cent. per annum, together with the costs accruing thereon.

Take oath.

SEC. 13. That the members of the board of trustees and every other officer of said corporation shall, before entering on the duties of his office, take an oath or affirmation, before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean themselves in office.

Town constables;

SEC. 14. That the board of trustees shall have power to appoint a town constable or constables, and authorize him to execute all writs, process, and precepts which may be issued against persons for the violation of the laws or ordinances of the corporation, and to arrest, on view, all persons who may violate such laws or ordinances; to collect all fines, forfeitures, and penalties which may be assessed or recovered for the use of the corporation; and to require bond and security of said constable, in such sum as they may think proper; said constable or constables to hold their office during the pleasure of the board of trustees, and shall have and possess the same powers, and perform the same duties in other respects, as the constables in the different districts in the county possess.

to give bond.

District for election of justice peace.

SEC. 15. That all that district of country included within the corporate limits of said town be, and the same is hereby, constituted into a district for the election of a justice of the peace.

Duty of county commissioners' court.

SEC. 16. That the county commissioners' court of the county of Hancock are hereby authorized and required to cause an election to be held hereafter as soon as practicable, and at each quadrennial election thereafter, for one justice of the peace in said district. The justice of the peace elected shall hold his office until the next general election for justice of the peace; at which time his successor shall be elected as in other cases; and the person so elected shall have and exercise the same jurisdiction, hold his office by the same tenure, and be under the same regulations in all respects, as other justices of the peace of this State.

Streets, &c.

SEC. 17. That the board of trustees, for the purpose of keeping the streets and alleys in said town and incorporated limits, and the public roads passing from and through the centre of said town, in good repair, and to this end they are authorized to require every male resident of said town and incorporated limits, over the age of twenty-one years, to labor in said streets, alleys, and roads, three days in each year; and any person who shall be notified by the street inspector to perform such labor so assessed as herein provided, and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar and twenty-five cents for each day's labor neglected to be performed; and the street inspector in said

Who to work streets.

Fine.

town is hereby authorized to prosecute such delinquent persons, in the name of the president and trustees of the town of Warsaw, before any justice of the peace in said county, and said street inspector shall be a competent witness against said delinquent; and in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

Suit, how brought.

SEC. 18. That it shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, on complaint being made to him, on oath, of the violation of any law or ordinance of the corporation, or upon view, to issue his warrant directed to the town constable, or any other authorized officer, to apprehend the offender or offenders, and bring him or them forthwith before him; and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be provided in such law or ordinance: *Provided* such fine shall not exceed fifty dollars.

Duty of justice of peace.

Proviso.

SEC. 19. That the said trustees are hereby made capable, in law, to take and hold to themselves and their successors any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any market-house and other public buildings to promote the interest and public good of the citizens of said town, and the same to sell, grant, and dispose of, if necessary; and to sue and be sued, plead and be impleaded, answer and be answered, in any court or place whatever; and all suits and judicial proceedings under this act shall be brought in the name and style of "The president and trustees of the town of Warsaw."

Trustees may hold lands.

SEC. 20. That justices of the peace and constables who are required to render services under this act shall be entitled to the same fees, and collect them in the same manner, as now is or hereafter may be provided by law.

Fees of justices of peace.

SEC. 21. This act shall take effect and be in force from and after its passage, any law to the contrary notwithstanding.

APPROVED, February 12, 1839.

AN ACT to incorporate New Haven, in Gallatin and White counties. In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of New Haven, in the counties of Gallatin and White, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The president and board of trustees of the town of New Haven," and by that name shall have perpetual succession, and a common

Body corporate. Name & style.

seal, which they may alter at pleasure; and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Boundaries.

SEC. 2. That the boundary of the said corporation be, and the same is hereby, declared to extend to one square mile, making the large flouring and grist-mill the centre; and that the jurisdiction of said corporation is hereby declared to be co-extensive with the limits aforesaid, and to extend to all and every part of the same.

Election for trustees.

SEC. 3. An election shall be holden on the first Monday in May next, and annually thereafter, for three trustees, who shall hold their office for one year, and until their successors are qualified—previous public notice having been given preparatory to the first election, by publication in a newspaper in said town, or by written notices, at least four in number, posted up in the most public places within the limits of said town; and ever after like notice shall be given, preparatory to any such election, by the president and trustees of said town, for at least two weeks immediately preceding the time of such election.

Qualifications for office.

SEC. 4. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, who has not resided in said town twelve months next preceding his election, and who is not, at the time thereof, a *bona fide* freeholder, and moreover, who has not paid a corporation tax. All free white male inhabitants over the age of twenty-one years, who have resided in said town six months next preceding the election, or who are subject to pay a corporation tax, shall be entitled to vote for trustees.

Voters.

President.

SEC. 5. The said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, or six months' absence from said town; and to appoint a clerk, an assessor, a treasurer, and a town constable, to give bond in such amount as the trustees may require; and the town constable shall take an oath of office before some justice of the peace; and it shall be his duty to collect all fines, and serve all process, at the suits of the corporation, and to do such other matters and things pertaining to the office as may be required of him by the ordinances and by-laws of said corporation.

Powers.

SEC. 6. That the said corporation is hereby made capable, in law, to take and hold to themselves and their successors, any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any market-house and other public buildings to promote the interest and public good of the citizens of said town, and the same to sell, grant, and dispose of, if necessary; and to sue and be sued, plead and be impleaded, answer and be answered, in any court whatever.

SEC. 7. That the trustees aforesaid and their successors, or a majority of them, shall have full power and authority to

ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient, and to ordain and establish, and put into execution, such by-laws, ordinances, and regulations, as shall seem necessary for the government of said corporation, and for the management, control, disposition, and application of its corporate property; and generally to do and execute all and singular such acts, matters, and things which to them may seem necessary to do, and not contrary to the laws and constitution of this State or of the United States.

SEC. 8. That said trustees shall have power to levy a tax, ^{Tax levied.} not exceeding one-half per cent., on lots, exclusive of improvements, and personal property in said town, according to valuation; to tax public shows and houses of entertainment, taverns, groceries, and stores, for the purpose of making and improving the streets of said town, and keeping them in repair, and for the purpose of erecting such buildings and other needful works and objects as the interests and convenience of the inhabitants of said town may require, and the circumstances render proper and expedient; and said trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix and establish, and shall prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided, however,* ^{Proviso.} No sale ^{Sale of lots.} of any town lot or lots, or other real property, shall be made until public notice of the time and place shall be given, by advertisement, in the newspapers of said town, or by posting up notices to that effect at four of the most public places within the limits of said town, at least fifteen days previous thereto.

SEC. 9. That the trustees of said town, or a majority of them, shall have power to preserve good order and harmony in said town; to punish open indecency, breaches of the peace, gambling, gaming houses, and all disorderly houses, and riotous meetings; to remove obstructions in the streets and public ways, and all nuisances; for which they may make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this State, and impose fines for the breach thereof; which fines shall be recoverable before any justice of the peace residing in said town; and all suits and judicial proceedings under this act shall be ^{Suits, how} brought in the name and style of "The president and trustees ^{brought.} of the town of New Haven."

SEC. 10. That it shall be the duty of any justice of the ^{Duty of justices of peace.} peace residing in said town, and he is hereby authorized and empowered, on complaint being made to him, on oath, of the violation of any law or ordinance of said corporation committed within the limits of said corporation, to issue his warrant, directed to the town constable, or any sheriff or constable of Gallatin county, to apprehend the offender or offenders, and

bring him, her, or them forthwith before him; and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be prescribed in such law or ordinance: *Provided* such fine shall not exceed fifty dollars, and imprisonment not exceed five days: *Provided, however,* That writs of *certiorari* from appeals shall be granted from judgments under this act as in other civil cases; and in all criminal cases, the defendants shall be entitled to an appeal to the circuit court for Gallatin county, by entering into bond or recognizance, as the case may require, before the said justice of the peace within twenty days after the rendition of judgment, with securities, and in such an amount as the justice may think right and proper.

Proviso.

Further proviso.

Justice's district.

Right of appeal.

Election for justice peace.

Proviso.

Redemption of lots sold for taxes.

SEC. 11. That all that district of country included within the limits of the aforesaid corporation, in the counties of Gallatin and White, be, and the same is hereby, constituted and declared to be a district for the election of a justice of the peace and constable, whose official powers and jurisdictions shall be co-extensive with the limits of said corporation, whether in the one county or the other, (and with the limits of the county of Gallatin,) reserving to the defendant the right of appeal to the circuit court of the county in which he may reside.

SEC. 12. That the county commissioners' court of the county of Gallatin shall and is hereby authorized and required to cause an election to be held on the third day of April next, or as soon thereafter as practicable, and at each quadrennial election thereafter, for one justice of the peace and one constable in said district or corporation limits. The officers elected at the special election in April next shall hold their offices until the next general election for justices of the peace and constables; at which time their successors be elected as in other cases; and the persons so elected shall have and exercise the same jurisdiction, hold their offices by the same tenure, and for the same term, except as hereinbefore excepted, and be under the same regulations in all respects, as other justices of the peace and constables of this State: *Provided, always,* it shall be the right and privilege of all the qualified voters within the limits of said corporation, whether in Gallatin or White counties, to vote for said justices of the peace and constable at their every election, any law of this State to the contrary notwithstanding.

SEC. 13. That when any town lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed, at any time within two years from the date of such sale, by the owner of said property at the time of sale, or his or her agent, executor, or administrators, or heirs, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of purchase money, with interest at the rate of twenty per cent. per annum, together with costs accruing thereon.

SEC. 14. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town; and no ordinance shall be in force until published as aforesaid.

Ordinances,
how publish-
ed.

SEC. 15. That justices of the peace and constables who are required to render service under this act shall be entitled to the same fees, and collect them in the same manner, as now is or as hereafter may be provided by law.

SEC. 16. That the president, or any two of the trustees, shall have power to call a meeting of the board by giving one day's notice thereof; and a majority shall constitute a quorum to do business, but a minority shall have power to adjourn from time to time, and compel the attendance of absent members; and in the event that the notice of an election is not given as required by this act, or from any other cause, an annual election should not be holden at the proper time, it shall be lawful for the late clerk of the board or any two qualified voters in said town, at any time thereafter, to give notice, as aforesaid, of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act on said trustees; the late trustees of the said corporation to do and perform all the duties of their office fully until their successors shall be as above, or at any subsequent annual election, elected and qualified.

Called meet-
ing.

APPROVED, February 15, 1839.

AN ACT to repeal part of "An act to incorporate the city of Chicago." In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That so much of an act, entitled "An act to incorporate the city of Chicago," approved March the 4th, in the year of our Lord one thousand eight hundred and thirty-seven, as establishes a municipal court in the said city of Chicago, and all matters connected therewith, be, and the same is hereby, repealed.*

Parts of act
repealed.

SEC. 2. That all suits or matters, both at law and in equity, now pending and undetermined in the said municipal court, shall be heard, tried, and prosecuted to final judgment and execution, in the circuit court of the county of Cook, in the same manner as they would be if the said suits or matters had been originally made returnable, or had in the circuit court for the said county of Cook; and all records, dockets, and papers belonging to, arising from, or connected with, the said municipal court, shall, by the clerk of the said municipal court, be transferred and delivered over to the clerk of the circuit court for the said county of Cook: *Provided, That this section shall not be construed as a release of errors that might*

Proviso.

- Proviso. have been taken advantage of in said municipal court: *Provided, further,* That it shall be no ground of error in or to any judgment heretofore rendered in the said municipal court, that it does not appear by the record or proceedings that the defendant resided in the said county of Cook.
- Duty of high constable. SEC. 3. It is hereby made the duty of the high constable elected under the provisions of the said act, entitled "An act to incorporate the city of Chicago," hereby in part repealed, to make returns of all process of summons, executions, or of whatever nature, to the said circuit court of the county of Cook; which said circuit court is hereby invested with the same powers to enforce a compliance with the law in this behalf that it would have had if the process had been originally issued from the said circuit court; and all executions hereafter to be issued upon any judgment rendered in the said municipal court shall be directed to the sheriff of Cook county.
- Transcript of record. SEC. 4. That the transcript of any record of the said municipal court of any judgment rendered therein may and shall be furnished by the clerk of the circuit court of the said county of Cook; and any such transcript shall have the same force and effect, to all intents and purposes, that the same would have had if the suit, process, or proceeding, whether in law or equity, had been originally commenced or instituted in the said circuit court.
- Clerk municipal court. SEC. 5. That the clerk of the said municipal court shall deliver over the records, dockets, and papers, as provided in the second section of this act, within six weeks after the passage hereof: *Provided,* That nothing in this act contained shall be so construed as to prevent the clerk of the said municipal court from collecting his fees in the manner now provided by law; and the clerk of the said municipal court shall, for that purpose, have free access to the said records, dockets, and papers, and copies thereof, without costs or charge.
- Proviso. SEC. 6. That the sheriff of Cook county is hereby authorized to give deeds of conveyance for any real estate which may have been sold by the high constable of the city of Chicago, as fully and effectually as he might or could do if the said real estate had been sold by the sheriff of said county.
- Sheriff of Cook. SEC. 7. That nothing in this act contained shall be construed to prevent the high constable of said city of Chicago from proceeding to collect executions which have been levied.

APPROVED, February 15, 1839.

AN ACT to incorporate the La Salle Prairie Company.

In force, Feb.
16, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel Hicks, Elijah Hyde, Gersham Silliman, Samuel T. McKean, and Simon Reed, their associates, successors, and assigns, are hereby made and constituted a body corporate and politic, by the name and style of "The La Salle Prairie Company," and by that name shall have perpetual succession, and be capable, in law, to sue and be sued, plead and be impleaded, in all courts and places wherein judicial proceedings may be had.

SEC. 2. Said company shall be authorized to make a ditch or canal in the county of Peoria, in such a manner as to drain a lake or pond in said county, which covers a part of section thirty-four, in township number eleven north, of range number eight east, in Peoria county; the water to be taken from said lake or pond to the most convenient place of conveying the same into some natural channel or stream, so that it may pass off to the Illinois river without injury to individuals or the health of the neighborhood.

SEC. 3. Said company shall take all measures necessary to effect the object of its creation, and may make the ditch or canal of such depth and width as may be necessary to entirely drain the lake or pond, and prevent in all time to come any accumulation of water therein.

SEC. 4. The company shall, after opening said ditch or canal, keep the same constantly clear of all obstructions so as to afford a free passage of water through the same, and shall make and keep in repair bridges across the same at every place of the crossing of a public road, or private cart-way, established by law.

SEC. 5. The business of said company shall be transacted and conducted by five directors, a majority of whom shall constitute a quorum for the transaction of business. For the present the aforesaid persons shall be the directors of the company; and for the purpose of perpetuating the existence of the company, the directors for the time being shall have power to fill all vacancies which may occur in the board by death, resignation, or otherwise.

SEC. 6. The ditch or canal shall be, and is hereby declared, a public highway; and all laws in relation to obstructing, injuring, or interfering with public highways, shall be deemed applicable to the same: *Provided,* Nothing in this section shall be so construed as to prevent any person from running a fence across said ditch, in such a manner as not to prevent a free passage of the water running therein.

SEC. 7. Said company shall pay all damages occasioned to individuals by the making the said ditch or canal before making the same, the damages to be assessed and paid under and according to the provisions of the act, entitled "An act

concerning the right of way and for other purposes," approved on the twenty-eighth of February, 1833.

Power of directors.

SEC. 8. The directors shall have power to constitute one or more agents to attend to the making and keeping in repair said ditch or canal, and shall also have power to contract and be contracted with, in all things concerning or touching the construction, maintenance, and keeping in repair the said ditch or canal, and have and hold so much land as may be necessary to effect the object of their incorporation; but no power is conferred to purchase or hold any other real estate, or to conveyancing such estate.

APPROVED, February 16, 1839.

In force, Feb. 19, 1839.

AN ACT to incorporate the town of Fayette, in Greene county.

Boundaries of town;

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the town of Fayette, in the county of Greene, shall be one square half mile, the centre of which bounds being the northeast corner of the west half of the northeast quarter of section thirteen, township ten north, of range ten west.

may be incorporated.

SEC. 2. The inhabitants of the said town of Fayette are hereby authorized and empowered to become incorporated in the manner and upon the terms prescribed in the act, entitled "An act to incorporate the inhabitants of such town as may wish to become incorporated," approved February 12, 1831, notwithstanding there may not be one hundred and fifty inhabitants in said town, and complying with the provisions of the aforesaid act. The inhabitants of said town, and the president and trustees thereof, when elected, shall have, exercise, and enjoy all the rights, privileges, and powers granted and conferred by the act above recited.

Election.

SEC. 3. The county commissioners' court of the county of Greene is hereby authorized and required to cause an election to be held in the said town of Fayette, on the first Monday in August next, and on the first Monday in August every four years thereafter, for one justice of the peace and one constable; for which purpose there shall be included the inhabitants residing on section twelve and thirteen, in the said township and range; and the county commissioners shall, from time to time, when they may deem proper, enlarge the said district so as to include a greater number of voters; and the persons, when so elected, shall have and exercise the same jurisdiction, hold their offices by the same tenure, and be under the same regulations in all respects, as other justices of the peace and constables in this State.

District may be increased.

APPROVED, February 19, 1839.

AN ACT to incorporate the Mount Vernon Academy.

In force, Feb.
15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Zadok Casey, Stinson H. Anderson, Joel Pace, John Johnson, William S. Vancleve, Edward H. Ridgway, Downing Baugh, Hezekiah B. Newby, Thomas Cunningham, Harvey T. Pace, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The president and trustees of the Mount Vernon Academy," and by that style and name to remain and have perpetual succession. The said academy shall be and remain at or near Mount Vernon, in Jefferson county, and State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Body politic.
Name & style.
Location.
No. of trustees
President.
Vacancies.

SEC. 2. The object of said corporation shall be the promotion of the general interest of education.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to grant and receive by its corporate name, and to do all other things as natural persons may; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects beforementioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this State; and to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Corporate powers.

SEC. 4. The trustees of said corporation, shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said academy; to fix the rate of tuition, and other academical expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties; to fix their compensation; to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general regulation of the conduct of the students.

Powers.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy

Succession.

which may occur in the board from death, removal, resignation, or any other cause; and a majority of the trustees for the time being shall be a quorum to do business.

Treasurer to
give bond.

SEC. 6. It shall be the duty of the said trustees to appoint one of their number treasurer to the board, who shall be required to give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; nor shall any teacher, trustee, or other person be allowed or permitted to use any means or influence in order to induce any of said students to subscribe to any particular creed or faith, or to attend on or at any particular church or place of worship to the exclusion of any other; all persons, however, may be suspended or expelled from said institution by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad.

Lands held.

Proviso.

SEC. 8. The lands and tenements and hereditaments to be held in perpetuity, by virtue of this act, by said corporation, shall not exceed six hundred and forty acres: *Provided, however,* That if donations, grants, or devises in land, shall from time to time be made to said corporation, over and above the said six hundred and forty acres, which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by said corporation, then and in that case such lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

Common
schools.

SEC. 9. There shall also be attached to the said academy a department in which shall be taught branches that are usually taught in common schools, which shall constitute the common school of the district in which said academy may be situated; and the trustees of said academy shall receive from the school commissioner of the county the same amount of money, in the same proportion, and apply the same to such tuition in the same, as other common schools are paid and kept: *Provided,* That the teachers or instructors of said department shall be selected by the trustees, and under the control of the by-laws of said corporation.

SEC. 10. This act to take effect and be in force from and after its passage.

APPROVED, February 15, 1839.

AN ACT to incorporate the Edwardsville Steam-mill Company.

In force, Feb.
12, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joshua Atwater, Isaac Prickett, Samuel H. Thompson, Edward M. West, Owen Meeker, A. R. Skidmore, John T. Lusk, John Adams, A. J. Lusk, Joseph Gillespie, J. L. Barnsback, and Cassius Haskett, and all such other persons as shall hereafter become subscribers to the stock hereinafter described, shall be, and they are hereby, constituted and declared a body corporate, by the name and style of "The Edwardsville Steam-mill Company," from and after the passage of this act; and by that name they and their successors shall have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever; and may have a common seal, and may alter the same at pleasure; and they, and their successors also may, by that name and style, be capable, in law, of purchasing, holding, and conveying away real and personal estate for the uses and purposes of said corporation, which real estate shall not exceed one hundred and sixty acres of land, whereon to erect the necessary enclosures for carrying on the business of said company, or for the use and purposes of said corporation.

Body politic.

Name & style.

Powers.

SEC. 2. Said company hereby incorporated shall have power to erect a steam-mill in Madison county, Illinois, and hereby are authorized to carry on the manufactory of flour, corn-meal, and lumber; to export the same and other products of the country; and to use all such powers and privileges as may be necessary to carry on said manufactory according to the object of this act as herein expressed.

SEC. 3. The capital stock of said company shall consist of fifteen thousand dollars, or any sum under that amount, to be divided into shares of one hundred dollars each; which shares shall be payable in money, personal or real estate, or in labor, to be performed on said mill, or for the purpose of said corporation: *Provided,* That the trustees of said corporation shall be willing and agree to take the personal or real estate, the labor performed on said mill, or for the purposes of said corporation, at the time of paying or performing the same, at the prices required for such property or labor.

Capital stock.

Shares.

SEC. 4. For the purposes of carrying into effect the objects of this corporation, Isaac Prickett, Samuel H. Thompson, Joshua Atwater, Joseph Gillespie, E. M. West, and A. J. Lusk, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, or a majority of them, after giving twenty days' notice thereof, either in a newspaper or by putting up written advertisements in three public places in the county, shall open books for the subscription of said stock, at such time and place as they may direct, and keep the same open till at least fifty shares are subscribed. If the requisite number of

Commissioners.

Notice.

- Meeting of stockholders. shares are not taken within twenty days, the commissioners, or a majority of them, shall take such measures as they may see proper for the completion of such subscriptions; and when such subscription is completed as aforesaid, or within thirty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders at Edwardsville, giving twenty days' notice thereof, either in a newspaper, or by putting up written advertisements in three public places in the county.
- Trustees. SEC. 5. At said meeting the stockholders of said company shall proceed to elect five trustees, or directors, who shall manage, direct, and govern the affairs of said company one year from the period of election, and until their successors shall have been elected and qualified; and that no one shall be eligible to the office of director or trustee unless he or she shall own at least three shares. At said election, each stockholder shall have one vote for every share he or she shall own, and a majority of the votes given shall be required to make an election. The period of the subsequent election of directors shall be annually on the first Monday of the month in which the first election shall be held.
- Annual election. SEC. 6. Immediately after the trustees or directors are chosen, they shall hold a meeting; at which, and at all subsequent meetings of said board, a majority of the directors shall constitute a quorum. They shall proceed to the election of a president from their own body; a secretary, who shall be sworn by a justice of the peace to the faithful discharge of his duty, and who shall record all votes of the corporation in a book, by him kept for that purpose; a treasurer, who shall give bond to such amount and in such manner as the president and directors or trustees shall direct; and the said board shall appoint all other officers and agents as to them shall seem proper and necessary.
- Quorum. President. Secretary. SEC. 7. Said president and trustees or directors shall have the power to make and establish all such by-laws, rules, and regulations as shall be necessary, and not inconsistent with the laws of this State and provisions of this act, which may be necessary to the payment or collection of the subscription to its stock, and the transfer of the same, and of property, or that in any way concerns the management and direction of the affairs of said company.
- By-laws. SEC. 8. If it should happen that any election should not be made on the day when, by the provisions of this act, it should be made, the corporation shall not for that reason be dissolved, but such election may be held on any other day within twenty days thereafter, public notice being given by the directors thereof.
- Transfer of stock. SEC. 9. The stock of said company shall be deemed personal property, and assignable and transferable; but no stockholder, indebted to the corporation, shall be permitted to make
- If election not held.
- Stock deemed personal property.

a transfer until such debt be paid to the satisfaction of said directors.

SEC. 10. The corporation shall continue for the space of twenty-five years from and after the passage of this act. Continuance.

APPROVED, February 12, 1839.

AN ACT to incorporate the Central Seminary of Illinois.

In force, Feb. 15, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Tristram P. Hoxey, David A. Smith, Winthrop S. Gillman, John Tillson jr., James Lamb, and Joseph Duncan, and their successors, are hereby created a body politic and corporate, by the name of "The trustees of the Central Seminary of Illinois," and by that name to have perpetual succession. The seminary shall remain permanently located near Carlinville, Illinois. The number of trustees shall never exceed twelve. For the present the aforesaid persons shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion. Body politic.
Number of trustees.

SEC. 2. The object of the corporation shall be to promote the general interest of education, and to qualify young men for the various duties of life; and its powers shall be such only as are essential or useful in the attainments of said object; to have perpetual succession; to make contracts, to sue and be sued, plead and be impleaded; to grant and receive by its corporate name, and to do all other acts as natural persons may; to have a common seal, and to change the same at pleasure; to accept, acquire, purchase, lease, sell, or exchange property, real, personal, or mixed, in all lawful ways, and to use and to appropriate property or money belonging to the corporation, in such manner as the trustees may deem best calculated to promote the objects aforesaid; to make by-laws and to confer degrees, academical or honorary, such as are usually conferred by similar institutions: *Provided*, That the by-laws, inconsistent with the constitution of the United States or of this State, shall be void. Object of corporation.

SEC. 3. The trustees for the time being shall have power to prescribe and regulate the course of studies to be pursued in the institution and in the preparatory departments; to fix the rate of tuition and other necessary charges; to appoint professors, teachers, and other officers, and agents; to fill the vacancies among the professors, teachers, officers, and agents, define their powers and duties, fix their compensation, and the term of employment; to displace or remove the said professors, teachers, officers, or agents; to erect the necessary buildings, purchase books, maps, charts, and other suitable means of instruction; and to make rules for the general management of the affairs of the institution, and for regulating the conduct of students. Powers of trustees.
Appointment of officers.
Books, &c.

Vacancies,
how filled.

SEC. 4. The trustees for the time being, in order to have perpetual succession, shall have power to fill vacancies which may occur in the board by removal, death, resignation or otherwise; and a majority of the trustees shall constitute a quorum for the transaction of business.

Donations.

SEC. 5. The trustees shall faithfully apply all property and money by them received in erecting suitable buildings, supporting the necessary professors, teachers, officers, and agents, procuring a library and other necessary apparatus to aid in the promotion of the objects of the institution: *Provided*, That, if any donation, devise, or bequest shall be made for particular purposes accordant with the objects of the institution, and the trustees shall accept the same, the property or money thus obtained shall be applied according to the expressed wishes of the donor or devisor.

SEC. 6. The institution shall be open to all classes and denominations of persons, and no preference shall ever be given to students of any particular religious faith; but, for any criminal or gross immoral conduct, students may be suspended or expelled.

Suits against.

SEC. 7. Suits shall be commenced against the corporation by summons, and the service thereof shall be by delivering a copy to a trustee.

SEC. 8. The real estate held in perpetuity by the said corporation shall not exceed six hundred and forty acres of land; but, if donations, grants, or devises shall from time to time be made to said corporation, over and above the said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held for the period of ten years from the date of such donation, grant, or devise; at the end of which time the excess of land so received over and above the six hundred and forty acres remaining undisposed of by the corporation shall revert to the donor, grantor, or the heirs of devisor.

Trustees may
be removed.

SEC. 9. The president or principal professor in the institution shall, *ex officio*, be a member of the board of trustees; and, upon the appointment of a trustee to this office, his place as a trustee shall be deemed vacant, and filled as other vacancies. The trustees for the time being shall have power to remove any trustee from his office of trustee, for any dishonorable or criminal conduct; but removal shall not take place without giving such trustee notice of the charges against him, and the opportunity of defence, nor unless two-thirds of the whole number of the trustees for the time being shall concur in such removal.

Bond.

SEC. 10. The trustees shall have power to require bond and security from any officer or agent of the institution, conditioned for the faithful discharge of the duties required by the by-laws.

APPROVED, February 15, 1839.

AN ACT to incorporate the Warsaw University of Illinois.

In force, Feb.
19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Richard F. Barrett, Joseph Duncan, Samuel D. Lockwood, Daniel W. Vittum, John W. Shinn, David W. Mathews, Calvin A. Warren, John R. Wilcox, Daniel S. Witter, William H. Rosevelt, John Montague, and Mark Aldrich, and their successors in office, be, and they are hereby, created a body corporate, to be styled and known by the name of "The trustees of the Warsaw University," and by that name to remain and have perpetual succession, with full power to acquire, hold, and transfer property, real and personal; to make contracts, sue and be sued, plead and be impleaded; and, in their corporate capacity, to make, have, and use a common seal, and the same to break, alter, and destroy, at pleasure.

Body corpo-
rate.

Powers.

SEC. 2. Said trustees shall not exceed the number of fifty. The president of the university shall, *ex officio*, be a member, and the president of the board; no other instructor shall be a member. The trustees for the time being, in order to have perpetual succession, shall have power, as often as a trustee shall die, resign, or remove out of the State, to appoint another suitable person to fill the vacancy in the board of trustees occasioned by such death, resignation, or removal.

Number of
trustees.

SEC. 3. The powers hereby given said trustees shall not be used or construed to extend to the contracting for, or acquiring any, property, real, personal, or mixed, that shall not be necessary and proper for the purposes of an institution of learning of this kind; and the whole property of said corporation shall be faithfully applied to that; and all funds by them owned, or which may hereafter be owned, shall, according to their best judgment, be applied in erecting buildings; in supporting the necessary officers and agents of the institution; in procuring books, maps, charts, globes, chemical, philosophical, and such other apparatus as may be required to aid the promotion of learning in said university.

Buildings.

SEC. 4. Said trustees shall prescribe and regulate the course of studies to be pursued in the university, (subject to the approbation of the faculty) and in the preparatory department thereunto; to fix the rate of tuition and the college expenses; to appoint such officers and agents as may be required, suitable to conduct the university; to define their duties and powers, and to fix the compensation; to remove any or all of them when the interest of the institution shall fully require it; to establish, if thought practicable, a system of manual labor; to create rules for the regulation of the students, and by-laws for the general government of the university: *Provided* nothing therein contained shall be inconsistent with the laws of this State or of the United States.

Course of
study.

Proviso.

SEC. 5. The trustees shall have power to establish departments for the study of any and of all of the liberal and learned

Powers of
trustees.

professions, particularly law and medicine, and to institute and grant diplomas in the same; to constitute and confer the degrees of doctor in the learned arts, the sciences, and belles lettres; and to confer such other academical degrees as are usually conferred by learned institutions of the kind.

Further powers. SEC. 6. Said trustees shall have power to institute a board of competent persons, always including the faculty, who shall examine such individuals as may apply for graduation in said university; and if said applicants are found to possess such knowledge of the studies pursued in said university as, in the judgment of said board, renders them worthy, they may be considered graduates in course, and shall be entitled to a diploma accordingly, on paying such fee as the trustees shall affix; which fee, however, shall in no case exceed the tuition bills of the full college course. Said examining board may not exceed the number of ten; three of whom may transact business, provided one be of the faculty.

Donations, how used. SEC. 7. Any donation, devise, or bequest made for special purposes accordant with the objects of the university, if the trustees shall accept the same, shall be faithfully and truly applied in conformity with the express condition or conditions of the donor or devisor. The lands, tenements, and hereditaments, to be held in perpetuity, in virtue of this act, by said corporation, shall not exceed three thousand acres: *Provided, however,* That grants, donations, or devises in lands, which from time to time shall be made to said corporation, may be held for the term of ten years from the date of every such grant, donation, or devise; at the end of which time the said lands, over and above the aforementioned three thousand acres, shall be sold by the corporation; and, in case of neglect to sell said lands so donated, they shall revert to the original donor or devisor, or to the lawful heirs of the same.

Treasurer to give bond. SEC. 8. The treasurer and all other agents of the institution, when required by the trustees, shall give bond for the security of the corporation, in such penal sum and with such security as the board shall approve; and all process against said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer at least thirty days before the return day thereof.

University open to all. SEC. 9. In its different departments, the university shall be open to all denominations of christians, and the profession of any particular religious creed shall not be required in order to admission; but those students, whose habits are idle or vicious, or whose characters are immoral, may be suspended, or expelled, at the discretion of the trustees.

Location. SEC. 10. Said university shall be located at or near Warsaw, in the county of Hancock, State of Illinois. The trustees shall hold at least one meeting for business, annually; and the aforementioned trustees, or any of them, shall have power

Annual meeting.

to call the first meeting; at which time may be chosen a president of the board, a treasurer, and secretary. Special meetings may at any time be held by the order of the president of the university, or by three trustees in case there be no president of the university, five of whom shall constitute a Quorum. quorum to do business.

SEC. 11. Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, (upon complaint being made to the circuit court of Hancock county,) a *scire facias* shall issue, and the circuit attorney *Scire facias.* shall prosecute in behalf of the people of this State for a Repeal of repeal of this charter. charter.

SEC. 12. This act shall be a public act, and shall be construed liberally in all courts for the purposes hereinbefore expressed.

APPROVED, February 19, 1839.

AN ACT to incorporate the Des Moines Rapids Railroad Company. In force, Feb-
19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel S. Witter, David W. Matthews, John Montague, William D. Abernathy, Joel Catlin, Calvin A. Warren, Isaac N. Morris, Isaac Galland, Mark Aldrich, Joseph Duncan, and Richard F. Barrett, their associates, successors, and assigns, are hereby created a body corporate and politic, under the name and style of "The Des Moines Rapids Railroad Company," and by that name may be, and hereby are made, capable, in law and equity, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any courts of record, or in any other place whatever; to make, have, and use a common seal, and the same to break, renew, and alter at pleasure; and shall be, and are hereby, vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate and construct, and finally complete, a railroad commencing on the Mississippi river at the head of the Des Moines rapids, at or near the town of Commerce, in Hancock county, and from thence, in the direction to Warsaw, to intersect the Peoria and Warsaw railroad at such point as shall be determined upon after a survey shall have been made of the route by and between the Board of Commissioners of Public Works and the said company; and for this purpose said company are authorized to lay out their said railroad wide enough for a single or double track through the whole length; and for the purpose of cutting, embankment, stone, and gravel, may take as much more land as may be necessary for the proper construction and security

Body corpo-
rate.
Powers.
Location of
railroad.

- Proviso.** of said railroad: *Provided*, That all damages that may be occasioned to any person or corporation, by the taking of such lands or materials for the purposes aforesaid, shall be paid for by said company in the manner hereinafter provided.
- Capital stock may be increased.** **SEC. 2.** The capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same by new subscription, and in such manner and form as they shall think proper, if such increase shall be found necessary to fulfil the intent of this act; which said capital stock shall be divided into shares of one hundred dollars each; and the immediate government and direction of the affairs of said company shall be vested in five directors, who shall be chosen by the members of the company in the manner hereinafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number president of the board, who shall also be president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bond to the company, with sureties to the satisfaction of the directors.
- Shares.**
- Directors.**
- Term of office.**
- President.**
- Clerk to be sworn.**
- Treasurer to give bond.**
- SEC. 3.** The president and directors for the time being are hereby authorized and empowered, by themselves or agents, to exercise all the powers and authority hereby granted, for the purpose of locating, constructing, and completing said railroad, and all such other powers and authority for the management of the affairs of said company, not heretofore granted, as may be necessary to carry into effect the object of this grant; to purchase and hold land, materials, and other necessary things, in the name of the company, for the use of the road; to make such equal assessments from time to time on all shares of said company as they may deem expedient and necessary in the progress and execution of the work, and direct the same to be paid to the treasurer of the company; and the treasurer shall give notice of all such assessments. The board of directors shall have power to adopt rules and by-laws regulating the manner and time of payment of all assessments they may order, under such penalties as they may deem proper.
- By-laws.** **SEC. 4.** Said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands, gravel, or stone for the use of said railroad, when the same cannot be obtained by voluntary agreement; which damages shall be ascertained in the same manner that damages are now ascertained in case of public roads running through the lands of individuals, some one of the directors acting in the stead of the supervisor in the general road laws.

SEC. 5. When the lands or other property or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the construction of said railroad, the husband of such married woman, and the guardian of such infant or person *non compos mentis*, may release all damages in relation to the land or estate to be taken and appropriated as aforesaid, as fully as they might do if the same were holden in their right respectively.

SEC. 6. If any person or persons shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of such damages as shall be proved before any court competent to try the same, to be sued for in the name and in behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and liable to indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and, upon conviction, such offender or offenders shall be liable to a fine, not exceeding five thousand dollars, for the use of the county where the indictment may be found, or may be imprisoned, not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 7. The time of holding the annual meeting of said company for the election of directors shall be fixed and determined by the by-laws of said company; and at all meetings, each stockholder shall be entitled to vote, in person or by lawful proxy, one vote for each share he, she, or they may hold *bona fide* in said stock; and a plurality of votes shall determine the choice.

SEC. 8 That Joseph Duncan, Richard F. Barrett, Daniel S. Witter, Mark Aldrich, Isaac Galland, and Calvin A. Warren are hereby appointed commissioners to open subscription books for the stock of said company. Said commissioners, or a majority of them, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days' notice of the time and place where such books will be opened, and shall keep the same open for five days unless the whole amount of capital stock of said company shall be sooner subscribed; and they shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing; and at the termination of said term of five days or sooner, if the whole amount of said stock shall be taken, said commissioners shall call a meeting of the stockholders, by giving ten days' notice, in some public newspaper printed in this State, of the time and place of such meeting. At such meeting, it shall be lawful to elect the directors of said company; and when the directors of said company shall have been chosen, the said commissioners shall deliver said subscription books, together with all sums of

Obstruction of road.

Fine.

Annual meeting.

Commissioners to open subscription books.

Notice.

Amount to be paid on shares subscribed.

Proviso. money received by them, to said directors: *Provided*, That each director shall, at the time of his election, own at least five shares of the capital stock of said company. Said corporation is hereby authorized to borrow any sum of money not exceeding their capital stock, and to make all such contracts as said corporation may deem necessary to carry into effect the powers and privileges hereby granted: *Provided*, That they shall not issue any drafts or checks or other instruments to be used as a circulating medium.

Money may be borrowed.

Proviso.

Right of way

SEC. 9. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement between the said corporation and the owner or owners of such land or real estate, or which shall become the property of said corporation by operation of law as in this act is provided, shall, upon the payment of the amount of money belonging to the owner or owners of such lands, as a compensation for the same, become the property of said corporation absolutely and in fee simple.

Right reserved.

SEC. 10. That the Legislature reserves to itself the right to purchase the stock of said corporation at any time after the expiration of twenty years from the passage of this act, together with the right of way, depots, fixtures, cars, and the other apparatus necessary for carrying on the business of said corporation, by paying to said company the value of said railroad, depots, cars, fixtures, &c.; and for the purpose of ascertaining the value thereof, the Legislature may appoint two or more commissioners, who shall proceed to ascertain, by inspection and the oath of witnesses, the actual value of the said railroad, depots, cars, and fixtures as aforesaid. The said corporation may take and transport upon the said railroad any person or persons, merchandize or other property, by the force and power of steam or animals, or any combination of them, and may erect and maintain houses, toll-gates and other buildings for the accommodation and management of the said railroad, and may fix, establish, take, and receive such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules and by-laws, regulations and ordinances, that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignments of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said corporation.

Rate of toll.

When to be completed.

SEC. 11. If the said corporation shall not commence the work within two years from the passage of this act, and complete the same within five years, then this act shall thenceforth cease and be void.

SEC. 12. The company shall be permitted to connect the said railroad with the Peoria and Warsaw railroad at such convenient point only as the Board of Commissioners of Public Works shall deem expedient to protect the interest of the State, and prevent the said company's road from coming into direct competition with the State works, and upon the conditions and under the restrictions prescribed in the forty-fifth section of the act, entitled "An act to establish and maintain a general system of internal improvement." May connect.

SEC. 13. The payment of the first instalment of the capital stock, required to be paid at the time of subscribing, shall not be evaded by the giving of promissory notes therefor, or otherwise; and so soon as five hundred shares of the said capital stock shall have been so subscribed, and the first instalment paid thereon as aforesaid, the company may be organized by the election of directors hereinbefore provided for. First instalment of capital stock.

APPROVED, February 19, 1839.

AN ACT to incorporate the Shawneetown Academy, in Gallatin county. In force, Feb. 19, 1839.

SEC. 1. *Be it enacted by the People of the State of [Illinois,] represented in the General Assembly,* That John Marshall, Henry Eddy, James C. Sloo, Ephraim H. Gatewood, Alexander Kirkpatrick, William A. Docker, John Siddall, and Alexander Posey, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The president and trustees of the Shawneetown Academy," and by that style and name to remain and have perpetual succession. The said academy shall be and remain at and in Shawneetown, in Gallatin county, State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their pleasure and discretion. Body politic.

SEC. 2. The object of said institution shall be the promotion of the general interests of education.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession; to make contracts; to sue and be sued, to plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the object beforementioned; to have a common seal, and to change or Corporate powers.

alter the same at pleasure; to make such by-laws for its regulation as are not inconsistent with the laws and constitution of the United States or of this State; to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Duty of trustees.

SEC. 4. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said academy; to fix the rate of tuition, and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general regulations of the conduct of the students.

Vacancies.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board, from death, removal, resignation, or any other cause. A majority of the trustees for the time being shall be a quorum to do business.

Treasurer.

SEC. 6. It shall be the duty of said trustees to appoint one treasurer to the board, who shall be required to give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; all persons, however, may be suspended or expelled from said institution by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad.

Proviso.

SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity, by virtue of this act, by said corporation, shall not exceed six hundred and forty acres: *Provided, however,* That if any donations, grants, or devises in land shall from time to time be made to said corporation, over and above the said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by the corporation, then and in that case the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

Common school.

SEC. 9. There shall be attached to said academy a department in which shall be taught branches that are usually taught in common schools, which shall constitute the common school of the district in which said academy may be situated; and the trustees of said academy shall receive, from the school

commissioner of the county, the same amount of money in the same proportion, and apply the same to such tuition in the same manner, as other common schools are paid and kept: *Provided*, That the teachers or instructors of said department shall be selected by the trustees, and under the control of the by-laws of said corporation. Proviso.

APPROVED, February 19, 1839.

AN ACT to incorporate the Chester Insurance Company.

In force, Feb.
19, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be, and hereby is, established, in the town of Chester, an insurance company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stockholders and subscribers and their successors shall be, and hereby are, created a body politic and corporate, with perpetual succession, by the name and style of "The Chester Insurance Company," for the period of fifty years from and after the passage of this law, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose, of all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of any court of law, or decree of any court of equity, in their favor; and may have and use a common seal and the same alter, change, break, or renew, at pleasure; and may also make, ordain, establish, and put in execution such by-laws, ordinances, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That no by-laws, ordinances, rules, or regulations of said company shall in anywise be contrary to the constitution and laws of this State or of the United States. Said corporation shall have power to make contracts, and do and perform any and all acts, in the management and conduct of its business, and in the use of its funds, as fully to all intents and purposes as a natural person; and may vest its funds in stock, or may loan any surplus funds at a rate of interest not exceeding eight per cent. per annum, for a term not exceeding twelve months, and take such security therefor as may be agreed on. Capital stock.
Shares.
Body politic.
Name & style.
Proviso.

SEC. 2. That said corporation shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage on goods, merchandize, and produce in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats wherever they may be; to make all kinds of insurance upon life or lives; to lend money on bottomry or respondentia; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest they may have in any vessel, boat, goods, merchandize, or other property, by means of any loan or loans which they may make on mortgage, bottomry, and respondentia; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Capital may
be increased.

SEC. 3. That it shall be lawful for a majority of the directors chosen under this act at any time to increase the capital stock to an amount not exceeding two hundred thousand dollars.

Service of
process.

SEC. 4. That it shall be sufficient service of process on the corporation hereby created, to execute the writ or notice on the president or secretary; and such service shall authorize judgment on proceedings, by default, against the corporation, in the same manner that judgments or proceedings are taken by default against individual persons on the execution of process.

Board of di-
rectors.

Election.

SEC. 5. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of five directors, who shall be stockholders and citizens of the State of Illinois; and after the first election, they shall be elected by the stockholders, on the first Monday in May annually, at such time of day, and at such place in the town of Chester, as said directors for the time being shall direct. They shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same, and such election shall be by ballot, and a plurality of votes received and counted in public by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, That no stockholder shall be entitled at any time to more than fifty votes; and any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election

Proviso.

Vote by proxy

of directors should not be made on any days when by this act it ought to have been made, it shall and may be lawful for said company to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 6. That the directors duly chosen under the provisions of this act shall, as soon as may be after the first and every annual election, elect from their own body a president, Election of president. who shall preside in the board until the next annual election; and in case of his death, resignation, or absence, the board shall appoint a president *pro tempore*. They shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents, and servants of said corporation—fix their compensation, define their powers, and prescribe their duties—who shall hold their several offices during the pleasure of the board, under such regulations restrictions, and limitations, not inconsistent with the provisions of this act and the by-laws, rules, and ordinances of said company, as the directors for the time being shall prescribe. They shall make such by-laws and regulations for their own government, and for the management and disposition of the stock, property, estate, funds, and business of said company, and all matters refering thereto, as shall be needful and proper, not contrary to the provisions of this act and the by-laws, rules, ordinances, and regulations adopted at any regular meeting or meetings of the stockholders. They shall hold stated meet- Stated meetings. ings agreeable to their own regulations, and at such times as the president thereof for the time being shall order and direct, and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers and connected with their duty; and all questions before the board shall be decided, *viva voce*, by a ma- Questions, how decided. jority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings; and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall, in the first week in December and June annually, make and declare such dividends of the profits resulting from the business as shall not impair or in anywise lessen the capital stock of the same, to be paid to the several stockholders: *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 7. That all policies of insurance which may be made Policies of insurance. or entered into by said corporation shall be subscribed by the president or president *pro tempore*, or by such other officer as shall be designated for that purpose by its by-laws and attested by the secretary, and, being so signed and attested, shall be binding and obligatory on the said corporation, without the

seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on, without the presence of the board of directors, by the president and secretary, subject, nevertheless, to the by-laws, rules, ordinances, and regulations established by the board of directors. It shall be the duty of the secretary, at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Duty of secretary.

SEC. 8. That the stock of said company shall be assignable and transferable on the books of the same, or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

Stock transferable.

SEC. 9. That any number of stockholders, who shall at the time be the owners of one-tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks' notice of the time and place of such meeting; and the stockholders, in person or by proxy, at any such meeting, shall decide all questions proposed for consideration by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules, and regulations as to them shall appear needful and proper in relation to the management of the affairs of [the] company, or for the government and direction of the officers thereof.

General meeting.

SEC. 10. That books for the subscription to the capital stock of said company shall be opened in the town of Chester, by and under the direction of Francis Swanwick, Gilbert Nettleton, William Rosborough, Francis S. Jones, and Joseph B. Holmes, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions, in some newspaper published in this State; and it shall be lawful for any individual, company, or body corporate to subscribe for any number of shares; and such individuals, company, or body corporate shall, at the time of subscribing, pay one dollar on each share so subscribed, (provided said commissioners require such payment;) and it shall be the duty of the commissioners, as soon as five hundred shares are subscribed, to give two weeks' notice, in some newspaper published in the State, of the time and place for the stockholders to meet and elect the first board of five directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of directors thus elected shall constitute the first board, and shall continue in office until the next annual election: *Provided, however,* That, should the commissioners appointed under the provisions of this act, or any three of them, deem it expedient, it

Books for subscription, where opened and by whom.

Proviso.

shall be lawful for them, or any three of them, to change the manner and mode of receiving subscriptions for all or any part of said capital stock.

SEC. 11. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors all moneys that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment [to] be made either in cash or secured to be made by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, That the said corporation shall not commence business, or grant any policies of insurance, until five hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one-fourth of the capital stock. All the remaining balance of the stock shall be offered for sale at such time and place, and on such terms, as the directors for the time being may direct.

Moneys to be paid over to directors.

Forfeiture of stock.

Proviso.

SEC. 12. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize, or produce whatever, on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, or shall loan any money on bottomry and respondentia, or shall become the underwriters of any foreign or domestic bill of exchange, bond, note, or obligation, it shall be lawful to charge such rate or premium or interest as may be agreed upon by the parties.

SEC. 13. That whenever any property, real or personal, in which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property; and such assignee or assignees shall have the full benefit thereof: *Provided*, That, before any loss happen, notice shall be given said company of said assignment: *And provided*, That said company, when so notified, shall be at liberty to return a rateable proportion of the premium, and thereupon be exonerated.

Policy may be assigned.

Proviso.

SEC. 14. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy within sixty days after being so notified: *Provided* there

Proviso.

shall have been no violation of the condition of the policy on the part of the insured.

SEC. 15. That the Legislature of this State shall never pass any law retarding, obstructing, staying, protracting, or in anywise suspending the collection of any debt or debts due the said corporation.

Public act. SEC. 16. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

APPROVED, February 19, 1839.

In force, Feb.
21, 1839.

AN ACT to incorporate the Jefferson Institute.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Cyrus Avery, William Ames, Dea May, Peter Payne, S. P. Hyde, Albert Stone, John W. Lawrence, Geo. T. Kasson, James Shinn, Alfred E. Ames, and their successors, be, and they are hereby, Body politic. constituted a body politic and corporate, to be known by the Name & style. name of "The trustees of the Jefferson Institute," and by that Powers. name have perpetual succession, and have a common seal, with power to change the same at pleasure; and may make by-laws for the regulation of the said institute, not inconsistent with the constitution and laws of the United States or of the State of Illinois; and may confer, on such persons as may be considered worthy, such collegiate or honorary degrees as are usually conferred by similar institutions.

SEC. 2. That the said trustees shall be authorized to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college, or university in this State, not herein limited or otherwise directed.

First meeting. SEC. 3. That the said trustees shall hold their first stated meeting at the town of Amesville, in the county of Boone, on the first Monday of June next, or so soon thereafter as may be convenient, and they, or a majority of them, shall, as soon as they think proper, fix upon a place, in township 44 north, range 4 east, of the third principal meridian, for a permanent seat for said institution; and proceed to erect buildings thereon as soon as convenient, and the interest of the said institution may require.

Location. Further pow-
ers. SEC. 4. The said trustees, or their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State; and shall be capable, in law, to purchase, receive, and hold, to themselves and their successors, for the use and benefit of said institution, any lands, tenements, or rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by, them for the use of the Jefferson Institutue.

SEC. 5. Eight members shall be sufficient to constitute a ^{Quorum.} board for the transaction of all business respecting the said institution, excepting those cases particularly excepted: *Provided*, in case a sufficient number of members do not attend to constitute a board at any meeting, those who do attend may adjourn *sine die*, or to any day thereafter, or next stated ^{Adjournment.} meeting.

SEC. 6. The assent of the majority of the whole number of the trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix upon the permanent seat of the institute; to alienate, sell, or convey any lands, tenements, or rents belonging to said institute.

SEC. 7. The trustees shall elect a president, treasurer, and ^{President and treasurer.} clerk to their own body, and so many professors, trustees, or masters as may be necessary; and upon the death, resignation, or legal disability of any of the trustees, president, or other officers of the said institute, the board of trustees shall supply the vacancy by ballot.

SEC. 8. The president and other officers of the said institute shall be subject to the direction of the board of trustees, and continue in office during good behaviour. The treasurer of said institution always, and all other agents when required by the trustees, before entering upon the duties of their appointments, shall give bonds for the security of the corporation, in such penal sum and with such security as the board of trustees shall approve; and all process against the said corporation shall be by summons, and service of the same shall be by leaving one attested copy with the treasurer of the institute at least thirty days before the return day thereof. ^{Bond.} ^{Process.}

SEC. 9. The said institution and their preparatory department shall be open to all denominations of christians, and the profession of any religious faith shall not be required of those who become students; all persons, however, may be expelled, or suspended, from said institution, whose habits are idle or vicious, or whose moral character is bad.

SEC. 10. The president of the board of trustees shall have full power to call special meetings of the said trustees, and it shall be his duty, upon the request of three of them, to do the same; but upon any called meeting, ten days' general notice shall be given by the president previous to the meeting. ^{Special meetings.}

SEC. 11. The trustees of the corporation shall have authority from time to time to prescribe and regulate the course of ^{Course of} studies to be pursued in said institute, and in the preparatory ^{studies.} department attached thereto; to fix the rate of tuition, room-rent, and other, expenses; to appoint instructors and such other officers and agents as shall or may be needed in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove either of the instructors, officers, and agents; to erect the necessary buildings; to purchase books and chemical and

- philosophical apparatus, and other suitable means of instruction; to put in operation a system of manual labor for the purpose of lessening the expenses of education, and promoting the health of the students; to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students; and to add, as the ability of the said corporation shall increase, and the interest of the community shall require, additional departments for the study of any or all the liberal professions: *Provided, however,* That nothing herein contained shall authorize the establishment of a theological department in said institution.
- Proviso.**
- No. of trustees** SEC. 12. The number of said trustees shall not exceed thirteen, eight of whom shall reside in the township aforesaid.
- Proviso.** SEC. 13. The trustees shall have power to supply any vacancies which may occur in their body, and remove any member from the same for dishonorable or criminal conduct: *Provided* the member implicated shall have opportunity to defend himself before the board, and two-thirds of the whole number of the trustees concur in the removal.
- Proviso.** SEC. 14. The lands and tenements to be held in perpetuity, by virtue of this act, shall not exceed six hundred and forty acres: *Provided, however,* That, if any donation, grant, or devise in land shall, from time to time, be made to said corporation, over and above the six hundred and forty acres held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of six years from the date of any such donation, grant, or devise; at the expiration of which time, if the said lands be not sold by the said corporation, then the said lands so donated, granted, or devised, shall revert to the original donor or grantor, or to the heirs of said devisor of the same.
- SEC. 15. This act shall be in force from and after its passage.
- APPROVED, February 21, 1839.

In force, Feb.
19, 1839.

AN ACT to incorporate the Union Agricultural Society.

Body politic.
Name & style.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons who shall become stockholders pursuant to this act are hereby constituted a body corporate and politic, by the name of "The Union Agricultural Society;" and from and after the passage of this act, by that name, they and their successors shall and may hereafter have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answer and being answered, in all courts and places whatsoever; which incorporation is for the sole purposes of instruction in science and improvement, in scientific and practical agriculture, and the mechanical arts, in the counties of La Salle, Will, Cook, McHenry, and Kane.

SEC. 2. The capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to thirty thousand dollars, to be divided into shares of ten dollars each, which shall be considered as personal property, and be assignable in such manner as the said corporation may in its by-laws from time to time provide; which said capital stock shall be exclusively devoted to the purposes and objects of said corporation as declared in the first section of this act, and to no other purposes or objects whatever; and to the same end, the said corporation shall have power to take, hold, and convey real estate, and other property, to the amount of its capital. Capital stock.

SEC. 3. Said corporation shall have power, by its trustees, or a majority of them present at any regularly called meeting, to make by-laws for its own government; for the promotion of the aforesaid objects or any one of them; for the establishment of agricultural fair-shows; for the awarding of premiums, and for the raising of funds therefor; for fixing the amount of capital stock from time to time to be called in, and the time or times for calling in the same; and generally for any other purpose or purposes pertaining to the objects of the corporation, and not inconsistent with this act or with the laws or constitution of this State, or with the constitution of the United States. By-laws.

SEC. 4. Levi Hills and B. H. Moores, of La Salle county, Cornelius C. Van Horn and Holder Sisson, of Will county, Lewis Ellsworth and John S. Wright, of Cook, William Jackson and Seth Washburn, of McHenry, General McClure and John R. Livingston, of Kane county, shall be commissioners to receive subscriptions for and distribute said capital stock for said corporation. Commissioners to receive subscription.

SEC. 5. Said commissioners, or a majority of them, shall, within ninety days after the passage of this act, open a subscription book for said stock, at such times and places as they shall appoint; and they shall give at least fourteen days' previous notice thereof in at least two of the public newspapers printed in said counties. Said commissioners shall have power to appoint committees for such towns or settlements in said counties as they, or a majority of them, may deem expedient, for taking up subscriptions to said stock. Time of opening books.

SEC. 6. Five per cent. on each share subscribed for shall be paid to said commissioners, or to said committees by them to be appointed as aforesaid, at the time of making such subscription; and the remainder of said capital stock so subscribed as aforesaid shall be paid in, in such sum or sums, and at such time or times, as may be provided for and directed by the by-laws of said corporation; but not more than fifty per cent. of the stock so subscribed shall be called for in any one year, without the unanimous consent of all the holders of said stock. Per cent. on capital stock.

SEC. 7. If the whole capital stock of said incorporation be not taken up at the first subscription thereto, said commissioners, or a majority of them, or the committees by them If stock is not all subscribed.

to be appointed as aforesaid, may receive subscriptions thereto, from time to time, until the whole capital stock shall be taken up; and said commissioners, or a majority of them, shall, within one year after the passage of this act, proceed to distribute the capital stock of the corporation among the subscribers thereto; and in case there should be subscriptions to more than the amount of said stock, within said year, it shall be the duty of said commissioners to apportion the same among the subscribers thereto, in such manner as they may deem most advantageous to the interests of said corporation, and as best calculated to promote its objects.

Apportionment of stock.

SEC. 8. In case said stock be not all taken up in within one year from the passage of this act, the duties of said commissioners shall cease, and the trustees of said corporation, or a quorum thereof, may thereafter receive subscriptions to said stock, from time to time, until the whole shall be subscribed.

Concerns managed by fifty trustees.

SEC. 9. The stock, property, and concerns of said corporation shall be managed by fifty trustees, ten being residents of each of the aforesaid counties, who shall be stockholders of said corporation, and any five of whom, to be designated by a majority of the trustees, shall form a quorum for the transaction of all ordinary business of said corporation; which election shall be annually.

First trustees.

SEC. 10. Abraham Holderman, Levi Hills, Joshua Collins, Salmon Rutherford, S. S. Bullock, David Shaver, B. H. Moores, S. Delano, Benjamin B. Reynolds, and Henry Green, of La Salle county; Holder Sisson, Calvin Rowley, J. A. Gooding, William Smith, Wm. B. Peck, Reuben Beach, John Blackstone, Charles Reed, Cornelius C. Van Horn, and John Dean Caton, of Will county; William B. Ogden, Joseph Napier, Socrates Rand, E. Peck, Lewis Ellsworth, Seth Johnson, William P. Caton, Robert A. Kinzie, Russel Whipple, and John S. Wright, of Cook county; Isaac Hicox, Matthias Mason, Arthur Patterson, Mr. Bartlett, J. G. Ragan, William Jackson, Seth Washburn, Joseph Wickham, Tiba S. Beardsley, and Willard Jones, of McHenry county; General McClure, James T. Gifford, Colton Knox, Rice Fay, Ira Minard, Isaac Wilson, John R. Livingston, R. C. Horr, Mr. Risk, and Joel McKee, of Kane county, shall be the first trustees of said corporation, and shall hold their offices until the last Wednesday in December, A. D. 1839, and until others shall be elected in their places.

Election for trustees.

SEC. 11. The trustees for said corporation, for every subsequent year shall be elected on the last Wednesday in December in each and every year, at such hour of the day, and at such place, as the trustees for the time being shall appoint; and of which they shall give at least fourteen days' previous notice, by advertisement to be inserted in at least two of the public newspapers published in said counties.

SEC. 12. At every election of trustees, each stockholder shall be entitled to one vote on each share of stock owned by him, and which he shall have held for at least fourteen days next preceding such election; and such vote or votes may be given by such stockholder in person, or by authorizing any other stockholder, in writing, to give the vote or votes for him to which he may be entitled. One vote for each share.

SEC. 13. All elections for trustees shall be held under the inspection of three stockholders, not being trustees, to be appointed, previous to every election, by the board of trustees for the time being; and such election shall be by ballot, and by plurality of votes of the stockholders or their proxies there present; and those fifty persons who shall receive the greatest number of votes, ten of them being residents of each of the aforesaid counties, shall be the trustees of said corporation; and if, at any such election for trustees, two or more persons from a county shall have an equal number of votes, then the trustees who shall have been duly elected shall proceed, by ballot, and by plurality of votes to determine which of said persons, so having an equal number of votes, shall be the trustee or trustees, so as to complete the whole number of fifty.

SEC. 14. If any trustee of said corporation shall cease to be a stockholder thereof, or shall remove out of the county from which he was elected, his office shall thereby become vacant; and whenever any vacancy shall happen among the trustees, such vacancy shall be filled for the remainder of the year in which it shall so happen, by such person, possessing the qualifications above required for trustee of this corporation, as the remaining trustees for the time being, or a majority of them present, shall appoint: *Provided* such trustee thus appointed shall be a resident of the county in the representation of which such vacancy shall have occurred. Vacancies.

SEC. 15. The trustees of said corporation, as soon as may be after their appointment or election under this act, shall in like manner proceed to elect of their number a president, five vice presidents, (one being a resident of each of the aforesaid counties,) a treasurer, a recording secretary, and a corresponding secretary; which election shall be by ballot and by plurality of votes of the trustees or their proxies then present, who shall respectively hold their offices for one year, and until others shall be elected in their places; the notice of which election shall this year be given by the commissioners appointed in the fourth section of this act, and each and every year hereafter as may be provided in the by-laws of said corporation; and the trustees shall also appoint such professors, agents, and other persons as may be necessary to conduct the proper business, and accomplish the declared objects of said corporation; and may adopt a common seal for the same, and establish by-laws for the government thereof, pursuant to the provisions of the third section of this act. President.
Vice presi-
dents.
Secretaries.

Meeting of stockholders. SEC. 16. The president, or a majority of the vice presidents, may call a meeting of the stockholders or trustees, when it may be necessary to the welfare of this society, by giving public notice thereof, at least fourteen days previous to the time appointed for such meeting, in at least two of the public newspapers published in said counties; and a majority of the stockholders or trustees, or their proxies then present at any such meeting of the stockholders or trustees, as the meeting may be of stockholders or trustees, shall govern in all matters provided for in this act.

May purchase farm. SEC. 17. Whenever a sufficient amount of stock of said corporation shall have been subscribed and paid in as aforesaid, the trustees shall, as soon as may be thereafter, proceed to the purchase of a pattern or experimental farm, of such size as they may deem most advantageous for the institution, but containing not less than one hundred and sixty acres of land, and not more than six hundred and forty, to be located in one of said counties, as the trustees shall direct. Said trustees may expend a portion of the stock or funds of said corporation in the improvement of said farm; in stocking the same; in the erection thereon of suitable buildings; in the establishment, at their discretion, of an agricultural school; in the employment of teachers and professors, and in the purchase of apparatus for the same; and said trustees shall have power to make by-laws for the government of said school, and generally to make all such other arrangements as may be proper for the benefit of said corporation, and the accomplishment of its objects.

Shares shall not vest in heirs, but be sold. SEC. 18. That any share or shares of stock, which may be held or owned by any member of this corporation at the time of his death, shall not vest in the heirs or legal representatives of any such member, but the same shall be sold, at public auction, to the highest bidder, after four weeks' public notice thereof, in such manner as the trustees of said corporation may direct; and the proceeds of such shares, after the same shall have been sold, shall be paid over to the heirs or legal representatives of such deceased stockholder.

APPROVED, February 19, 1839.

In force, Feb. 19, 1839. AN ACT to amend an act, entitled "An act to incorporate the Jo Daviess Marine and Fire Insurance Company.

Commissioners to superintend subscription. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Atchison, Daniel Wann, T. B. Farnsworth, H. H. Gear, Thomas Melville, F. Stake, and William C. Bostwick, are hereby appointed commissioners for superintending subscription to the capital stock of said company; and the said commissioners

shall open one or more subscription books for said stock in the town of Galena, on the first Monday in May, 1839.

SEC. 2. The election of the directors of said company shall be conducted as heretofore provided, and shall hold their offices until the first Monday in May, 1840, and until others are elected in their stead; and the directors for every subsequent year shall be elected on the first Monday in May. Election of directors.

SEC. 3. The charter of the said company hereby amended shall be void, and of no effect, unless the stock shall be subscribed, and the company commence operations, within two years after the passage of this act; and the twenty-second section of the act to which this is amendatory, as well as every other part of said act conflicting herewith, is hereby repealed. Charter void unless.

APPROVED, February 19, 1839.

AN ACT to incorporate the Mount Carmel Female Seminary. In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joshua Beall, Lyman J. Smith, Powhattan H. Bagwell, William Eldridge, and William T. Page, and their successors, be, and they are hereby, created a body politic and corporate, to be styled "The trustees of the Mount Carmel Female Seminary," and in that name to remain in perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold, and convey property, real and personal; to have and use a common seal, to alter the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers, and servants: *Provided* such by-laws be not inconsistent with the constitution and laws of the United States or of this State. Name & style.

SEC. 2. The trustees, whose number shall not exceed seven, shall have power to fill the remaining vacancies, and such other vacancies as may occur in their own body by death, resignation, or otherwise, and shall hold the property of the said institution solely for the purposes of female education, and not as a stock for individual benefit of themselves, or of any contributor to the endowment of the same; and no particular religious faith shall be required of those who become trustees or students of the institution. Number of trustees.
Vacancies.

SEC. 3. Said seminary shall remain located in Mount Carmel, in the county of Wabash; and the said trustees shall be competent, in law and in equity, to take to themselves and their successors in office, in their said corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain, and sale, conveyance, will, devise, or bequest, of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out Location.

on interest, or otherwise dispose of, for the use of said institution, in such manner as shall seem to them most beneficial to the institution. Said trustees shall faithfully apply all funds collected, or the proceeds, according to their best judgment, in erecting and completing suitable buildings, supporting the necessary officers, instructors, and servants, and procuring books, maps, charts, globes, philosophical and other apparatus necessary to the success of said establishment: *Provided, nevertheless,* That, in case any donation, devise, or bequest shall be made for particular purposes accordant with the design of this institution, and the corporation shall accept the same, every donation, devise, or bequest shall be applied in conformity with the express conditions of the donor or devisor.

Proviso.

SEC. 4. The trustees of the institution always, and all other agents when required, before entering on the duties of their appointment, shall give bonds for the security of the corporation, in such penal sums, and with such securities as the board of trustees shall approve.

Officers to give bond.

SEC. 5. The trustees shall have power to employ and appoint a principal for said institution, and all such instructors and instructresses, and also such servants, as may be necessary, and shall have power to displace any or either of them, as they may deem the interest of the institution to require; to fill vacancies which may happen by death, resignation, or otherwise, among said officers and servants; and to prescribe and direct the course of study to be pursued in said institution.

Lands held.

SEC. 6. The lands within the bounds of this State, held in perpetuity by this charter, shall not exceed twenty-five acres held at one time; and if donations in land be made at any time to said corporation, the same may be received and held in trust by said board of trustees, and shall be sold within three years from the date title of said land is perfected to said board of trustees, for the benefit of said institution; in failure whereof the lands so given shall revert to the donor or grantor of the same.

Process.

SEC. 7. All process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer at least thirty days before the return day thereof.

Proviso.

SEC. 8. If at any time the corporation shall act contrary to the provisions of this act, or shall in any manner abuse the powers herein granted, it shall be the duty of the State's attorney for the judicial circuit in which said attorney [seminary] is situated, to file an information, in the nature of a *quo warranto*, for the purpose of vacating and annulling this act and the powers herein granted: *Provided, nevertheless,* That, upon the annulling of said act as aforesaid, all the real and personal property of each of the trustees who shall have abused the powers as

aforesaid shall be bound for the payment of all contracts which they have entered into for said institution.

APPROVED, February 23, 1839.

AN ACT supplementary to "An act to incorporate the Alton Marine and Fire Insurance Company. In force, Mar. 4, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, from and after the passage of this act, the said company shall have full power to make insurance on lives by sea or by land, and to contract for reversionary payments; to receive money on deposit, and allow interest therefor; and generally to make all kinds of contracts in which the casualties of life or the interest of money are principally involved; and to make, execute, and perfect such, or so many contracts, bargains, agreements, policies or other instruments as shall or may be necessary, and as the nature of the case may require; and the funds so received may be invested in such manner as the directors of said company may deem most advantageous: *Provided,* That only the capital stock of the company shall be liable for losses by insurance: *Provided, further,* That nothing in this, or the act to which this is supplementary, shall be construed to confer upon said company any power to purchase bills of exchange, or loan money at a higher rate of interest than eight per centum, after said company shall have increased their capital stock as hereinafter provided for; nor to confer any powers which individuals may not exercise under the laws of this State.

Powers.

Proviso.

Further proviso.

SEC. 2. The said act to which this is supplementary, and all acts supplementary thereto, shall be and continue in force for the term of forty years; and at any time during said term, the capital stock of said company may be increased to any sum not exceeding five hundred thousand dollars, in the same manner that is now provided in the act to which this is supplementary.

Acts to be in force.

SEC. 3. This act shall take effect and be in force from and after the filing, in the office of the Secretary of State, a certificate of said company setting forth their approval and acceptance of the provisions of this act, and not before.

Time of act being in force.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this 4th day of March, 1839.

A. P. FIELD, *Secretary of State*

In force, Feb.
21, 1839.

AN ACT to incorporate Kane College.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Pearson, James H. Collins, Joseph Naper, Warren Smith, Harry Boardman, James T. Gifford, George McClure, Allen P. Hubbard, Hugh C. Gibson, Henry A. Miller, David Dunham, and Caleb A. Buckingham, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The trustees of Kane College," and by that style and name to remain and have perpetual succession. The said college shall remain located at or near Geneva, in Kane county. The number of trustees shall not exceed fifteen, exclusive of the president, principal, or presiding officer of the college, who shall, *ex officio*, be a member of the board of trustees. No other instructor shall be a member of the board of trustees. For the present the abovenamed individuals shall constitute the board of trustees, and shall fill the remaining vacancies at their discretion.
- SEC. 2.** All the provisions of an act, entitled "An act to incorporate the colleges therein named," approved February 9, 1835, from the fifth to the twelfth sections, inclusive, are hereby re-enacted in favor of the corporation created by this act, and shall have the same force and effect, with respect thereto, as if herein particularly enumerated and set forth.
- SEC. 3.** The first meeting of the said trustees shall be at said Geneva, at such time, within three years from and after the passage of this act, as the three persons last mentioned in the first section of this act shall direct, they causing at least ten days' notice of such meeting to be given to the other trustees.
- SEC. 4.** The said trustees are authorized to establish and maintain, at said Geneva, an institution for the purposes of female education, either separately or in connection with the preparatory department of said college. Nothing in this act contained shall be so construed as to require the said trustees to put into operation any of the various departments of the said college until, in their opinion, the public convenience and necessity require, and the state of the funds of the said corporation shall authorize the necessary expenditures.
- SEC. 5.** If at any time the corporation hereby created shall act contrary to the provisions of this act, or shall in any manner abuse the powers herein granted, it shall be the duty of the State's attorney within whose circuit the said college shall be located, to file an information, in the nature of a *quo warranto*, for the purpose of vacating and annulling this act and the powers herein granted.
- SEC. 6.** This act is hereby declared a public act, and shall take effect from and after its passage.
- APPROVED, February 21, 1839.

Body politic.
Name & style.

Location.
Number of
trustees.

Act referred
to.

First meeting.

Institution for
female educa-
tion.

Forfeiture of
charter.

AN ACT to incorporate the Elgin Academy.

In force, Feb.
22, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solomon Hamilton, Cotton Knox, George McClure, Vincent S. Lovell, Luther Herrick, Reuben Jenne, and Burgess Trussdell, be, and [they] are hereby, created a body corporate and politic, by the name and style of "The trustees of the Elgin Academy," and by that style and name to have perpetual succession; the said institution being designed to promote the cause of education and improvement in literature; and to be located at or near the town of Elgin, in Kane county.

Name & style.

SEC. 2. The corporation hereby created shall have power to make contracts; to sue and be sued; to plead and be impleaded; to grant and receive by its corporate name, and purchase and sell property, real and personal, in all lawful ways; to manage and dispose of the same; may have a common seal; and may make by-laws for its regulation, not inconsistent with the constitution and laws of the United States or of the State of Illinois.

Powers.

SEC. 3. The said institution may, whenever it shall be deemed expedient by the board of trustees, connect manual labor with literary instruction, by agriculture or mechanical operations; and, for that purpose, may hold land not exceeding one hundred and sixty acres.

Manual labor.

SEC. 4. A majority of the trustees shall form a quorum to do business, and shall have authority, from time to time, to prescribe the course of studies to be pursued, the amount of labor to be required of the pupils; to fix the rate of tuition, and other academic expenses; to appoint a preceptor and such other officers and assistants as they may consider the interest of the institution requires.

Quorum.

SEC. 5. The trustees shall have authority to connect with said institution a female department; to appoint or employ a principal and assistant instructress; and may connect with such operations of suitable female labor as they may deem advisable to conduct it on the manual labor principle.

Female department.

SEC. 6. Two-thirds of the board of trustees for the time being may at any time add to the number of the board, fill any vacancy which may occur in their number from death, removal, resignation or otherwise: *Provided,* That the board shall at no time exceed ten in number.

Vacancies,
how filled.

SEC. 7. The said institution shall be open to all religious denominations, and the profession of no particular religious faith shall be required either of officers or pupils.

SEC. 8. This act shall be in force from and after its passage.

APPROVED, February 22, 1839.

In force, Feb.
26, 1839.

AN ACT to incorporate the Warsaw Railroad Company.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Daniel S. Witter, Calvin A. Warren, John R. Wilcox, John Montague, William D. Abernathy, Joel Catlin, Isaac N. Morris, David W. Mathews, and Mark Aldrich, and their associates, successors,*

Body politic. and assigns, are hereby created a body corporate and politic,
Name & style. under the name and style of "The Warsaw Railroad Compa-
For fifty years. ny," for the term of fifty years, and by that name may be, and hereby are, made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or courts of record, or in any other place; to make, have, and use a common seal, and the same to renew and alter at pleasure; and shall be, and are hereby, vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from the south line of the northeast quarter of section seventeen, on the Mississippi river, in township number four, north of the base line, and range number nine, west of the fourth principal meridian, to intersect the Peoria and Warsaw railroad, at its termination on the Mississippi river, upon the most eligible and proper route; and for this purpose said company are authorized to lay out their said road wide enough for a single or double track through the whole length; and, for the purpose of cutting, embankments, stone, and gravel, may take as much more land as may be necessary for the proper construction and security of said railroad: *Provided* all damages that may be occasioned to any person or corporation, by taking off such lands or materials for the purposes aforesaid, shall be paid for by the company in the manner hereinafter provided.

(Capital stock, SEC. 2. The capital stock of said company shall consist of twenty thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be the president of the company. The said directors shall have power to supply any vacancy which may occur in the office of president, or in their own body, and shall also have power to choose and appoint such other officers and agents, to conduct and prosecute the business of said corporation, as they shall deem necessary; and the president and

directors thus appointed shall hold the office until the next annual election of such officers.

SEC. 3. The said corporation is hereby authorized, by their agents, surveyors, and engineers, to cause such examinations and surveys to be made of the ground and country between the two points mentioned in the first section of this bill as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad and the accommodations requisite and appertaining to the same; and may also hold all such lands as they may purchase, or receive in any manner, for the necessary purposes of said road: *Provided*, That all lands and real estate entered upon and taken possession of, and used by said corporation, for the purposes and accommodation of the said railroad, or upon which the site for the said railroad shall have been located or determined by the said corporation, shall be paid for by the said corporation in damages, if any be sustained by the owner or owners thereof by the use of the same for the purposes of said railroad; which damages shall be ascertained in the same manner that damages are now ascertained in the case of public roads running through the lands of individuals, some one of the directors acting in the stead of the supervisor in the general road law.

SEC. 4. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, or shall damage, break, or destroy any part of the said railroad, or implements, or buildings, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved before any court competent to try the same, to be sued for in the name and behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor and shall be liable to an indictment, in the same manner as other indictments are found in any county or counties where such offences shall have been committed; and, upon such conviction, every such offender shall be liable to a fine not exceeding five thousand dollars, for the use of such county where such indictment may be found.

SEC. 5. The time of holding the annual meetings of said company for the election of directors shall be fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to vote in person, or by lawful proxy, one vote for each share he, she, or they, may hold *bona fide* in said stock.

SEC. 6. Daniel S. Witter, Calvin A. Warren, John R. Wilcox, and David W. Mathews, are hereby appointed commissioners to open subscription books for the stock of said com-

Examinations
and surveys.

Hold lands.

Process.

Injury done
to road.

Penalty.

Liable to in-
dictment.

Annual meet-
ing.

Commission-
ers to receive
subscription.

- pany; and said commissioners, or a majority of them, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days' notice, of the time and place when and where such books will be opened, in the State paper printed at the seat of Government, and shall keep said books open at least five days, unless the whole amount of capital stock shall be subscribed sooner than said five days; and they shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing; and at the expiration of said five days, or sooner if said capital stock shall be subscribed, the said commissioners shall cause a meeting of the stockholders by giving ten days' notice in some newspaper printed in the county or counties where said stock was subscribed, or in some newspaper printed at the seat [of] Government; and at such meeting, it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, together with all sums of money received by them as such commissioners, to said directors: *Provided*, That no person shall be a director unless he shall own at least five shares of the capital stock. Said corporation is hereby authorized to borrow any sum of money not exceeding their capital stock, and to make all such contracts as said corporation may deem necessary to carry into effect the powers and privileges hereby granted: *Provided*, That they shall not issue any drafts or checks, or other instruments, to be used as circulating medium.
- Notice**
- May borrow money.**
- Right of way.** SEC. 7. That the right of way, and the real estate purchased for the right of way by said company, whether by mutual agreement between the said corporation and the owner or owners of such land or real estate, or which shall become the property of said corporation by operation of law, as in this act is provided, shall, upon the payment of the amount of money belonging to the owner or owners of such lands as a compensation for the same, become the property of said corporation absolutely and in fee simple.
- Right of Legislature.** SEC. 8. The Legislature reserves to itself the right to purchase the stock of said corporation, at any time after twenty years from the passage of this act, by paying to said company the value of said railroad, fixtures, cars, and other apparatus necessary for carrying on the business of said corporation; and for the purpose of ascertaining the value thereof, the Legislature may appoint two or more commissioners, who shall proceed to ascertain, by inspection and the oath of witnesses, the actual value of the said railroad, fixtures, cars, and apparatus as aforesaid. The corporation may take and transport upon the said railroad any person or persons, merchandise or other property, by the force and power of steam, or animals, or any combination of them; and may fix, establish, take, and receive such rates of toll, for all passengers, and

property transported upon the same, as the said directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations, and ordinances that they may deem necessary and expedient, to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said corporation.

SEC. 9. If the said corporation shall not commence the work within three years from the passage of this act, and complete the same within five years, then this act shall thenceforth cease and be void.

SEC. 10. Should the Board of Commissioners of Public Works, within one year from the passage of this act, deem it expedient for the interest of the State to extend the termination of the Peoria and Warsaw railroad over the route designated in this act, and pass an order to the effect, this act shall be null and void.

If Board Public Works extend Peoria and Warsaw railroad, this act to be void.

APPROVED, February 26, 1839.

AN ACT to incorporate the German Library Society of St. Clair county.

In force, Feb. 22, 1839.

WHEREAS several citizens of the county of St. Clair, who have originally emigrated from Germany, have formed themselves into a society for the purpose of acquiring and disseminating general and useful knowledge; and whereas such an undertaking is deserving legislative sanction: Therefore,

Preamble.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said society be, and they are hereby, constituted a body politic and corporate, to be known by the name of "The president and directors of the German Library Society of St. Clair county," and by that name shall have perpetual succession, and a common seal, and may change and alter the same at pleasure.

Body politic.

SEC. 2. That said library shall never be divided or sold, or otherwise disposed of; nor shall it ever be removed out of the limits of the county of St. Clair.

Library not to be divided or removed.

SEC. 3. That said library, and all the real or personal estate belonging to it, shall be held in joint tenantry by the respective members of the said society; and no member shall be entitled to withdraw or transfer his interest in the same to any member or person whatsoever.

SEC. 4. That the members of said society shall meet in the county of St. Clair, on the third Saturday of March next, and shall elect by ballot, separately, a president, two directors, and two vice-directors; the two directors to be styled the

Time and place of meeting. Election of officers.

- librarian and the treasurer, whose respective duties shall be defined in the by-laws, rules, and regulations of said society; and said members shall hereafter, annually, elect the said officers in the manner aforesaid, on such a day and at such places as they may choose: *Provided*, That no member shall be allowed to vote by proxy in elections or any other cases: *And further provided*, That female members of said society shall not be permitted to vote in said elections or any other cases.
- Proviso.** **Term of office.** SEC. 5. That the said officers so elected shall continue in office one year, and until others are elected in their stead; and they, or any two of them, shall have power to convene the said society on special occasions.
- Further proviso.** SEC. 6. That every person, whether a resident of the county of St. Clair or not, shall be admitted a member of said society, by paying an initiary fee and the ordinary contributions for the year being, and by signing the constitution of said society.
- By-laws.** SEC. 7. That the members of said society in their meetings shall have power to enact such by-laws, rules, and regulations as they, or a majority of them, may think best calculated to promote the general welfare of this institution, not contrary to the constitution and laws of this State.
- Powers.** SEC. 8. That the president and directors shall be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also that they and their successors, by that name and style, shall be capable, in law, of purchasing, holding, receiving, and conveying any estate, real or personal, for the use of said corporation:
- Proviso.** *Provided*, That the real estate so purchased shall be such only as shall be necessary to promote or obtain the object of this corporation.
- SEC. 9. That the said president and directors shall have power to demand and receive the money, books, and maps already given to said institution, or in any other way belonging to it, and expend the money in the purchase of books and for other objects and purposes as directed by the said members in their meetings, and according to the by-laws, rules and regulations.
- Fines.** SEC. 10. That all moneys hereafter accruing from fines, donations, and contributions, or from any other source, shall be laid out in books, and for other purposes necessary for the institution, by said directors, according to the directions of the said members in their meetings, and according to the by-laws, rules, and regulations.
- SEC. 11. That the said members, or a majority of them, shall have power, in the by-laws, rules, and regulations, to assess moderate fines for non-attendance, and for breaches of the by-laws, generally, and for damaging, destroying, losing or improperly detaining books belonging to the library.

SEC. 12. That any member may be expelled from the society by a vote of a majority of all the members of the society, but shall have the right of being heard in his defence. Expulsion of members.

SEC. 13. That the said members, or a majority of them, shall yearly assess the amount of contribution to be paid by every member for said year, and shall appoint a certain day when the said contribution is to be paid to the treasurer; and each new member, upon his admittance, shall pay the sum of three dollars as an initiating fee: *Provided*, That such as were formerly members, and widows of members, shall pay no such fee. Assessment of yearly contribution.

SEC. 14. The members expelled under the twelfth section of this act, or who voluntarily withdraw, or do not pay their contribution money according to the by-laws, rules, and regulations relating thereto, shall forfeit all their right, claim, and title in the said library. Right, how forfeited.

SEC. 15. Theodore Hilgard, senior, is hereby appointed president; and Gustavus P. Koerner, Albrecht H. Trapp, John Sheel, and Theodore Kraft, directors of said corporation; who are authorized to act until successors are appointed under the provisions of this act; and said president and directors are hereby authorized to take all steps and do all acts necessary to organize said society, and carry into effect the provisions of this act. Officers.

APPROVED, February 22, 1839.

AN ACT to incorporate the town of Quincy.

. In force, Feb 21, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the citizens of the town of Quincy, in the county of Adams, and State aforesaid, are hereby made and constituted a body politic and corporate, by the name and style of "The president and trustees of the town of Quincy," and by that name shall have perpetual succession, and may have and use a common seal, which they may change or alter at pleasure; and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed. Name & style.

SEC. 2. All that district of country embraced within the following boundaries, to wit: Beginning on the south side of Jefferson street, where said street strikes the river; thence, up the river with the meanderings thereof, to the northern extremity of Pease's addition to the town of Quincy; thence, due east, to the eastern side of Wood street; thence, due south, along said Wood street, to a point due east from the place of beginning; thence, due west, down the south side of Jefferson street, to the place of beginning, is hereby declared to be within the boundaries of the town of Quincy: *Provided*, That the jurisdiction of the trustees of said town shall Boundaries of town. Proviso.

extend to the middle of the Mississippi river, in front of said town.

Present trustees to continue in office until annual election.

SEC. 3. That the present trustees shall continue in office until the third Monday in April next; and until their successors are duly elected and qualified; at which time, and forever thereafter, an election shall be held on the third Monday in April annually, for seven trustees, who shall hold their offices for one year, and until their successors are elected and qualified. No person shall be a trustee of said town who is not a citizen of the State of Illinois, and of said town; who has not arrived at the age of twenty-one years; who has not resided in said town six months next preceding his election; and who is not, at the time thereof, a *bona fide* freeholder in said town. All free white male inhabitants over twenty-one years of age, who are entitled to vote for State officers, and who shall be an actual resident of said town at the time of said election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, or otherwise.

Voters.

President.
Vacancies.

Officers of town.

Quorum.

SEC. 4. The board of trustees shall have power to appoint a clerk, assessor, treasurer, and supervisors of streets, and all such other officers as may be necessary. They shall be judges of the qualifications, elections, and return of their own members. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rules of proceeding, punish their members for disorderly conduct, and make such other rules and regulations for their own government as to them may seem fit and expedient.

Powers of trustees.

SEC. 5. The board of trustees shall have exclusive power to levy and collect taxes upon all real estate within the limits of the corporation which has been laid out in town lots, or which may be occupied as town lots, not exceeding one per cent. upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to regulate and license ferries within the corporation; to provide for licensing and taxing taverns, stores, groceries, auctioneers, theatrical and other shows and amusements within said corporation; to prohibit and restrain gaming, gaming-houses, bawdy-houses, and other disorderly houses; to build market-houses, and regulate the same; to open and keep in repair streets, lanes, alleys, drains and sewers, and to keep the same clean; to require bond and security of town officers for the faithful performance of their duties; and, from time to time, to pass such ordinances and by-laws, to carry into effect the provisions of this act and the powers hereby granted, as the good of the inhabitants may require;

Ordinances and by-laws.

and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; and in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* prosecuted, from any such decision, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace. Writ of certiorari.

SEC. 6. It shall be lawful for the board of trustees to levy and collect a special tax on the owners of lots on any street or parts of a street, for the purposes of grading and paving the side-walks on said street: *Provided*, That a majority of the owners of the real estate upon any such streets or parts of a street shall first consent thereto. Special tax.
Proviso.

SEC. 7. The board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said corporation, and to extend, open, and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which the said board shall cause to be summoned six good and lawful men, freeholders and citizens of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, or widening of any street, avenue, lane, or alley, and shall report their proceedings, under their hands and seals, to the board of trustees; and the board of trustees shall thereupon pay, out of the treasury of the corporation, to the person to be injured, the amount of damages assessed in his favor. Improvement of streets, &c.

SEC. 8. The board of trustees shall have power, from time to time, to pass such by-laws and ordinances as to them may seem expedient, not inconsistent with the constitution or laws of this State; and all ordinances of said trustees shall be fairly written out and recorded by the clerk, and published in a newspaper printed in said town; and no ordinance shall be in force until published as aforesaid.

SEC. 9. The board of trustees are also vested with power to declare what shall be considered a nuisance within said town; to prevent the running and indecent exhibition of horses; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, affrays, riots, or other disorderly conduct in said town; and to provide that such punishment may be inflicted, for any offence against the laws or ordinances of the corporation, as is or may be provided by law for like offences against the laws of this State: *Provided*, That no person shall be deprived of the Proviso.

right of trial by jury, in any case where such person would be entitled to a trial by a jury for a like offence against the laws of this State.

FINES AND FORFEITURES. SEC. 10. The board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall refuse or fail to pay fines which may be assessed, or forfeitures or penalties which may be recovered.

PROVISO. SEC. 11. The board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine, and to prescribe the manner of selling property when the taxes levied upon it are not paid: *Provided, however,* That no sale of any town lots or other real estate shall be made until public notice of the time and place of such sale shall be given, for four weeks successively, by advertisement in a newspaper published in said town.

REDEMPTION OF LOTS SOLD FOR TAXES. SEC. 12. When any town lot or lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed, at any time within two years from the date of such sale, by the owner of such property, his heirs or assigns, agents, administrator, or executor, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of the purchase money and costs, with such interest as said corporation may, by ordinance, require.

ALL OFFICERS TO TAKE OATH. SEC. 13. The members of the board of trustees, and every other officer of said corporation, shall, before entering on the duties of their offices, take an oath or affirmation, before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean themselves in office.

TOWN CONSTABLES. SEC. 14. The board of trustees shall have power to appoint a town constable or constables, and authorize him to execute all writs, process, and precepts, which may be issued against persons for the violation of the laws or ordinances of the corporation, and to arrest, on view, all persons who may violate such laws or ordinances; to collect all fines, forfeitures, and penalties, which may be assessed or recovered for the use of the corporation; and to require bond and security of said constable, in such sum as they may think proper. Said constable or constables shall hold their office during the pleasure of the board of trustees, and shall have and possess the same powers, and perform the same duties, in other respects, as the constables in the different districts in the county possess.

LABOR ON ROAD SEC. 15. The board of trustees, for the purpose of keeping the streets and alleys in said town in good order and repair, are hereby authorized to require every male resident of said town, over the age of twenty-one years, to labor on said streets, alleys, and roads, three days in each and every year; and any person, who shall be notified by the supervisor of streets to perform such labor so assessed as herein provided,

and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar for each day's labor neglected to be performed; and the supervisor of streets in the proper district is hereby authorized to prosecute such delinquent persons, in the name of the president and trustees of the town of Quincy, before any justice of the peace in said town, and said supervisor shall be a competent witness against said delinquent; and, in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

SEC. 16. It shall be the duty of any justice of the peace residing in said town, on complaint being made to him, on oath, of the violation of any law or ordinance of the corporation, or upon view, or upon the request of any town constable, to issue his warrant directed to the town constable, or any other officer authorized to apprehend the offender or offenders, and bring him or them forthwith before him; and, after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be provided in such law or ordinance.

SEC. 17. The said president and trustees are hereby made capable, in law, to take and hold to themselves and successors any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any market-house and other public buildings, and the same to sell, grant, and dispose of, if necessary; and to sue and be sued, plead and be impleaded, answer and be answered, in any court or place whatever; and all suits and judicial proceedings under this act shall be carried on in the name and style of "The president and trustees of the town of Quincy."

SEC. 18. The justices of the peace and constables who are required to render services under this act shall be entitled to the same fees, and collect them in the same manner, as is or hereafter may be provided by law for other justices of the peace and constables.

SEC. 19. Lands embraced within the limits of the corporation of said town of Quincy shall not be taxed by the president and trustees of said town at any higher or greater rate than said lands would be taxed by the laws of the State, unless the same are laid out into town lots, or occupied as town lots.

APPROVED, February 21, 1839.

In force, Feb. 23, 1839. AN ACT to incorporate the Illinois Mutual Fire Insurance Company.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Benjamin F. Long, Elias Hibbard, Moses G. Atwood, Alfred Dow, Robert Smith, William H. Carlin, Norman H. Purple, John F. Rague, J. H. Woodworth, and all other persons who may hereafter become members of said company in the manner herein prescribed, be, and they hereby are, incorporated and made a*
- Body politic.** *body politic, for the term of twenty years from the passage of*
- Name & style.** *this act, by the name of "The Illinois Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture and merchandize, against loss or damages by fire, whether the same shall happen by accident, lightning, or any other means, excepting that of design in the assured, or by the invasion of an enemy or insurrection of the citizens of this*
- Powers.** *or of any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure: Provided such real estate shall not exceed one hundred and sixty acres; may make, establish, and put into execution, such by-laws, ordinances, and regulations, not being contrary to the laws of this State or of the United States, as may seem necessary and convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.*
- Proviso.** *SEC. 2. That all and every person and persons who shall at any time become interested in said company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein as herein-after provided, shall be deemed and taken to be members thereof for and during the term specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.*
- Who deemed members.** *SEC. 3. There shall be a meeting of said company at Alton, in the county of Madison, on the first Wednesday of January annually, or on such other day as the said company may hereafter determine; at which first annual meeting shall be chosen, by a major vote of the members present, and by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen, and accepted the trust in their stead.*
- Time and place of meeting.** *In all vacancies happening in said board, whether by removing from the State, dying, or refusing or neglecting to act for and during the space of three months successively, then, and*
- Vacancies, how filled.**

in every such case, another director shall be chosen in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors present at any monthly meeting; which director so chosen shall remain in office until the next general election of directors; and a majority of the whole board shall constitute a quorum for the transaction of business. At their first regular meeting, ^{First meeting.} the board of directors shall class themselves, by lot, into three classes of an equal number each, the terms of whose service shall respectively expire as follows: the first class in one ^{Term of service.} year, the second class in two years, and the third class in three years. Special meetings of the company may be called by order of the directors, or whenever the owners of one-tenth part of the property insured in said company shall apply to the directors, setting forth, in writing, the purposes for which a meeting is desired.

SEC. 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereto relating, not otherwise provided for by said company. They shall have power from time to time to appoint a secretary, treasurer, and such other officers, agents, and assistants, ^{Officers of company.} as to them may seem necessary, and prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their respective duties. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its value, nor one-half the value of personal property, and the sum to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of ^{Policies of insurance.} insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the treasurer for the payment of all losses which may have happened, and for the expenses incurred, in transacting the concerns of said company. They shall elect one of their own number to act as ^{Election of president.} president, and may hold their meetings monthly, and oftener if necessary, for transacting the business of the company; and shall keep a record of their proceedings; and any director disagreeing with a majority of the board, at any meeting, ^{Protest may be entered.} may enter his dissent, with his reasons therefor, on record.

SEC. 5. It shall be the duty of the directors of said ^{Premium notes.} company, whenever the premium notes thereof shall amount to the sum of one hundred thousand dollars, to build or cause to be built, or procure for the use of said company, a fire-proof building suitable for the transaction of business and for the preservation of the funds and other property belonging to said company from destruction by reason or means of fire; and for the purpose of providing said building, the directors may assess any sum not exceeding five per cent. of the amount

of premium notes aforesaid in any one year; and it shall be the duty of the directors to keep said building in proper repair, and to renew the same, in whole or in part, as they may think necessary and expedient.

SEC. 6. The directors shall extend the insurance of said company to every part of this State, on all real and personal property within the same, with the exceptions and provisions hereinafter enacted, not exceeding the sum of ten thousand dollars in any one risk, at such rate or rates as said directors may, in view of the equity of the case and the interest of the company, determine. Insurances shall be made, in all cases, upon the representation of the insured contained in his application therefor, and signed by him or his attorney; which representation shall, in fairness and good faith, state all the material circumstances within his knowledge which may affect the risk: *Provided*, That in case of any loss or damage by fire, the valuation of the property at the time of such loss or damage shall be determined by the award of impartial men as hereinafter provided.

Proviso.

SEC. 7. Books of accounts, written securities or evidence of debts, title deeds, manuscripts or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plates, paintings, sculptures, statuary, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless those articles or any of them form part of the usual and regular stock in trade of the assured, or are particularly specified in the policy. Breweries, chemical establishments, bleaching-houses, oil-mills, or the contents of either of them, alcohol, aqua fortis, gun-powder, spirituous liquors, tar, turpentine, varnish, or any other trades, wares, or merchandize, which may hereafter be excluded by said company at any annual meeting, shall never be deemed insurable by the directors of said company, nor any policy issued thereon.

Exceptions in policies of insurance.

SEC. 8. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money as shall be determined by the directors; a part, not exceeding ten per cent., of which note shall be immediately paid for the purpose of discharging the incidental expenses of the institution; and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Promissory note.

SEC. 9. Every member of said company shall be, and hereby is, bound to pay his proportion of the losses and expenses happening or accruing in and to said company; and all buildings insured by and with said company, together with the right, title, and interest of the assured, to the land on which they stand, shall be pledged to said company; and the said company shall have a lien thereon, against the assured, during the continuance of his, her, or their policies.

Each member bound for his proportion.

SEC. 10. In cases of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and, if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court to be holden in and for the county of Madison, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time, then at the next court holden in said county thereafter; and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said company shall recover their costs: *Provided, however,* That the judgment last mentioned shall in nowise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid: *And provided, also,* That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Loss by fire.

Amount of damage.

Referees.

May bring an action.

SEC. 11. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her, or them, his, her, or their proportions of said loss as

aforesaid, in such a case, the directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

When deposit notes not sufficient.

SEC. 12. If it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and, in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay, for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member upon payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

Policies not to exceed ten years.

SEC. 13. Said company may make insurances for any term not exceeding ten years; and any policy of insurance, issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unencumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title of the assured, and the encumbrances on the premises, be expressed therein.

Directors to settle and pay all losses.

SEC. 14. The directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper, within that time, to rebuild the house or houses destroyed, or repair the damages sustained, which they are empowered to do, in convenient times: *Provided* they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made, in estimating damages in any case, for gilding, historical or landscape painting, stucco or carved work; nor are the same to be replaced if destroyed by fire.

Buildings alienated by sale.

SEC. 15. When any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company, to be cancelled; and upon such surrender, the assured shall be

entitled to receive his, her, or their deposit note upon the payment of his, her, or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided*, Proviso. *however*, That the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of the directors, for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original insured was entitled and subjected under this act.

SEC. 16. If any alteration shall be made in any house or building, by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposite, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in anywise affect the insurance previously made thereon. Alterations made in buildings. Insurance, when void.

SEC. 17. In case any building or buildings, situated upon leased lands and insured by said company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired; and at the expiration thereof, the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses and assessments. Payment of loss.

SEC. 18. If insurance on any house or building shall be and subsist in said company and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and secretary. Buildings under double insurance void, unless, &c.

SEC. 19. The company hereby created shall not be connected in any trade or other business, except the insurance of property against loss or damage by fire; nor shall said company, by any possible construction of the powers granted in this act, exercise any banking privileges whatever; but this act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated. Company not to be connected with other business.

SEC. 20. The directors of said company shall not make more than one assessment for losses in any one year; and in order that such assessment may be made payable at the annual meeting of the company, the directors are authorized, in case of any loss or damage by fire, to borrow such sum or sums of money as may be required to pay such loss or damage; and in making the annual assessment, the interest accruing on money borrowed, and also all necessary incidental expenses, shall be included in each assessment.

One assess-
ment per year.

SEC. 21. Each and every member of said company shall be entitled to and allowed an examination of the books, papers, and general transactions of said company, upon application therefor to the secretary.

Books and
papers free to
all members.

SEC. 22. It shall be the duty of the directors to make an annual report of the condition, progress, and affairs of said company; a copy of which report shall be furnished to the General Assembly.

Annual report
to General
Assembly.

SEC. 23. The individuals named in the first section of this act shall be, and they hereby are, constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. They shall have power, if they think fit, to make up their number to fifteen, as allowed in the third section of this act, from among the members of said company; and all the vacancies which may occur in said board, by death, resignation, removal, or refusal to serve, may be filled by the remaining members of said board; and a majority of their number at any time shall constitute a quorum for the transaction of business. They may call the first meeting of the members of said company, at any suitable time and place, in Alton aforesaid, by advertisement in the several newspapers printed in said town, giving at least ten days' notice of the place, time, and design of the meeting. They may make and establish by-laws for the government of said company until the first annual meeting thereof; and may transact any business necessary and proper to carry into effect the provisions and interest [intent] of this act: *Provided, however,* That no policy shall be issued by said company until his excellency the Governor of the State shall have made proclamation that application has been made for insurance in said company on fifty thousand dollars at least; of which, notice shall be given him by the directors.

Directors.

Vacancies,
how filled.

First meeting.

By-laws.

Proviso.

Duty of Gov-
ernor to make
proclamation.

SEC. 24. This act shall take effect from and after its passage.

APPROVED, February 23, 1839.

AN ACT to extend the corporate powers of the President and Trustees In force, Feb. of the town of Belleville. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Belleville, in the county of St. Clair, and their successors in office, shall, from and after the passage of this act, have the following powers, in addition to those powers already conferred upon them by virtue of "An act to incorporate the inhabitants of such towns as may wish to be incorporated," approved February 12, 1831, as well as by virtue of an act, entitled "An act further defining the powers and duties of trustees of incorporated towns," approved January 31, 1835: Powers of trustees.

1st. To license, tax, and regulate taverns, groceries, auctions, and pedlers, within the limits of said corporation: *Provided* the revenue arising therefrom shall, so soon as collected, be paid by said trustees into the treasury of St. Clair county.

2d. Upon the application of the owners of two-thirds of the real estate upon any street, it shall be lawful for the board of trustees to levy and collect a special tax from the owners of the lots on said street, according to their respective fronts, for the purpose of grading and paving the side-walks of said street.

3d. The fines imposed on such persons as may be convicted of having committed an offence against the laws and ordinances of said corporation, for which no punishment now is or hereafter may be provided by the laws of the State, may amount to the sum of fifty dollars, but not exceed the same. Fines.

4th. Any justice of the peace within said corporation shall have jurisdiction to hear and determine all cases whatsoever growing out of the laws, by-laws, and ordinances of said corporation; and appeals may be taken, and writs of *certiorari* allowed, from such decisions, in the manner which now is or which may hereafter be provided for by law in other cases before justices of the peace. Jurisdiction of justices of peace.

5th. To exercise and maintain all the powers and privileges which now are, or hereafter may be, granted to them by law; and to be held and esteemed as legally incorporated, notwithstanding any irregularity or illegality which may have heretofore occurred in the incorporation of said town.

This act to take effect and be in force from and after its passage.

APPROVED, February 26, 1839.

AN ACT to incorporate the La Salle Charity Hospital.

In force, Feb. 23, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Rosale, John Tinson, and J. B. Raho, and their successors, be, and

Body politic. they are hereby, created a body politic and corporate, to be
Name & style. styled "The La Salle Charity Hospital," with full power to acquire, hold, and transfer property, real and personal; make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to have and use a common seal, to alter the same at pleasure. Said trustees shall never exceed nine in number; but it is expressly declared that the powers hereby granted shall not be used or construed to extend to the contracting for, or acquiring any, property, real, personal, or mixed; or for dealing any otherwise than in such things as may be necessary and proper for the purposes of a charity hospital.

Location. **SEC. 2.** The object of the corporation shall be the erection and maintenance of a hospital to afford relief to destitute persons who may become sick, or disabled, from other causes, from providing for themselves; and in which to take care of all such persons, and especially persons who may be engaged on the public works of the State. Said hospital shall be located near the town of La Salle, in La Salle county, on canal land, to be selected by the Canal Commissioners, on or near the west side of said town. The land to be selected shall

Lands not to exceed five acres. not exceed five acres in quantity; and when the commissioners have made the selection, they shall give to the trustees of said institution a certificate describing said lot of land; and the Governor shall patent the lot of land so described to the said trustees, by their corporate name, for the use of the Charity Hospital, and for no other purpose; and when they shall cease to use the land for the purpose for which it was donated for the period of one year, it shall revert to the State.

By-laws. **SEC. 3.** The said trustees shall have power to make and alter by-laws and regulations for the government of said institution, as they may think proper, not inconsistent with the constitution and laws of this State, or of the United States, and shall have power to fill all vacancies in their body; to
Officers. appoint a president, and such other officers as they may think proper, for the management of said institution; and shall hold the property of said institution solely for the purposes for which the hospital is incorporated, and not as a stock for the individual benefit of themselves, or of any contributor for the endowment of the same; and no particular religious faith shall be required of those who become trustees or inmates of the institution.

Donations. **SEC. 4.** It shall be lawful for the trustees of said institution to receive donations from any person or persons to aid them in the erection of necessary buildings for said institution, or for accomplishing the charitable objects of the institution after it is erected: *Provided*, That said corporation shall not be allowed to hold more than one hundred and sixty acres of land at one time; and when the donations in land shall exceed the
Proviso. amount of one hundred and sixty acres, they shall dispose of

the same, and apply the proceeds to the purposes above mentioned, within five years from the time the donation is made, or it shall revert to the donor, grantor, or the heirs of the devisor. Proceeds, how applied.

SEC. 5. The land granted by the State shall [be] unalienable by the corporation; and if a hospital is not established by said corporation, by the erection of the necessary buildings for the accommodation of at least twenty destitute persons, within two years from the passage of this act, the corporation shall cease to exist, and the land granted by this act revert to the State.

SEC. 6. The trustees shall faithfully apply all gifts, grants, and donations accepted by them, according to the express desire of persons making the same; but lands shall be accepted subject to the limitations herein contained.

APPROVED, February 23, 1839.

AN ACT to incorporate the Charleston Marine and Fire Insurance Company. In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established, in the town of Charleston, an insurance company, to be called "The Charleston Marine and Fire Insurance Company." Name & style.

SEC. 2. All such persons as shall hereafter be stockholders of said company shall be, and they are hereby, declared to be a body politic and corporate, by the name and style aforesaid, and to continue for thirty years from and after the passage of this act, and, by that name, shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of law or equity. Body politic. Term of charter. Powers.

SEC. 3. The said corporation may have and use a common seal, which they may alter or change at pleasure; and may also make, establish, and put in execution, such by-laws, ordinances, and regulations as shall, in their opinion, be necessary for the good government of the said corporation, and the prudent and efficient management of its affairs, the election and regulation of the duties of its several officers, and such other matters as may be necessary and proper: *Provided,* That said by-laws shall in nowise be contrary to this act of incorporation, or the constitution and laws of this or of the United States. Further powers.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments as the directors chosen under this act may direct and appoint, and under such penalties as they may impose. The stock of the said corporation shall be deemed personal estate, liable at all \$100,000 capital.

times for the debts of the owner thereof, and shall be assignable and transferable according to such rules and regulations as shall be prescribed by the directors in their by-laws and ordinances.

Powers. SEC. 5. The corporation hereby created shall have power and authority to make marine insurance upon boats, rafts, goods, wares, and merchandize; produce, freight, moneys, and on all marine risks and inland navigation and transportation; and against all losses, by fire, of any buildings or houses whatsoever, and boats on stocks; bridges and other mechanical structures.

Policies, how executed. SEC. 6. All policies of insurance made by the corporation shall be subscribed by the president, or, in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed may be adjusted and settled by the president and board of directors.

Capital stock may be vested. SEC. 7. The said corporation, by the president and directors, may, at their option, vest the capital stock of the said corporation in the capital stock of any State or incorporated bank, trust company, or public funds of this State; or they may loan the same to companies or individuals on bond, note, mortgage of real estate, or other satisfactory security, at their discretion, at a rate of interest not exceeding eight per cent. per annum.

Real estate. SEC. 8. The said corporation may purchase and hold such real estate as may be necessary for the transaction of its business, not exceeding one hundred and sixty acres, and to take and hold any real estate as securities, mortgaged and pledged to the said corporation, to secure the payment of any debt in any manner due or to become due to the said corporation.

Commissioners to receive subscription. SEC. 9. Harrison R. Norfolk, Nathan Ellington, John M. Easton, Reuben Canterberry, Andrew Clark, Thomas B. Prower, Stephen Miller, Col. Stephen B. Shelledy, Joseph Fowler, James Atkins, A. P. Dunbar, and F. L. Moore, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books for said stock, on the second Monday of May next, at the court house in Charleston, and shall receive subscriptions from all persons desirous of subscribing to said stock, and shall continue the said books open from time until the whole amount shall be subscribed; when the same shall be closed.

Directors. SEC. 10. The stock, property, and concerns of said corporation shall be managed and conducted by thirteen directors, who shall hold their offices for one year, and until their successors are duly elected and qualified, and shall, at the time of their election, be citizens of this State, and holders, respectively, of not less than ten shares of the capital stock of said company.

SEC. 11. The first election under this act shall be held at First election. such time and place, in the town of Charleston, as a majority of said commissioners shall direct. Said commissioners, or a majority of them, shall preside at said election, as judges thereof; and on the same day in every year thereafter, an election shall be holden for directors. Absent stockholders, at any election, may vote by proxy, authorized in writing; and each share shall entitle the holder to one vote.

SEC. 12. The directors when elected shall meet as soon as Meeting of may be after the election, and, by a majority of the whole directors. board, shall choose out of their number a president and Election of vice officers. president, a secretary and other subordinate officers, who shall severally be sworn or affirmed, faithfully to discharge the duties of their respective offices; shall remain in office for one year, and until their successors, respectively, are elected and qualified. The board may require such bonds from its officers as may be deemed necessary.

SEC. 13. The president, or vice president, and any six directors shall be a board competent to transact business; Board to do and all questions shall be decided by a majority of votes; business. which vote shall be given *viva voce*.

SEC. 14. The president and directors shall cause the capital Stocks, when stock of the said corporation to be paid in, or secured to be paid in. paid in, by instalments whenever the transactions of the company shall or may, in the opinion of the board, require the same to be done; and all such securities for the payment of instalments on the capital stock shall be by mortgage on real estate, with double the amount of the sum to be secured, exclusive of perishable improvements thereupon; which said payment of instalments shall be paid, or secured to be paid, as the case may require, in such manner and at such time as the president and directors shall agree upon and direct; and, in default of any payment being paid, or secured to be paid, as may be demanded by the president and directors, the person so refusing or neglecting to pay, or secure to be paid, the said instalments, shall forfeit all former payments made, or secured to be made, on the share or shares so neglected, for the use of the corporation; and the president and directors may proceed to sell said share or shares to the high- Shares may est bidder therefor, under such regulations as the by-laws may be sold. direct.

SEC. 15. The books of the corporation exhibiting the situa- Books open tion of the affairs thereof shall be opened, at the regular office for inspection. of the company, during office hours, for the inspection of any person who shall have been insured in any manner by said corporation.

SEC. 16. It shall be the duty of the directors of said Dividends. company, at such time as the by-laws thereof shall prescribe, to make dividends of so much of their interest arising from the capital stock and the profits of the said company: Pro-Provido. *vided*, That no stockholder, who shall be in arrears to the

said company for any instalment or otherwise, shall be entitled to receive his dividend of the profits, but the same shall be retained and passed to the credit of the said stockholders, or the share or shares of capital stock upon which any such arrearages are unpaid; and in case of any loss or losses whereby the capital stock of said company shall be lessened, no subsequent dividend shall be made until the sum arising from the profits of the business of said company, equal to such diminution, shall have been added to the capital stock; and once in every three years, and oftener if required by a majority of the votes of the stockholders, (allowing one vote for each share,) the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the affairs of the company, and of the profits, if any there be, after deducting losses and dividends.

No risk to exceed one-tenth.

SEC. 17. No one risk taken by the said corporation shall exceed one-tenth of the amount of their capital stock paid in, or secured to be paid in, as provided for by this act; and in case of there being any one risk or risks as taken by the corporation over and above one-tenth of the amount of the capital stock paid in, or secured to be paid in, as aforesaid, the directors under whose administration the same were taken shall be liable, jointly and severally, in their individual capacity, for all losses which may happen on account of said risks.

In case of loss.

SEC. 18. That in case of any loss or losses taking place which shall be equal to the amount of the capital stock of the said company paid in, or secured to be paid in, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estate, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed.

SEC. 19. This act is hereby declared to be a public act.

APPROVED, February 26, 1839.

In force, Feb. 26, 1839. AN ACT to amend the act incorporating the New Canton and Picketon Railroad Company.

Railroad changed to turnpike road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the New Canton and Picketon Railroad Company are hereby authorized to change the construction of said railroad into a turnpike road; and that the time allowed by the charter of said company, to commence and complete the construction of said railroad, shall be extended five years longer.

APPROVED, February 26, 1839.

AN ACT to incorporate the town of Kankakee.

In force, Feb.
27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the district of the country known as section thirty-six, in township thirty-four north, and range eight, east of the third principal meridian, in the county of La Salle; and section thirty-one, in township thirty-four north, range nine east, in the county of Will; and the west half of the northwest quarter of section six, in township thirty-three north, range nine, east of the third principal meridian, in the county of Will aforesaid, shall be known and distinguished by the name of the town of Kankakee; and that Thomas F. Jenkins, John Beard, senior, James L. Young, George Webb, and Luther S. Robbins, shall be, and hereby are, declared to be the trustees of the said town, and shall hold their offices until after trustees shall be elected as hereinafter provided.

Boundaries of town.

Trustees.

SEC. 2. That the inhabitants residing within said town, qualified to vote at elections, may meet on the first Monday in May annually, at such place, in the said town as the trustees, or a majority of them shall appoint, by a notice to be put up in at least three public places in said town at least five days before such election, or in at least two numbers of one of the weekly newspapers of said village, next preceding such election; and then proceed to elect five discreet persons, citizens of the United States, to be trustees of the said town; and the said trustees hereby appointed, and the said trustees hereafter to be elected, shall possess the several powers and rights hereafter specified.

Annual election.

SEC. 3. That the inhabitants residing within the limits aforesaid are hereby ordained, constituted, and appointed and declared to be from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The trustees of the town of Kankakee;" and by that name they and their successors, forever, shall and may have perpetual succession, sue and be sued, plead and be impleaded, in courts of law and equity, and in all actions and matters whatsoever; and shall, in law, be capable of purchasing, holding, receiving, and conveying any real or personal estate for the use of the said town, and of erecting public buildings; may have a common seal; that break and alter the same at pleasure.

Body politic. Name & style.

Powers.

SEC. 4. That the board of trustees shall appoint their president from their own body; shall appoint all other officers of their board; and shall be the judges of the qualifications, elections, and returns of their own members. A majority shall constitute a quorum to do business; and they may make such rules and regulations for the government of their board as they may think proper.

Officers.

SEC. 5. That the board of trustees shall have power to levy and collect taxes upon real estate in said town, not exceeding the one-half per centum on the assessed value thereof,

Tax.

Powers of trustees.

except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to regulate and license ferries within the corporation; to erect and to keep in repair bridges across the Kankakee and Des Plaines rivers, and to impose and collect reasonable tolls for the same; to restrain and prohibit gaming-houses, bawdy-houses, and other disorderly houses; to build market-houses, establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers; to keep the same clean and free from incumbrances; to establish and regulate a fire department, and to provide for the prevention and extinguishment of fires; to regulate the storage of gun-powder and other combustible materials; to erect pumps and [sink] wells in the streets for the convenience of the inhabitants; to regulate the police of the town; to regulate the election of the town officers, and to fix their compensation; to improve the navigation of the Kankakee river, receive tolls; to organize steamboat and transportation companies, and erect warehouses; and from time to time to pass such ordinances, to carry into effect the ordinances [provisions] of this act and the powers hereby granted, as the good of the inhabitants may require; and enforce fines and forfeitures for the breach of any ordinances, and to provide for the collection thereof: *Provided*, That said trustees shall in no case levy a tax upon lots owned by the State.

Proviso.

Special tax.

SEC. 6. To levy and collect a special tax on the owners of the lots streets or parts of a street, according to their respective fronts, for the purposes of ditching, grading or paving the side-walks on said streets.

Improvement of streets, &c.

SEC. 7. That the board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys within the limits of said town, and to extend, open and widen the same, making the persons injured thereby adequate compensation; to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury that may ensue, and estimate and assess the damages which would be sustained by reason of the opening, extension, or widening any street or avenue, lane or alley; and shall moreover estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees, under their hands and seals; and the person or persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided; and the residue, if any, shall be paid out of the town treasury; nor upon any lot which may be sold by the State until authorized by law.

Ordinances to be published.

SEC. 8. That all ordinances shall, within ten days after they are passed, be published in a newspaper printed in said town, or posted in three of the most public places thereof.

SEC. 9. That the officers of said town, in addition to the trustees, shall consist of one clerk, one street commissioner, one treasurer, one assessor, and collector of taxes, one town surveyor, two measurers of wood and coal, two measurers of lumber, one sealer of weights and measures, to be appointed by the board of trustees, and such other officers as the trustees of said town may deem necessary for the good of said town; the duties of said officers to be prescribed by the trustees.

Additional
officers.

SEC. 10. That the treasurer and collector of taxes of said town shall severally, before they enter on the duties of their respective offices, execute bonds to the trustees of said town, in such sum and with such sureties as the said trustees shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them, respectively.

Officers to give
bond.

SEC. 11. After the assessors shall have completed the assessment in the manner directed by the trustees, he shall file a copy of the assessment roll with the board of trustees, who shall immediately give due notice thereof; and in case of non-payment of taxes on any of the real estate so assessed within sixty days after filing of said assessment roll, the collector may proceed to sell the premises on which such default is made, for the taxes and costs thereon, at any time within one year after filing of said assessment roll, in the same manner as sheriffs of counties in this State are authorized to sell real estate for taxes; and shall issue to the purchaser a certificate of the same: *Provided*, That when real estate in said town shall have been sold, by the authority of the trustees thereof, for the non-payment of taxes levied as aforesaid, the same shall be subject to redemption, by the owner or owners thereof, his, her, or their agent or agents, within one year after the same shall have been sold, on paying to the treasurer of the board of trustees double the amount of the taxes for which the same was sold, together with costs for the selling of the same; but should the said lots or real estate so sold not be redeemed within the time specified, then it shall be the duty of the president of the board of trustees of said town to execute a deed, with a special warranty, signed by the president of said board, and countersigned by the clerk thereof.

Assessment
roll.

Premises sold
for taxes.

Proviso.

Redemption
of premises.

Duty of presi-
dent.

SEC. 12. It shall be the duty of the board of trustees to cause to be paid, to the purchasers of lots, all moneys which may have been paid to the treasurer over the costs of selling the same.

Duty of trus-
tees.

SEC. 13. The members of the board of trustees, and every officer of the corporation, shall, before entering on the duties of his office, take an oath or affirmation, before some justice of the peace, to support the constitution of the United States and of this State, and faithfully to execute the duties of their respective offices.

All officers to
take oath.

Trustees may
loan money.

SEC. 14. The trustees of said town are hereby authorized and empowered to effect a loan, not exceeding ten thousand dollars, to be expended in the erection of bridges or other improvements for the benefit of the said town; for the redemption of said loan, and the payment of the interest thereon, and for the repayment of the said loan, to levy an actual tax upon the real property within the said town, not exceeding in any one year the annual interest upon the sum so loaned and one-fifth part of the principal.

APPROVED, February 27, 1839.

In force, Feb.
27, 1839.

AN ACT to incorporate the Fairfield Institute.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Linthicum, Rigdon B. Slocum, Caleb Williams, Thomas A. Wood, Jeffrey Robinson, Nicholas N. Smith, Jefferson L. Warmack, Andrew C. Wright, Charles Wood, L. J. S. Turney, Joseph Wilson, Charles L. Carter, A. B. Turney, William Berry, Edward R. Puckett, T. J. McMackin, H. W. Gaston, Samuel Willson, J. W. Barnhill, William N. Borah, E. Wright, Jahalon Tyler, J. S. T. C. Stuart, C. J. Ridgeway, David Wright, Jonathan Douglass, D. Turney, J. M. Turney, J. J. R. Turney, William F. Turney, W. E. McMackin, Stephen C. Wright, S. C. McLin, William L. Gash, J. A. Robinson, James Butler, senior, F. McCown, Jacob H. Love, James Ewing, Moses Turney, Phineas Whitacer, A. J. Armstrong, William White, Asa Bowen, R. L. Boggs, J. C. Bennet, Edward R. Selby, James Crews, Andrew Wilson, Hugh Stuart, Wesley Staton, G. T. Snodgrass, J. G. Barkley, and their associates and successors, be, and they are hereby, created, constituted, and declared to

Body politic.
Name & style.

be a body corporate and politic, by the name and style of "The Fairfield institute;" and by that name they shall have perpetual succession, with all and singular the rights and privileges, powers and prerogatives, which appertain to other incorporated institutions of learning in this State.

Library.

SEC. 2. The incorporation shall include a library, an athenæum, a lyceum, and such other collateral institutions, for public instruction and the general diffusion of useful knowledge, as they may consider necessary; and pass all such by-laws, rules, and ordinances, not repugnant to, nor inconsistent with, the constitution and laws of the United States or of this State, for the government, welfare, and prosperity of the same, and for the encouragement of learning, as they may think necessary and proper.

Time and
place of or-
ganization.

SEC. 3. The corporators shall meet and organize at Fairfield, Wayne county, on the first Monday in March, 1839, or within six months thereafter; at which time the Fairfield Library Company shall be merged in the Fairfield Institute; and

all laws and parts of laws in relation to said library shall be, and are hereby, repealed from and after said day of organization: *Provided* the said Fairfield Library Society shall agree to relinquish their right in said library, and accept of this act of incorporation, excepting the by-laws of said Library Company; which shall remain in force until repealed by the institute. Proviso.

APPROVED, February 27, 1839.

AN ACT to incorporate the Chicago Lyceum.

In force, Feb.
27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the members of the Chicago Lyceum, and all persons who shall hereafter become associated with them, are hereby constituted a body corporate and politic, by the name of "The Chicago Lyceum," and by that name shall have power to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction; and shall be vested with all the powers and privileges necessary to fulfil the objects of their incorporation. Body politic.
Powers.

SEC. 2. The object of said corporation shall be the promotion of moral and intellectual improvement, by the instruction of its members in literature, science, and the arts, and the general dissemination of knowledge; and, for those purposes, shall have power to establish and maintain a library, reading room, cabinet, chemical and philosophical apparatus, and such other means as may be necessary for the furtherance of its objects as aforesaid. Object of
corporation.

SEC. 3. Said corporation shall have power to elect such officers, appoint such committees, and adopt such by-laws as may be necessary for its government, the management of its concerns, and the fulfilment of its objects; to make, have, and use a common seal, and the same to alter and renew at pleasure; to erect a building, in the city of Chicago, for the accommodation of said lyceum, when it may be for its interest to do so; and, for that purpose, to obtain, by purchase or otherwise, and hold so much land in said city as may be necessary for such building; to take, hold, and convey all such real and personal property as may be received by donation or bequest; and also, further, to take, hold, and convey all such books, papers, cabinet, apparatus, and furniture as may be necessary for attaining the objects, and carrying into effect the purposes, of the said corporation. May hold
land.

SEC. 4. The several officers of the said lyceum, at the time of the passage of this act, shall continue to hold their respective offices, as officers of the corporation hereby created, until the next annual election, unless in case of a vacancy. Present officers to continue till annual election.

previously occurring by death, resignation, or otherwise; and all personal property or funds in securities now held by the said officers, or either or any other person or persons, in trust for the said lyceum, shall, by virtue of this act, vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created.

To raise
funds

SEC. 5. Said corporation shall have power to raise funds by subscription, or in such manner as may be provided in its by-laws now adopted or hereafter to be adopted; but all its estate, property, and funds shall be devoted solely to the general purposes and objects as prescribed in the second section of this act.

SEC. 6. Said corporation may require of its treasurer sufficient bonds and satisfactory securities for the faithful performance of his duties.

APPROVED, February 27, 1839.

In force, Feb.
28, 1839.

AN ACT to incorporate Agricultural Societies.

Powers of co.
comm'rs.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court in each and every county in this State may, at their June term, (should they think the same advisable,) in the year eighteen hundred and thirty-nine, and at the March term of their court in each year thereafter, until an agricultural society shall be formed within their county, cause notice to be given, in such manner as may be best calculated to give publicity throughout the county, that there will be held, at the usual place of holding courts in said county, (on some day, to be named in said notice, which said court shall think most advisable,) a meeting of the citizens of said county for the purpose of organizing a county agricultural society; and when said meeting shall convene, it shall be the duty of some justice of the peace, or some other person appointed by the court for that purpose, to have a vote taken of said meeting, to determine whether they will form an agricultural society or not; and if twenty or more citizens so convened shall decide in favor of forming such a society, the meeting may immediately appoint a chairman and secretary, and proceed to the election of officers and the organization of a county agricultural society.

Organization
of societies.

Officers.

SEC. 2. The officers of such society shall be a president, secretary, treasurer, and seven directors; and such subordinate officers as the president and directors shall from time to time appoint for the purpose of determining between competitors for prizes, and awarding the same.

SEC. 3. The treasurer shall give bond, in such sum and with such security as the president and directors shall approve, conditioned for the payment of all moneys entrusted to him to such person or persons as may be by law entitled to the same, and for the faithful discharge of his duties as treasurer; which bond shall be recorded in the recorder's office of the county, and filed in the office of clerk of the county commissioners' court.

Treasurer to give bond;

to be recorded.

SEC. 4. At the first meeting of the society, and at each annual meeting thereafter, the society shall determine, by vote, what shall be the amount to be paid by each member for the ensuing year.

Annual meetings.

SEC. 5. So soon as a certificate, signed by the chairman and secretary, that a meeting and election of a president, vice president, secretary, treasurer, and seven directors, have been had in conformity with the provisions of this act, is recorded in the recorder's office of the county, they and their successors shall be, in law and in fact, a body corporate and politic, by the name and style of "The Agricultural Society of _____ county," and by such corporate name and style to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, actions, pleas, causes, matters, and demands of whatsoever kind and nature they may be, in as full and effectual a manner as any person or persons, bodies corporate or politic, may or can do.

Election of officers.

Name & style.

SEC. 6. Said president and directors shall have power to make and alter by-laws, a majority of whom shall form a quorum to do business; to determine on what articles, animals, mode of husbandry, or other improvements of any kind connected with agriculture, domestic manufactures, or mechanism, they will confer prizes, and the amount thereof; to fix the day and place of exhibition; to fill vacancies in their own body, or in any office pertaining to the society, which may happen between annual elections; to provide for the admission of members; to direct the mode of holding future elections, of the time and place of holding said elections, of which at least ten days' notice shall be given by the secretary of said society, either by publication in some public newspaper printed in the county, or by putting up written notices in five of the most public places in said county: *Provided*, No law of said society shall be in violation of the constitution of the United States, nor of the constitution of this State.

By-laws.

Vacancies, how filled.

Notice of elections.

Proviso.

SEC. 7. Said president and directors may have a common seal, with which all their official acts shall be sealed, and they may alter and revoke said seal at pleasure, and institute another instead thereof.

Seal.

SEC. 8. Such corporation may receive donations, or make purchase of land or other property, for the use of said society: *Provided*, That no such corporation shall hold any

Donations.

greater quantity of real estate than one hundred and sixty acres of land at any one time.

President to have casting vote.

SEC. 9. The president, or, in his absence, the vice president, shall preside at the meetings of the directors, and have a casting vote on all questions; and, in case of the absence of both these officers, the directors may choose a president *pro tem.* from their own body.

Duty of officers.

SEC. 10. It shall be the duty of all the officers of any society organized under this act, before entering upon their duties, to take an oath, before some officer authorized by the laws of the State to administer the same, for the faithful discharge of the duties of their several stations.

SEC. 11. No money shall be appropriated by said corporation to any other purpose but for the promotion of agriculture, domestic manufactures, or mechanism, and the necessary contingent expenses of said society.

SEC. 12. Nothing in this act shall be so construed as to prevent any member of any agricultural society, to be formed in conformity to the provisions of this act, from withdrawing therefrom on his giving notice thereof to the treasurer, and paying up all dues. This act to take effect and be in force from and after its passage.

APPROVED, February 28, 1839.

In force, Feb. 27, 1839.

AN ACT for the relief of the Trustees of Shawneetown.

Lots escheated to State granted to trustees of Shawneetown

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in the event of in-lots, in Shawneetown, No. 1097 and 1098, of which one Sherbal Fuller died seized, being escheated to the State of Illinois by due process of law, for defect of heirs or devisees to take the same, the said lots shall be, and the same are hereby, granted to the trustees of Shawneetown, and their successors in office, in full property, subject, however, to be claimed by, and restored to, such heirs or devisees within the time and according to the mode prescribed by the act, entitled "An act regulating escheats," approved March 1st, 1833.

Proceeds, how applied.

SEC. 2. The said trustees of Shawneetown are hereby authorized to apply the proceeds of said lots, when sold by them, towards the extinguishment of the debt incurred by them for the purpose of grading and paving the river bank in front of said town.

APPROVED, February 27, 1839.

AN ACT to extend the powers of the corporation of Shawneetown. In force, Feb. 23, 1839.

WHEREAS it is represented to this General Assembly that the trustees and inhabitants of Shawneetown have incurred a heavy debt for the purpose of grading and paving the river bank in front of said town, with a view to secure the place from the constant washing away and falling in of said bank, threatening to destroy the best part of said town: Therefore,

Preamble.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful

for the trustees of Shawneetown to levy and collect a tax, not exceeding two per cent. per annum, upon the value of all the in and out-lots of said town, and upon all and every description of personal property in said town which shall be subject to a State or county tax: *Provided,* That the out-lots and the blocks, if in-lots, on the high-lands back from the river which were sold as out-lots, shall not be subject to a higher rate of taxation than that which may, from time to time, be fixed by law for State and county purposes.

Special tax.

Proviso.

SEC. 2. The said trustees shall have power to regulate taverns, coffee-houses, groceries, and other retailers of spirituous and other liquors and drinks, and to exact such annual or other tax, or license money from each, not less than the corresponding rates fixed by law, as to them shall seem reasonable and just; and persons paying such tax or license money within said corporation shall be exempt from paying similar taxation for State or county purposes, any law or usage to the contrary notwithstanding: *Provided,* That after the extinguishment of the present debts of said corporation, the right of taxing and licensing merchants and tavern-keepers shall revert to the county or State for county or State purposes.

Powers of trustees.

Proviso.

SEC. 3 The said trustees shall have power to appoint an assessor for the purpose of assessing the value of all taxable property within said corporation preparatory to a levy being made, who shall take and subscribe an oath well and truly to perform his duty as such assessor without fear, favor, or partiality; and shall give bond and security, in such penalty as shall be required, to the said trustees, conditioned to perform all such duties as shall be imposed upon him, under this act, to the best of his judgment; and on the return of his assessment to the board of trustees, it shall be their duty to give notice, by public advertisement in the town, of the fact, and that all complaints in respect to said assessment will be heard by them, by way of appeal, at such time as they shall name in said advertisement, which shall be not short of ten nor exceeding sixty days from the date of the first publication of said

Notice of assessment.

advertisement; and it shall be the duty of said trustees to assemble, at some suitable place within said corporation, on the day named, and hear and decide upon all complaints or appeals which may be made to them for wrong assessments, and to lessen or increase the same according as they shall judge proper, so as to make such assessments conform to the true and fair value of the property assessed; and the decision of said board shall be final.

APPROVED, February 23, 1839.

In force, Feb.
28, 1839.

AN ACT to vacate the town plat of East Lockport

Plat of town
vacated.
Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of the town of East Lockport, in the county of Will, be, and the same is hereby, vacated and annulled, as though the same had never existed: *Provided, however,* That the assent of those interested in the said town plat to the vacation of the same be filed in the office of the recorder of Will county within twelve months from the passage hereof.

SEC. 2. This act to take effect from and after its passage.

APPROVED, February 28, 1839.

In force, Feb.
28, 1839.

AN ACT to revive and amend an act, entitled "An act to incorporate the town of Caledonia."

Act revived.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act, entitled "An act to incorporate the town of Caledonia," approved July 21, 1837, be, and the same is hereby, revived.

Trustees.

SEC. 2. Samuel Spence, Peter A. Hailman, William Farrell, and Timothy Barlow, are hereby added to the board of trustees of said town.

Term of office.

SEC. 3. The term of office of said board of trustees shall expire on the first Monday of April, in the year 1840; on which day, the first election of trustees shall be held; and the five trustees, then elected in the manner provided in the act hereby revived and amended, shall hold their office one year; and the annual election for the trustees of said town shall be held on the first Monday of April annually thereafter. This act to be in force from and after its passage.

Annual election.

APPROVED, February 28, 1839.

AN ACT supplemental to the several acts relative to the Wabash Navigation Company. In force, Feb. 27, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions and benefits of an act, entitled "An act to incorporate the Wabash Navigation Company," approved January 13, 1825; also of the supplement thereto, approved February 15, 1833; and also of the act amendatory thereof, approved February 12, 1835, be, and the same are hereby, continued to those who may become stockholders in said company; and the directors appointed by the second section of the supplement aforesaid shall hold their offices for one year after the said company shall have organized, and until their successors are duly elected and qualified. This act shall be null and void unless the sum of ten thousand dollars of the capital stock shall have been subscribed, and the company organized by electing their president and treasurer, within the year eighteen hundred and thirty-nine; which said capital stock and shares shall be the same as provided in the second section of the act approved January 13, 1825: *Provided,* That said supplementary and amendatory acts herein recited shall be held to be in force as limiting the powers and operations of said company; and the extension of time herein granted is allowed upon the condition that said supplementary and amendatory acts shall be in full force, and compose part of the act of incorporation as amended by this act.

SEC. 2. It shall be the duty of the directors to advertise, six weeks previous to the next regular term of the circuit court for Wabash county, in the nearest newspaper, that they will open books on the first day of the circuit court aforesaid, in the town of Mount Carmel, for the subscription of the stock of said company; which books shall be continued open, from day to day, until the whole stock is subscribed; and so soon as ten thousand dollars, in shares of one hundred dollars each as heretofore provided, is subscribed, the directors shall proceed to elect one of their number president, and another treasurer. The treasurer shall give such bond or bonds, to the president and his successors, as the board may direct and require; and a majority of the whole board may remove him at any time when they may think proper: *Provided,* That five shall be a quorum to transact all other business.

SEC. 3. The said company may borrow money to the amount of their capital stock, but shall in no case exceed it. All of the estate, real and personal, of said corporation shall be bound for its debts, and be liable to be sold under execution; and all contracts made by or with said corporation may be sued on and enforced before any justice of the peace, or other proper court or tribunal, the same as contracts between private individuals, whether said corporation be plaintiff or defendant, and shall be subject to the same rights of appeal:

Proviso. *Provided*, That the summons may be served either on the president or treasurer.

Additional powers. **SEC. 4.** The said corporation, in addition to the powers heretofore conferred, shall have the further power and authority to lease, from the States of Illinois and Indiana, such amount of water-power as they may need, and on such terms as may be agreed on by the said States and said company, and to tap the pool of the dam at the Grand rapids, at Palmyra creek, or any convenient point, and to continue their canal, forebay, aqueduct, or race-dam the river, to any point above the mouth of Great-house creek, and use the said water-power at any place or places, within this distance, as they may procure by purchase, donation, or otherwise; and may also use so much of the water of Palmyra creek, below Danforth's mill, as they may desire to use: *Provided*, That the provisions of this act, and all others on this subject, shall be construed to apply to all of that tract of country situate between the Little Rock rapid and the mouth of Great-house creek, and none other: *Provided*, That nothing herein contained shall be so construed as to give the corporation the right to a lease of water without regard to quantity or terms; but the quantity of water, and the terms of the lease, shall be the subject of contract between the parties, as though the power to lease had not been conferred.

Proviso. **SEC. 5.** The president and directors shall open a column in their book for the citizens of Mount Carmel, and all others choosing to do so, to subscribe any sum of money as stock that they may wish, for draining and otherwise improving the Wabash bottom, at any place or places between the Little Rock rapid and the mouth of Great-house creek, and for grading the river bank so as to improve the steamboat landing, at any point or points above the railroad depot at Mount Carmel; and to do and perform such other things or acts as may be conducive to the improvement of the health of the country aforesaid. It shall be the duty of the company aforesaid to subscribe, out of the profits accruing to them by virtue of their incorporation, a sum equal to the whole amount paid in by individuals, if the said sum shall not exceed five thousand dollars; which sum shall be in lieu of any taxes charged, or to be charged, on said corporation; and the money so paid by individuals, and so subscribed by the corporation, shall be faithfully and speedily applied for the objects and purposes defined as aforesaid, and none other; for which purpose the said corporation is authorized to enter upon the commons of Mount Carmel, and take and use any dirt, clay, or other material, which may be useful in the work aforesaid.

Separate column in stock book. Wabash bottom. Railroad depot. **SEC. 6.** Said company shall have power to purchase and hold such land, not exceeding in all six hundred and forty acres, as may be necessary for the improvement of the health of the people, by draining the Wabash bottom or otherwise, or for the running, using, or propelling, any manufacturing mills,

or any and every description of machinery whatever, that said company may desire to construct or use; and said company are hereby authorized to lease and employ so much water as they may need in, for, and about, any such machinery as they may have constructed. All lands owned by said corporation shall be deeded to the president and directors of said corporation; and all deeds from the corporation shall be executed by the president and a majority of the directors.

SEC. 7. Said company, in making any of the improvements by canal or otherwise as aforesaid, are hereby authorized and empowered, by and with the consent of the proper persons, to enter upon, appropriate, and use, for the aforesaid purposes, so much of the said land within the limits of Mount Carmel as was set apart and reserved by the original proprietors thereof for canal purposes; and also to use and appropriate so much of said canal reserve as may be needed for sites for mill-houses, or any other houses or buildings which may be wanted in order to obtain the full benefit of any water-privilege growing out of such improvement or improvements, or obtained by leases from the State.

SEC. 8. The said corporation shall have the power to contract and be contracted with; and, in reference to its business, the management and use of its funds, shall have and enjoy the same rights and powers as a natural person; and the first section of the supplemental act herein recited is hereby repealed.

SEC. 9. Should any excavation, authorized to be made by the corporation aforesaid, injuriously affect any State or county road, or any street through town, it shall be the duty of said company, by good and lasting bridges, or otherwise, to make a safe, easy, and free communication across or along said road or street.

SEC. 10. This charter may be repealed at any time after fifty years, and not before, if the Legislature shall think that it is not beneficial to the interests of community at large; but a reasonable time shall be given, previous to any repeal as aforesaid, for the company to collect their debts, and dispose of their property: *Provided, however,* That the State shall not be liable for any damages occasioned by revoking the charter as aforesaid.

SEC. 11. This shall be deemed and taken to be a public act, of which the courts shall, *ex officio*, take notice for all purposes whatever. The president, treasurer, and directors, shall hold their offices for one year, and until their successors are duly elected and qualified.

SEC. 12. Nothing in this act, or in the acts to which this is supplemental, shall be so construed as to authorize and empower the said company, their successors or assigns, to interfere with, or in anywise to hinder or obstruct, the improvements to be located and constructed by the States of Indiana and Illinois on the Great Wabash river; or to take, use, or

diminish, the water-power and hydraulic privileges thereby created; or lessen the advantages arising, or to arise, to the said States from the construction of said improvements, otherwise than by leasing said water-power or hydraulic privileges of the said State, or any part thereof, of the said States, as provided for in this act.

SEC. 13. It shall not be lawful for any corporation, company, or individual, to obstruct, injure, or in anywise to interfere with, the improvements to be located and constructed by the States of Illinois and Indiana on the said Wabash river; or in any manner to use, or diminish, the water-power and hydraulic privileges thereby created, or made available, without having first obtained a legal grant, lease, or permit, for so doing, from the proper authorities of the said States; and it is hereby made the express duty of the Board of Commissioners of Public Works of the State of Illinois, in the location and construction of the improvements at the Grand rapids of the said river, to provide and keep in repair, for the use of at least an equal proportion of said water-power and hydraulic privileges, within the limits of Illinois; and shall construct and keep in repair suitable side-cuts, canals, culverts, and locks, or other devices, within the State of Illinois, for that purpose; and may authorize and permit any such corporations, companies, or individuals, to construct, provide, and keep in repair, under the direction of the said Board of Public Works, any side-cuts, canals, culverts, lock, or other device, necessary for the safe, convenient, and economical use of so much of said water-power as may be leased by them from the said States.

Com'rs P. W.
may lease wa-
ter.

SEC. 14. The Board of Commissioners of Public Works of Illinois, in conjunction with the Board of Internal Improvements, or other competent authorities of Indiana, are hereby authorized to lease out, from time to time, such portions of the said water-power and hydraulic privileges, and on such terms as will best promote the interests of the said States, and as may be mutually agreed upon, to such individuals, companies, or corporations, as may wish to lease the same for actual use and occupation.

APPROVED, February 27, 1839.

In force, Feb. 28, 1839. AN ACT of incorporation of the Fulton County Mutual Fire Insurance Company.

SEC. I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John W. Shinn, William V. Cogswell, Thomas J. Little, Joel Wright, Augustus L. Davidson, George W. Gould, Jonathan Caykendall, Luke Webster, Priam B. Hill, Daniel W. Vittum, Thompson Maple, H. Snow, John G. Piper, and all other persons who may hereafter become members of said company in the man-*

ner herein prescribed, be, and they are hereby, incorporated Body politic.
 and made a body politic, by the name of "The Fulton County Name & style.
 Mutual Fire Insurance Company," for the purpose of insuring
 their respective dwelling-houses and other buildings, with
 their contents, against loss or damage by fire, whether the
 same shall happen by accident, lightning, or by any other
 means, excepting that of design in the insured; and, by that Powers.
 name, may sue and be sued, plead and be impleaded, appear,
 prosecute, and defend, in any court of record or other place
 whatever; may have and use a common seal; may purchase
 and hold such real and personal estate as may be necessary to
 effect the objects of their association; and they may sell and
 convey the same at pleasure; may make and establish, and
 put in execution, such by-laws, ordinances, and resolutions, not
 being contrary to the laws of the State, as may seem neces-
 sary or convenient for their regulation and government, and
 for the management of their affairs; and do and execute all
 such acts and things as may be necessary to carry into full
 effect the purposes intended by this grant.

SEC. 2. All and every person or persons who shall at any Persons insur-
 time become interested in said company by insuring therein, ing to be mem-
 and also their respective heirs, executors, administrators and bers.
 assigns, continuing to be insured therein as hereinafter pro-
 vided, shall be deemed and taken to be members thereof for
 and during the times specified in their respective policies, and
 no longer, and shall at all times be concluded and bound by
 the provisions of this act.

SEC. 3. That the said company may, as soon as ten thou- When compa-
 sand dollars shall be subscribed, to be insured, and they are ny may insure
 hereby authorized to insure, for the term of from four to five
 years, any dwelling-house or other buildings, together with its
 contents, within the county of Fulton, or any other county in
 the State of Illinois, against damage arising to the same by
 fire originating in any cause except that of design in the in- Exception.
 sured, and to any amount, not exceeding three-fourths of the
 value of any building; and in any case any member shall sus-
 tain damage by fire over and above the then existing funds of
 the said company, the directors may assess such further sum
 or sums upon each member as may be in proportion to the
 sum by him insured, and the rate of hazard originally agreed
 upon: *Provided, nevertheless,* That no member, during the
 term of five years, shall be held to pay, by way of assessment,
 more than two dollars for each dollar by him advanced as pre-
 mium and deposit.

SEC. 4. That the moneys advanced by each person insured Moneys, how
 shall, within sixty days after such advancement, be vested in disposed of.
 notes and bonds secured by mortgages, at the discretion of
 the president and directors; and the proceeds of the same shall
 be appropriated and applied to pay the damages or loss that
 any member shall sustain by fire, and to defray the expenses of
 the company; and each of the insured shall, at the expiration

of his policy or policies, have a right to demand and receive from the company his share of the remaining funds, in proportion to the sum or sums by him actually paid.

Time & place
of meeting an-
nually.

Number of di-
rectors.

Vacancies,
how filled.

Special meet-
ings.

SEC. 5. There shall be a meeting of said company at Canton, in the county of Fulton, on the first Monday of May annually, or on such other day as the said company may hereafter determine; at which shall be chosen, by a majority of the members present, a board of directors consisting of not more than nine nor less than five members, who shall continue in office until others shall have been chosen and accepted the trust in their stead. All vacancies happening to said board may be filled by the remaining members until the next annual meeting; and a majority of the whole number shall constitute a quorum for the transaction of business. Special meetings of the company may be called by order of the directors, or in such manner as the by-laws thereof may have prescribed.

May appoint
officers.

President.

In case of loss
or damage.

SEC. 6. The board of directors shall superintend the concerns of said company, and shall have the arrangement of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power, from time to time, to appoint a secretary, treasurer, and such other officers, agents, and assistants, as to them may seem necessary; and to prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding three-fourths of its value, and the sum to be deposited for their insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and draw upon the treasurer for the payment of all losses which may have happened, and for the expenses incurred, in transacting the concerns of said company. They shall elect one of their own number to act as president, and may hold their meetings monthly, or oftener if necessary, for transacting the business of the company, and shall keep a record of their proceedings; and any director, disagreeing with a majority of the board at any meeting, may enter his dissent, with the reasons therefor, on record.

SEC. 7. That in case of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within sixty days from the time such loss or damage may have happened; and the directors, upon a view of the same, and inquiry into the circumstances, or in such other way as they may deem proper, shall ascertain and determine in writing, under their hands, the amount of said loss or

damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees; or the said party, within one year next after such determination be made known by said directors, may bring an action at law against said company for such loss or damage, at any court to be holden in and for the county of Fulton; and if, upon the trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit. But if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs: *Provided*, Proviso. *however*, That the judgment last mentioned shall in nowise affect the claim of said suffering party to the amount of the loss or damage as determined by the directors aforesaid: *And provided, also*, That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

SEC. 8. That so soon as the amount of the company's liability shall be ascertained in either of the ways mentioned in this act, (and the funds on hand not being sufficient,) the said directors shall make an assessment upon the members of the said corporation agreeably to the principles of this act, and deliver the same to the treasurer of said company to collect. Assessment.

SEC. 9. That whenever the said company shall make insurance upon any dwelling-house or other building, the said dwelling-house or other building insured, together with the land under the same, shall be held by the said company as security for the sum of the deposite money required to be paid or secured upon such insurance, together with such assessment or assessments as the member of said company thus insured shall be liable to pay. And the policy of insurance to any member upon his said dwelling-house or other building shall of itself, from the time it issued, create a lien upon such dwelling-house or other building, and the land under the same, to the amount of the sum of such deposite money and any assessment or assessments which may be made upon the insured as a member of said company, and the cost which may accrue in collecting the same, without any other act or ceremony in law whatever; and said lien shall continue and be in force upon such dwelling-house or other building insured, with the land under the same, for the security to the said company of the payment of said deposite money, and the assessment or assessments upon the member so insured, with costs, until the said deposite money, with the sum or sums of said assessments, shall be paid or otherwise satisfied to, or released by, said company, notwithstanding any transfer or alienation thereof: *Provided, nevertheless*, That nothing herein contained shall Insurance to be a lien on property. Proviso. restrict said company from receiving any other security in lieu of said lien for said deposite and assessments, upon which

their authorized agents and the insured may agree: *And provided, also,* That in all cases where the said company rely upon the security of the lien created by the policy, it shall be expressed in said policy that the insurance is made upon the said dwelling-house or other building insured, subject to the lien created by law.

Neglect to pay assessment.

May be sued by company.

Execution.

Right of redemption.

Proviso.

Time of payment of losses

SEC. 10. That if any member of said company, who shall obtain insurance of his dwelling-house or other building, subject to the lien aforesaid, or, in case of his decease, his legal representatives, shall neglect, for the space of thirty days next after demand made by the authorized agent or agents of said company, (which demand may be in such manner as said company shall in their by-laws direct,) to pay the sum of the deposit money upon the insurance of his dwelling-house or other building, or any assessment or assessments made upon him as a member of said company, he shall be liable to the suit of the company therefor in an action of the case in any court of competent jurisdiction; and the said company, having obtained judgment and execution for the amount of such deposit money, assessment or assessments, may at their election cause the said execution to be levied upon the said dwelling-house or other buildings insured, with the land under the same; and the officer having said execution shall proceed to satisfy the same by sale and conveyance of said dwelling-house or other buildings, with the land under the same, in the same manner, and after the like previous advertisement and notice, as is provided by law where the right of redeeming real estate is sold which has been conveyed in mortgage, saving to the owner or owners of such dwelling-house or other building, with the land under the same, the right of redemption, at any time within one year from the time of sale, by paying the purchaser, or any under him, the sum for which it was sold, and interest at the rate of twelve per cent., deducting therefrom the rents and profits over and above the necessary repairs: *Provided, however,* That in case of the alienation and transfer, by deed or record, of any dwelling-house or other building insured, with the land under the same, previous to the levy of said execution, notice of the intended sale shall be given by the officer to the owner thereof, or his tenant in possession instead of the debtor in said execution; and the excess of money, if any shall arise from any sale as aforesaid beyond satisfying the debts and costs and necessary intervening charges, shall be returned by the officer to the debtor in the execution, (or, in case of an alienation by him as aforesaid, to the owner thereof,) at the time of the levy of said execution.

SEC. 11. The directors shall settle and pay losses within three months after they shall have been notified as aforesaid, unless they shall judge it proper, within that time, to rebuild the house or houses destroyed, or repair the damages sustained, which they are hereby empowered to do in convenient time: *Provided* they do not lay out and expend in such build-

ing or repairs more than the sum insured on the premises; but no allowance is to be made, in estimating damage in any case, for gilding, historical or landscape painting, statue or carved work, nor are the same to be replaced if destroyed by fire. Articles exempted from insurance.

SEC. 12. If any alteration should be made in any house or building by the proprietors thereof, after insurance has been made thereon by said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and payment, after such alteration, be settled with and paid to the directors: but no alterations or repairs in buildings, not increasing such risk or hazard, shall in anywise affect the insurance previously made thereon. Alteration in buildings.

SEC. 13. If insurance on any house or building shall be and subsist in said company and in any other office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and secretary. Insurance in two offices at same time.

SEC. 14. That any two of the persons herein named are hereby authorized to call a meeting of the members of said company at Canton, at such time as they shall think fit, by advertising the same in the newspaper printed at Canton, fourteen days, at least, previous to said meeting. Meeting of members.

SEC. 15. This act shall be a public act, and shall be construed liberally in all courts for the purposes hereinbefore expressed. Public act.

APPROVED, February 28, 1839.

AN ACT to incorporate the Hamilton Seminary.

In force, Feb. 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That S. M. Hurd, William Hamilton, Samuel L. McGill, Thomas McDow, Tarlton F. Brock, and John D. Gillam, are hereby constituted and declared a body politic and corporate by that name, to have perpetual succession; to sue and be sued, pleading and being impleaded; of acquiring, holding, and conveying property, both real and personal; of making contracts in execution of the powers hereby conferred; and of having and using a common seal; and with power to make and ordain such by-laws, rules, and regulations, as shall be deemed needful and proper for the government of said institution, together with all donations which have been made by Silas Hamilton for the purpose of erecting a seminary of learning, and providing for the support thereof, in the county of Greene: *Provided* the same be not inconsistent with the laws of this State. Body corporate. Powers. Proviso.

- Location.** **SEC. 2.** The said seminary incorporated by this act is now located in the county of Greene, and known by the name of "The Hamilton School-house," and shall be permanently located there; and the powers and privileges hereby conferred shall be exercised and employed for the sole purpose of establishing a seminary of learning, and promoting education agreeable to the objects of the donation made by said Silas Hamilton, as well as generally to promote the objects of this act; and all gifts, grants, and donations, which have heretofore, and which may hereafter, be made for the purpose of establishing a seminary of learning as aforesaid, shall be received and held by the trustees of said seminary, and the proceeds thereof shall be appropriated in such manner as shall best promote the objects of this act, and advance the prosperity of the said institution. That all donations which have or may be made for a particular purpose expressed in the grant, and accepted by the trustees of said seminary, shall be applied in conformity with the design of the donors; and, if not inconsistent with the objects of any such donations, it shall be loaned out by the trustees, at such rate of interest as is now allowed to be taken by individuals.
- Donations.**
- Trustees may loan money.**
- Government of institution.** **SEC. 3.** The affairs of said institution shall be governed by five trustees; one of their number they shall elect president, who shall hold their office for one year, and until others are elected and qualified; and an election shall be held at said seminary on the first Monday in June next, and on the first Monday in June in each year thereafter, for the election of five trustees; and all persons entitled to vote for members of the General Assembly, residing in the same township in which said seminary is situated, may vote for said trustees; and a majority of trustees, when thus elected, shall constitute a quorum for the transaction of business.
- Annual election.**
- Course of studies.** **SEC. 4.** Any three of the persons named in this act may act as judges of said election for trustees; and thereafter the trustees may make such regulations in regard to conducting the election of trustees as they may see proper.
- Secretary and reasurer.** **SEC. 5.** The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the studies to be pursued in said seminary; to fix the rate of tuition and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to displace or remove them; to erect any necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction.
- SEC. 6.** It shall be the duty of said trustees to appoint a secretary and treasurer, the treasurer to give bond, with sufficient security, in such penal sum as the board of trustees may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

SEC. 7. The said institution shall be open to all denomi-
 tions of christians, and the profession of any particular reli-
 gious faith shall not be necessary of those who become stu-
 dents; all persons, however, may be suspended, or expelled
 from said institution, by the trustees thereof, whose habits are
 idle or vicious, or whose moral character is bad.

Institution
open to all.

Expulsion of
students.

SEC. 8. The real estate owned by said institution at any
 one time shall never exceed two hundred acres. This act to
 take effect from and after its passage.

APPROVED, February 28, 1839.

AN ACT to incorporate the Warsaw Marine and Fire Insurance Com-
 pany. In force, Feb.
 28, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly, That there shall be estab-
 lished, in the town of Warsaw, in the county of Hancock,
 an insurance company, to be called "The Warsaw Marine and
 Fire Insurance Company."

Name.

SEC. 2. All such persons as shall hereafter be stockhold-
 ers of said company shall be, and they are hereby, declared
 to be a body corporate and politic, by the name and style of
 "The Warsaw Marine and Fire Insurance Company," and to
 continue for twenty years from and after the passage of this
 act; and, by that name and style, shall be competent to con-
 tract and be contracted with, and be capable, in law and
 equity, to sue and be sued, to plead and be impleaded, and
 answer and be answered unto, defend and be defended, in all
 courts and places, and in all matters whatsoever.

Body politic.

Powers.

SEC. 3. The said corporation may have and use a com-
 mon seal, which they may alter, change, or break, at plea-
 sure; and may establish and put in execution such by-laws,
 ordinances, and regulations as shall, in their opinion, be
 necessary for the good government of said corporation, and
 the prudent and efficient management of its officers [affairs.]
 No by-laws, ordinances, or regulations of the same shall be in
 anywise contrary to the constitution and laws of this State or
 of the United States.

Powers.

SEC. 4. The capital stock of said company shall be one
 hundred thousand dollars, to be divided into shares of fifty
 dollars each, to be paid in such instalments as the directors
 chosen under this act may from time to time direct, under
 such penalties as the president and directors may in their dis-
 cretion appoint and order. That said capital stock may here-
 after be increased to an amount not exceeding two hundred
 thousand dollars, in the discretion of a majority of the direc-
 tors of said corporation, to be subscribed for and taken under
 the direction and superintendence of the president and direc-
 tors aforesaid, or a majority of said directors, by any person
 whomsoever, in the same manner as is provided for the sub-

\$100,000 cap-
ital stock.

May be in-
creased to
\$200,000.

scription of the original capital stock. The stock of said corporation shall be assignable and transferable, according to such rules as shall be adopted in that behalf, by the by-laws and ordinances thereof.

To insure.

SEC. 5. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods, and merchandize, freight, moneys, bottomry, respondentia, interest, and on all marine risks and inland navigation and transportation, and against all losses, by fire, of any building or houses whatsoever, and vessels on the stocks; and also to receive moneys on deposit, and to loan the same on bottomry and respondentia, or otherwise, at such rates of interest, not exceeding eight per cent., as may now be done by the existing laws of this State; and they may also cause themselves to be reinsured against any maritime risk upon which they have made insurance, and upon the interest which they may have in any vessels, goods, or merchandize, or houses, in virtue of any such loans, whether on bottomry or respondentia, or otherwise, on such terms and conditions as may be agreed upon by the parties; and to fix the premiums and terms of payment.

Policies, how executed.

SEC. 6. All policies of insurance by them made shall be signed by the president, or, in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed may be adjusted and [paid] by the board of directors.

No policy to issue till one-fourth of stock be paid in.

SEC. 7. The said company shall not take any risk nor subscribe any policy, by virtue of this act, until one-fourth part of the capital stock thereof shall have been actually paid in.

Shall not trade.

SEC. 8. The said company shall not directly or indirectly deal or trade in buying or selling any goods, wares, or merchandize whatever; but the president and directors may, at their option, vest the capital stock of said corporation in the capital stock of any incorporated bank, trust company, or public funds of the United States, or any State in the Union. They shall have power, also, to loan to any citizen of this State any portion of their capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion.

Capital stock may be vested.

Real estate not to exceed \$20,000.

SEC. 9. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and to an amount at any one time not exceeding twenty thousand dollars; and to take and hold any real estate as securities, mortgaged or pledged to the said corporation, to secure the payment of any debt due to it; and also to purchase on sales made by virtue of any judgment at law, or any decree of a court of equity, or otherwise; to take and receive any real estate in payment, or towards satisfaction,

of any debt previously contracted or due to the said corporation; and to hold the same until they can conveniently and advantageously sell and convert the same into money, or other personal property; and to sell and convey said real estate or any part thereof.

SEC. 10. L. Allen Key, John Montague, William H. Roosevelt, J. D. Millon, C. A. Warren, Mark Aldrich, and John R. Wilcox, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books for said stock, on the first Monday of September, in the year of our Lord one thousand eight hundred and thirty-nine, in the town of Warsaw, and such other place as they may think proper; and the sum of two dollars on each share subscribed shall be paid to said commissioners at the time of making such subscriptions. The books may be closed when the whole of said stock shall be subscribed; and whenever a board of directors shall be duly elected, the said commissioners shall deliver over to the said board of directors said books, and shall pay over to said board the whole amount of money by them respectively or jointly received, except so much as shall be retained for expenses incurred by them in executing the duties imposed on them by this act: *Provided*, When commissioners to superintend subscription. *however*, That if the books for the subscription of stock shall not be opened at the time herein required, the said commissioners may open the books at any time thereafter, upon giving twenty days' notice in all the newspapers printed in Warsaw, or other place where the books shall be opened, of the time and place of opening the same. Proviso.

SEC. 11. In case of the death, resignation, or absence of any of the commissioners named in this act of incorporation it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises as those prescribed to the whole of said commissioners by this act of incorporation named; and their acts as such shall be legal. Vacancy. Quorum.

SEC. 12. The stock, property, and concerns of said incorporation shall be managed and conducted by nine directors, who shall hold their offices for one year, and until others shall be chosen, and no longer, and shall at the time be citizens of this State, and holders, respectively, of not less than ten shares of the capital stock of said company. Nine directors to govern concern.

SEC. 13. The first election of directors under this act shall be held at such time and place, in the town of Warsaw, as shall be directed by said commissioners, or a majority of them, who, or a majority of them, are hereby appointed inspectors of said election; and the persons thus elected as directors shall hold their offices for one year, and until others are elected in their stead. First election of directors.

SEC. 14. The directors for every subsequent year shall be elected at such place in the town of Warsaw, and under

the direction of such persons as shall be appointed by the directors for the time being for that purpose.

Elections by
ballot.

SEC. 15. All elections shall be by ballot, allowing one vote to each share of the capital stock; and the nine persons who shall receive the highest number of votes shall be directors; and if, at any election, two or more persons shall have an equal number of votes, so as to leave their election undecided, then the directors who have been duly elected shall proceed to ballot, and, by a plurality, determine which of said persons so having an equal number of votes shall be director or directors, so as to complete the whole number: and when any vacancy shall happen for the office of president and vice president, or directors, from death or other cause, such vacancy shall be filled, for the remainder of the year in which it shall happen, by the directors for the time being, or a majority of them. The said commissioners shall certify, under their hands and seals, the persons elected, and deliver to each a certificate of his election.

Vacancies,
how filled.

Election of
president.

SEC. 16. The directors when chosen shall meet as soon as may be, after every election, and shall choose out of their number a president, who shall be sworn, or affirmed, faithfully to discharge the duties of the office, and shall preside for one year, and until another person shall be chosen in his stead; and also a vice president for the same time. They shall have power to appoint a secretary, and all subordinate officers of said corporation, fix their compensation, define their powers, and prescribe their duties; who shall give such bond, and in such penal sums, with such conditions, and with such securities, as the said directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors.

Directors to
appoint a sec-
retary and
other officers.

Board to do
business.

SEC. 17. The president, or vice president, and four directors shall be a board competent to the transaction of business; and all questions shall be decided by a majority of votes.

Amount of
stock to be
published an-
nually.

SEC. 18. The president and directors of said company shall, previous to subscribing and policy, and once in every year thereafter, publish, in two of the newspapers printed in this State, the amount of their capital stock, against what risks they mean to insure, and the largest sum they mean to take on any risk.

SEC. 19. The Legislature of this State shall never pass any law retarding or obstructing, or in anywise suspending, the collection of any debt or debts due said corporation.

Expenses,
how paid.

SEC. 20. The expenses incurred by the commissioners in executing any duties required by this act shall be paid out of the moneys received by them from the subscribers, out of the capital stock, and may be retained by them for such purposes.

Dividends.

SEC. 21. It shall be the duty of the directors of said company, at such times as the by-laws shall prescribe, to make dividends of so much of their interest arising from the capital stock, and the profits of said company, as to them shall appear advisable; but the money received and notes taken for

premiums or risks which shall be undetermined, and out-
 standing at the time of making such dividends, shall not be
 considered as part of the profits of said company; and in
 case of any loss or losses whereby the capital stock of said
 company shall be lessened, each proprietor or stockholder's
 estate shall be held accountable for the instalments that may
 remain unpaid on his share or shares at the time of such loss
 or losses taking place; and no subsequent dividend shall be
 made until the sum arising from the profits of the business of
 said company, equal to the diminution, shall have been added
 to the capital stock; and once in every three years, and
 oftener if required by a majority of the votes of the stock-
 holders, the directors shall lay before the stockholders, at a
 general meeting, an exact and particular statement of the
 profits, if any there be, after deducting losses and dividends.

Statement of profits

SEC. 22. This act is hereby declared to be a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose herein contained.

SEC. 23. This charter shall be void and of no effect, unless the stock shall be subscribed, and the company shall commence operations agreeably to the provisions thereof, within three years from the passage of this act.

What will make void the charter.

SEC. 24. Nothing in this act contained shall confer on said corporation banking powers, or authorize it to issue notes in the similitude of bank notes, to be issued as a circulating medium in lieu of money.

No banking powers allowed.

SEC. 25. That in case of any loss or losses taking place which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for any and every loss which shall take place under policies subscribed; and the estates of stockholders as aforesaid shall be liable for any losses equal to the amount of said capital stock subscribed, and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in or profits not divided.

Stockholders' estates holden in certain cases.

APPROVED, February 28, 1839.

AN ACT to incorporate the Springfield Academy, in the county of Sangamon. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Washington Iles, F. Webster, jr., Stephen T. Logan, John F. Rague, Nicholas H. Ridgeley, Robert Allen, and Charles R. Matheny, and their associates, be, and they are hereby, created a body corporate, by the name and style of "The president and trustees of the*

Body politic. Name & style.

- Powers.** Springfield Academy;" by which name they shall have succession for twenty years, with power to acquire, purchase, receive, possess, hold, retain, and enjoy to themselves and their successors, property, real, personal, and mixed, and the same to sell, grant, and convey, rent, or otherwise dispose of, at pleasure; and they shall, by said name, have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of competent jurisdiction; and may have and use a common seal, which they may alter or break at pleasure: *Provided* said corporation shall at no one time hold more than one acre of real estate.
- Stock.** SEC. 2. The stock of said company shall consist of shares of fifty dollars each, to be subscribed for in the manner that the trustees shall prescribe, and which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as the board may direct: *Provided* the capital stock shall not exceed the sum of twenty thousand dollars; and that its funds, privileges, and rents shall be used for the purposes of education only.
- Proviso.** SEC. 3. The corporate concerns of said company shall be managed by a board of trustees consisting of seven members, who shall be stockholders; any five of whom shall constitute a quorum for the transaction of business. They shall be elected by the stockholders on the first Monday in April next, and hold their offices for the term of two years, and until their successors are elected. The said trustees shall elect one of their number president of the board, and shall have power to fill vacancies in their own body.
- Management of concerns.**
- Quorum.** SEC. 4. The board of trustees shall have power to appoint officers and agents, and to make, pass, ordain, establish, and enforce, all such ordinances, rules, regulations, and by-laws as a majority of them shall from time to time deem necessary and expedient for the good government of said academy, its officers and agents, teachers and pupils, and for the management of the property and affairs of the said corporation.
- President.**
- Vacancies.**
- Officers.**
- By-laws.**
- Deeds, how made.** SEC. 5. All deeds or instruments of conveyance shall be made by a majority of the trustees, sealed with the seal of said corporation, if any they have, signed by the president, and by him acknowledged in his official capacity.
- Trustees.** SEC. 6. The abovenamed persons shall be deemed trustees until others are elected; and they are hereby empowered to appoint all necessary agents and officers, whose offices shall expire with their own.
- SEC. 7. Said academy shall be located in the town of Springfield, in the county of Sangamon.
- APPROVED, March 1, 1839.

AN ACT to incorporate the Galena Chamber of Commerce.

In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Horatio P. Newhall, R. W. Carson, G. W. Fuller, F. Stahl, and their associates comprising the Galena Chamber of Commerce, are hereby created a body politic and corporate, under the name and style of "The Galena Chamber of Commerce," and, by that name, may sue, and be sued, plead and be impleaded, receive and hold property and effects, real and personal, by gift or devise, or purchase, and dispose of the same by sale, lease, or otherwise; said property so held not to exceed ten thousand dollars; nor shall said company hold real estate to an amount exceeding one hundred and sixty acres; may have a common seal, and alter the same from time to time; and make such rules and regulations and by-laws as may be within the scope of their association, and not contrary to the laws of the land.

Body politic.

Name & style.

Powers.

SEC. 2. That the rules and by-laws of the said association shall be the rules and by-laws of the corporation hereby created until the same shall be regularly repealed or altered; and that the present officers of the association shall be the officers of the corporation hereby created, until their respective offices shall regularly expire and be vacated.

By-laws.

SEC. 3. An annual election shall be held for the officers of the said corporation, at such times and under such regulations as may be provided by the by-laws and ordinances of the corporation; and said corporation shall also have power to fill all vacancies which may occur in any of the offices by death, resignation, or otherwise.

Annual election.

Vacancies, how filled.

APPROVED, March 1, 1839.

AN ACT relating to towns therein named.

In force, Feb. 26, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the surveys, plats, certificates of surveys, and certificates of acknowledgments, with the records thereof, of Dresden and Utica towns, in the county of La Salle, heretofore made not in exact conformity to law, shall be hereafter considered valid and sufficient in all cases whatever, any one or more of the provisions of the act, entitled "An act providing for the recording of town plats," to the contrary notwithstanding; as much so as if every requirement of said act had been fully and completely complied with in respect to said towns.

Surveys, plats &c. valid.

APPROVED, February 26, 1839.

In force, Feb. 28, 1839. AN ACT to amend "An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company."

Third section of an act, entitled "An act to incorporate the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company," approved March 1, 1837, be, and the same is hereby, amended, so as to permit said company to commence the construction of the turnpike therein provided for at any time within five years, and to complete the same, as therein provided, in ten years, without forfeiting said charter, or rendering said act null and void. This act to be in force from and after its passage.

APPROVED, February 28, 1839.

In force, Mar. 1, 1839. AN ACT to incorporate the Mount Carmel Grimke Literary Association.

Body politic. Name & style. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the officers and members of "The Mount Carmel Grimke Literary Association," and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style aforesaid; and invested with all the rights, privileges, liabilities, immunities, incident to a corporate body.

Object. SEC. 2. The objects of said association are and shall be to promote and encourage literature, and the mental and moral culture of its members; and they are authorized and empowered to adopt and execute such measures, to effect said objects, as may be deemed most expedient.

By-laws. SEC. 3. The said corporation shall have power to establish and change by-laws, and prescribe rules and regulations for the admission and dismissal of its members, and their government, and election of their officers and their duties, and the management of its property and affairs.

Minors may be members. SEC. 4. Minors shall be admitted members of the association; and such honorary members may be elected as the association may think fit.

Income not to exceed \$3,000 SEC. 5. The annual income of the real and personal estate, which the said corporation may hold, shall not exceed three thousand dollars.

Act may be repealed. SEC. 6. The Legislature may at any time modify, alter, or repeal this act, or any of its provisions, should the corporation abuse any of its privileges hereby granted.

APPROVED, March 1, 1839.

AN ACT to incorporate the Rock Island Mutual Fire Insurance Company. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Knox, P. Gregg, John S. Miller, Louis Wells, Lemuel Andrews, David Hawes, Nathaniel Belcher, Miles W. Conway, Henry Powers, and T. J. Spencer, and their associates, being owners of buildings, shall be a corporation, under the name of "The Rock Island Mutual Fire Insurance Company," and enjoy all the privileges and powers incident to such corporation for twenty-one years from and after the passing of this act.

SEC. 2. That for the well ordering and governing the affairs of the said corporation, they shall have power to choose a president, treasurer, and directors, to manage the concerns of the said corporation, and such other officers as they may deem necessary: *Provided, however,* That no policy of insurance shall be made by said corporation until the sum subscribed by the associates to be insured shall amount to the sum of twenty thousand dollars; and at all meetings of said corporation every matter shall be decided by a majority of votes, each member having as many votes as he has policies, with the right of voting by proxy.

SEC. 3. That the said corporation, as soon as the said twenty thousand dollars shall be subscribed, to be insured, and they are hereby authorized to insure, for the term of from one to seven years, any mansion house or other building within the county of Rock Island; and also to insure household furniture in any mansion house or other building within said county, against damage arising to the same by fire originating in any cause, except that of design in the insured, and to any amount not exceeding three-fourths of the value of any building or the value of any household furniture; and in case any member shall sustain damage by fire over and above the then existing funds of the said corporation, the directors may assess such further sum or sums upon each member as may be in proportion to the sum by him insured, and the rate of hazard originally agreed upon: *Provided,* That no member, during the term of seven years, shall be held to pay, by way of assessment, more than two dollars for each dollar by him advanced as a premium and deposit.

SEC. 4. That the money advanced by each person insured shall, within sixty days after such advancement, be vested in the stock of some incorporated bank, United States or State stocks, or notes and bonds secured by mortgages, at the discretion of the president and directors; and the proceeds of the same shall be appropriated and applied to pay the damage or loss that any member may sustain by fire, and to defray the expenses of the corporation; and each of the insured shall, at the expiration of his policy or policies, have a right

to demand and receive from the corporation his share of the remaining funds, in proportion to the sum or sums by him actually paid.

How insurance may be recovered.

SEC. 5. That when any member of said corporation so insured shall sustain any loss for which the same corporation shall be held to indemnify him, and he shall recover judgment therefor against it, he shall have a right to levy his execution issued on such judgment on any of the funds of the said corporation; and when he shall not find sufficient funds of the said corporation to satisfy the same and all costs thereon, and the said directors shall neglect or refuse, for the period of thirty days from the rendering of such judgment, to make an assessment agreeably to the principles herein expressed, and deliver the same to the treasurer of said corporation, and direct him to collect the same in such manner as the said corporation may point out, to satisfy such execution as far as the said funds and assessments may extend, then and in that case it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said directors, to the amount of the damage and cost he shall be entitled to recover and receive on such execution.

Director may recover of corporation.

And any director whose estate, real or personal, shall be so taken may recover compensation therefor by an action on the case against the said corporation.

Notice of loss.

SEC. 6. That whenever any person shall sustain any loss of property by fire so insured, he shall, within sixty days next after, give notice of the same to such of the directors as shall be agreed upon by the said corporation for that purpose, whose duty it shall be immediately to view where the fire happened, and to inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount (if any) of the said corporation's liability for such loss; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days after such determination be made known by said directors, may bring an action at law against said corporation for such loss, before any court of competent jurisdiction within the said county of Rock Island; and in case the sufferer shall not, by the verdict of jury, recover more than the damage determined on by the directors as aforesaid, the plaintiff in such action shall have judgment upon the verdict, but the corporation shall recover their costs, and execution shall issue for the balance in favor of the party entitled to recover it.

Duty of directors.

Assessment.

SEC. 7. That so soon as the amount of the corporation's liability shall be ascertained in either of the ways mentioned in this act, (and the funds on hand not being sufficient,) the said directors shall make an assessment upon the members of the said corporation agreeably to the principles of this act, and deliver the same to the treasurer of the said corporation to collect; and the said corporation shall have power to make

such by-laws, rules, and regulations for the due management ^{By-laws.} of the concerns thereof as may be thought proper, not repugnant to the constitution and laws of this State.

SEC. 8. That any two of the persons herein named are ^{First meeting.} hereby authorized to call a meeting of the members of said corporation, at such time and place as they may think fit, by advertising the same in any newspaper printed in said county of Rock Island, or by advertising the same by posting up notices in three public places in said county, fourteen days at least previous to said meeting.

SEC. 9. That whenever the said corporation shall make ^{Lien upon property insured.} insurance upon any mansion house or other building, the said mansion house or other building insured, together with the land under the same, shall be held by the said corporation as security for the sum of the deposite money required to be paid or secured upon such insurance, together with such assessment or assessments as the member of the said corporation thus insured shall be liable to pay pursuant to the provisions of this act; and the policy of insurance to any member upon his said mansion house or other building shall of itself, from the time it issues, create a lien upon such mansion house or other building, and the land under the same, to the amount of the sum of such deposite money, and any assessment or assessments which may be made upon the insured as a member of said corporation, and the costs which may accrue in collecting the same, without any other act or ceremony in law whatsoever; and said lien shall continue and be in force upon such mansion house or other building insured, with the land under the same, for the security to the said corporation of the payment of said deposite money and the assessment or assessments upon the member so insured, with costs, until the said deposite money, with the sum or sums of said assessments, shall be paid or otherwise satisfied to, or release by, said corporation, notwithstanding any transfer or alienation thereof: *Provided*, That nothing herein contained shall restrict the ^{Proviso.} said corporation from receiving any other security, in lieu of said lien for said deposite and assessments, upon which their authorized agents and the insured may agree: *And provided*, ^{Further proviso.} *also*, That in all cases where the said corporation rely upon ^{visio.} the security of the lien created by the policy, it shall be expressed in said policy that the insurance is made upon the said mansion house or other building insured, subject to the lien created by law.

SEC. 10. That if any member of said corporation who shall obtain insurance of his mansion house or other building, subject to the lien aforesaid, or, in case of his decease, his legal representatives, shall neglect, for the period of thirty days next after demand made by the authorized agent or agents of said corporation, (which demand may be made in such manner as said corporation shall in their by-laws direct,)

In case mem-
bers fail to
pay insurance
money, how
proceeded
against.

to pay the sum of the deposite money upon the insurance of his mansion house or other building, or any assessment or assessments made upon him as a member of said corporation pursuant to the provisions of this act, he shall be liable to the suit of the corporation therefor, in an action on the case, in any court of competent jurisdiction; and the said corporation having obtained judgment and execution for the amount of such deposite money, assessment or assessments, may, at their election, cause the said execution to be levied upon the said mansion house or other building insured, with the land under the same; and the officer having said execution shall proceed to satisfy the same by the sale and conveyance of said mansion house or other building, with the land under the same, in the same manner and after the like previous advertisement and notice, as is provided by law when the right of redeeming real estate is sold which has been conveyed in mortgage, saving to the owner or owners of said mansion house or other building, with the land under the same, the right of redemption, at any time within one year from the time of sale, by paying the purchaser, or any under him, the sum for which it was sold and interest, at the rate of twelve per cent., deducting therefrom the rents and profits over and above the necessary repairs.

Redemption
of premises.

This act shall be in force from and after its passage.

APPROVED, March 2, 1839.

In force, Feb.
28, 1839.

AN ACT to incorporate the Commerce Hotel Company.

Body politic.
Name & style.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac Galland and his associates and successors be, and they are hereby, constituted a body politic and corporate, under the name of "The Commerce Hotel Company," and, by that name, shall have power to contract and be contracted with, may sue and be sued, plead and be impleaded, answer and be answered, in all courts of competent jurisdiction, and may have a common seal, which they may change or alter at pleasure.

Powers.

SEC. 2. The said company shall have power, and be capable, of holding and purchasing, in fee simple, any estate, real or personal, necessary for the purposes of this incorporation, and none other: *Provided* the quantity of real estate to be by them so purchased shall not exceed one hundred and sixty acres, including the southwest fractional quarter of section two in township six north, in range nine, west of the fourth principal meridian; upon which said quarter section the said company are required to erect their hotel and other necessary buildings therewith connected. They shall also

Proviso.

Lands held.

have power to sell and convey any or all of said real estate, Real estate.
or to lease all or any portion thereof for any period not ex-
ceeding the limits of this charter.

SEC. 3. The capital stock of said company shall be ten Capital stock
thousand dollars, which may be increased, at the pleasure of may be in-
said company, to any sum not exceeding twenty thousand creased.
dollars; which said capital stock shall be divided into shares
of fifty dollars, each, and subscribed for and held in the man-
ner hereinafter provided.

SEC. 4. The concerns of said company shall be managed
and conducted by a board of directors to consist of three per- Directors.
sons, who shall be stockholders in said company, and who
shall be elected by ballot, annually, by the stockholders and Annual elec-
their lawful proxies; and the three persons receiving the tion.
greatest number of votes shall receive the certificates of the
inspectors of the election so held declaring them duly elected.
The directors so chosen shall at all times constitute a board,
and be competent to the transaction of business, and shall,
from time to time, prescribe such rules and regulations, rela- Rules.
tive to the concerns of said company and the duties of the
officers thereof and other persons employed by them, as they
shall deem proper.

SEC. 5. The said board shall, at their first meeting after Officers.
their election, (which meeting any two members of said board
may call,) elect a president and secretary and treasurer, who
shall continue in office one year. The treasurer shall give
bond in such manner and in such amount as the said directors
shall prescribe; and the said directors shall have power to ap-
point such other agents as they may deem necessary in car-
rying on the business of said corporation: *Provided* such rules Proviso.
and regulations shall not be repugnant to the constitution and
laws of the United States and of this State.

SEC. 6. Isaac Galland and Franklin Wilcox shall be com- Commission-
missioners for the purpose of opening books for the subscrip- ers to receive
tion of the capital stock of said company, within one year af- subscription.
ter the passage of this act, in such places and at such times
as in their opinion may be proper. Twenty days' notice shall
be given, of the times and places of receiving such subscrip-
tions by said commissioners, in some newspaper or newspa-
pers in or nearest such places, and of the number of days
which said books will be open for subscription to the capital
stock of said company.

SEC. 7. The commissioners shall receive no subscriptions Five dollars
to said stock unless at least five dollars on each share sub- on each share
scribed shall be paid at the time of subscription; and when to be paid.
the whole amount of the capital stock shall be subscribed, the
said commissioners shall give a like notice of twenty days for
a meeting of the stockholders, for the purpose of choosing
three directors, designating the time and place of holding such Meeting of
election; at which election persons holding stock in said com- stockholders.
pany shall be permitted to vote either in person or by lawful

- proxy. The said commissioners shall be inspectors of the first election for directors, and shall certify, under their hands, the names of those duly elected, and shall deliver over the subscription books, and the amount of the money received on subscription, to said directors so elected. The stock of said corporation shall be considered personal property, and assignable and transferable on the books of the corporation.
- Stock deemed personal property.** **Books of record.** **Dividends.** **SEC. 8.** The said company shall at all times keep proper books of account, in which shall be registered all the transactions of the corporation, and the same shall at all times be subject to the inspection of the stockholders; and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors shall direct, of so much of the profits of the said company as to them, or a majority of them, shall appear advisable; and the said directors shall, whenever required by a majority of the stockholders, exhibit, at a general meet, a full and perfect statement of the debts and credits, and all such other matters as may be deemed essential in relation to the business of said company.
- SEC. 9.** The stock not disposed of by the commissioners in the manner hereinbefore mentioned shall and may be issued, by the directors for the time being, according to the rules and regulations of said company.
- SEC. 10.** As soon as five thousand dollars of the capital stock of said company shall be subscribed by responsible persons, and ten per centum on said sum so to be subscribed actually paid to said company, or the commissioners above named, then, and not before, shall said company be authorized to organize themselves and proceed to business.
- When company may organize.** **SEC. 11.** The said company are also authorized to establish and keep a ferry, for the term of ten years, across the Mississippi river from said fractional quarter section, they being required to furnish for that purpose, within one year from the passage hereof, a good and sufficient boat or boats, and to comply in all respects with the law as though the said ferry had been established by the order of the county commissioners' court of Hancock county; and the said company shall receive such rates, for crossing at said ferry, as shall from time to time be allowed them by said court.
- Ferry.** **Rates of toll.** **SEC. 12.** This act is hereby declared public, and shall take effect from and after its passage, and remain in force during the term of twenty years, except that portion of it which relates to the ferry privilege. Nothing in this act shall be so construed as to exempt the said corporation from the operation of the laws of this State regulating taverns.
- Term of charter.**

APPROVED, February 28, 1839.

AN ACT to incorporate the town of Hennepin.

In force, Mar.
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Hennepin, in the county of Putnam, be, and they are hereby, declared a body corporate and politic, by the name and style of "The president and trustees of the town of Hennepin;" and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all matters and actions whatsoever; may grant, purchase, receive, and hold property, real and personal, within said town, and not elsewhere, burial grounds excepted, and may sell, lease, and dispose of the same for the benefit of said town; and may do all other acts, as natural persons, which shall be necessary to carry into effect the provisions of this act; may have a common seal, and may break and alter the same at pleasure.

Body politic.

Name & style

Powers.

SEC. 2. The limits of said corporation shall include the south half of fractional section nine, and the east half of the southwest quarter of section ten, of township thirty-two, north of the base line, of range two, west of the third principal meridian.

Boundaries of town.

SEC. 3. The corporate powers of said town shall be vested in seven trustees, to be chosen and elected as hereinafter directed, who shall form a board for the transaction of business.

Trustees.

SEC. 4. The members composing the board of trustees shall be elected by the persons residing within the said town and incorporated limits who are qualified to vote for members of the General Assembly, and who are also possessed of a freehold estate within said town, or have resided within the limits of said town for at least six months preceding the election. The trustees shall be at least twenty-one years of age, freeholders, and inhabitants within said corporation, and citizens of the United States.

SEC. 5. There shall be an election held in said town, on the first Monday in May, A. D. 1839, and on the first Monday in May in each year ever thereafter, for the election of seven trustees, one treasurer, one constable, who shall also be collector, and two assessors for said town.

Annual election.

SEC. 6. The trustees shall elect one of their own number as president of the board. They shall also appoint their clerk. They shall be judges of the qualifications and returns of elections for all the officers of the corporation. A majority shall constitute a quorum to do business, but a less number may adjourn; may compel the attendance of absent members in such a manner and under such penalties as the board may provide. They may determine the rules of their own proceedings, punish their members for disorderly conduct, and, by the concurrence of two-thirds of all the members elected, may expel a member.

Election of officers.

Quorum.

Expulsion of members.

All officers to
take oath.

SEC. 7. Every officer of said corporation shall, before entering upon the duties of his office, take an oath or affirmation, before some justice of the peace, to support the constitution of the United States and of this State, and faithfully to discharge the duties of his office.

Tax.

Powers.

SEC. 8. The board of trustees shall have power, by an ordinance, to levy and collect taxes upon all property real and personal, (excepting public property,) within the town and limits of the corporation, not exceeding one-half of one per centum per annum, upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to improve the public grounds of said town; to erect lamps in the streets, and light the same; to license, tax, and regulate merchants, taverns, auctioneers, and pedlers, theatrical and all other shows and amusements; to restrain and prohibit gaming-houses, bawdy-houses and all other disorderly houses; to establish and regulate markets; to grade and keep in repair streets, avenues, lanes, alleys, drains and sewers, and to keep the same clean; to provide for preventing and extinguishing fires; to dig wells and erect pumps for the convenience of the inhabitants; to regulate the police of the town; to regulate the election of town officers, and fix their compensation; to erect and keep in repair school-houses, and regulate and maintain common schools, within the corporation; and, from time to time, to pass such ordinances and by-laws, and appoint such officers, as may be necessary to carry into effect the objects of this act and the powers hereby granted; and to impose and appropriate fines and forfeitures for the breach of any ordinance or by-law, and provide for the collection thereof; and that in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* allowed, from any such decision, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace.

Assessors.

SEC. 9. The assessors shall assess the property, both real and personal, within said corporation limits, between the first Monday in May and the first Monday in July in each and every year; and make their returns to the board of trustees on the first Monday in the month of July, or at such other time as the board of trustees shall, by ordinance, direct; at which time the board shall proceed to levy a tax for said corporation for the current year, and cause a list thereof to be delivered to the collectors for collection.

Constable's
bond.

SEC. 10. The constable, before entering upon the duties of his office, shall execute his bond to said corporation, with one or more securities, to be approved by the board of trustees, conditioned for the faithful execution of the duties of his

office. He shall possess the same powers and perform the same duties as are required of constables by the general laws of this State in relation to all matters arising under this act, and shall be entitled to the same compensation for similar services; and by virtue of his office as collector, he shall collect all taxes assessed by the authority of said corporation, and pay the same over to the treasurer at such time as shall be appointed by the board.

Pay of constable.

SEC. 11. The treasurer, before entering upon the duties of this office shall execute his bond to the corporation, with one or more securities, to be approved by the board of trustees, conditioned for the faithful execution of the duties of his office. He shall receive and preserve all moneys belonging to said corporation, and disburse the same upon the order of the board; and shall exhibit a statement of the financial condition of the funds of the corporation semi-annually, and at such time as shall be directed by the board.

Treasurer to give bond.

SEC. 12. All corporation officers shall be elected or appointed to hold their offices for one year, and until their successors are elected, or appointed, and qualified.

Officers, how elected.

SEC. 13. That upon the application of the owners of two-thirds of the lots on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the side-walks on said street.

Special tax.

SEC. 14. Upon the failure of the owner of any real estate, within the corporate limits of said town, to pay the taxes which shall be assessed upon said property by virtue of this act, it shall and may be lawful for the town collector to sell the same at public auction, or so much thereof as shall be necessary to pay said taxes and costs, after first having advertised the same, for four weeks in succession, in some newspaper printed in said town; or, if no newspaper should be printed in said town, then in the nearest, and posted up in said town at least four months previous to the time of said sale; and if the same shall not be redeemed at the time limited by the provisions of this act, it shall be the duty of the president of the board of trustees to give to the purchaser or purchasers thereof a deed for the same, which shall be countersigned by the clerk.

Property to be sold for taxes.

Make deed.

SEC. 15. When any real estate in said town of Hennepin shall be sold by the authority of the corporation thereof, the same shall be subject to redemption in the same manner as is or shall be provided by the revenue laws of this State.

Redemption.

SEC. 16. All ordinances shall, within one month after they are passed, be published in some newspaper printed in the town, or posted up in at least six of the most public places in said town, for two weeks at least before taking effect.

Ordinances to be published.

SEC. 17. Nothing in this act contained shall be so construed as to debar the schools established by virtue of this act

from receiving their just proportion of the general or township school fund.

Labor tax. SEC. 18. That the trustees of said corporation shall have power to levy a labor tax in said corporation, in conformity with the general road law of this State which is now or may hereafter be in force; and that all land-holders residing within the limits of said corporation shall have the privilege, and they are hereby required, to discharge the road tax on their lands within the corporation, in the same manner and under the same restrictions as are now or may hereafter be provided by the general road law of the State.

Duty of county clerk. SEC. 19. That it shall be the duty of the clerk of the county commissioners' court to furnish the president of the board of trustees with a transcript of all the lands listed with the treasurer of the county for taxation by residents of said corporation, with the valuation and tax thereon assessed by the county assessor, within ten days after the same shall be filed in his office by said assessor.

First election. SEC. 20. At the first election, the electors shall choose judges and clerks from among themselves, who shall be governed in all respects by the general election laws of the State.

Returns, how made. They shall make their returns to the clerk of the county commissioners' court of Putnam county, who shall open and count the votes in the same manner as all other election returns, and give certificates of election to those having the highest number of votes. It shall also be the duty of said clerk to preserve the poll-books, and enter, of record in his office, the returns of said election. That after the first election, the board of trustees shall appoint as many judges and clerks of election as may be necessary, who shall preside at all elections held for corporate purposes, who shall make their returns to the board of trustees; any four of which shall have power to open and count the said votes, and give certificates of election.

Election of officers.

APPROVED, March 2, 1839.

In force, Feb.
28, 1839.

AN ACT for the relief of the town of Greenville.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, the president and trustees of the town of Greenville, in the county of Bond, shall not be required to open or keep in repair any State or county road beyond the corporate limits of said town.

APPROVED, February 28, 1839.

AN ACT to incorporate the Wapello Manufacturing Company.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described shall be, and they are hereby, constituted and declared a body politic and corporate, by the name and style of "The Wapello Manufacturing Company," from and after the passing of this act; and, by that name, they and their successors shall have succession for twenty-five years; and shall, in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever; may have a common seal, alter and change the same at pleasure; and they and their successors may also, by that name and style, be capable, in law, of purchasing, holding, and conveying away such real and personal estate as may be necessary for the purposes and objects of this act, as hereinafter limited and set forth: *Provided* such real estate shall not exceed six hundred and forty acres of land, with the buildings and improvements thereon created for carrying on the business of said company; which land shall be exclusive of such as may be held for collateral security for debts *bona fide* owed to the said corporation, or may become the property thereof by virtue of such indebtedness; and, further, no real estate acquired by such indebtedness, shall remain the property of said corporation for a longer period than five years, under the penalty of the forfeiture thereof to the people of this State.

Name & style of body politic

Powers.

Proviso

SEC. 2. The president and directors of said corporation hereinafter provided for shall have power, and are hereby authorized, to carry on the manufacture of flour, lumber, lead, woollen and cotton goods, and to carry on all kinds of mechanical and manufacturing business; to erect mills, furnaces, and machine shops, at and near the falls of Apple river, in the town of Wapello, Jo Daviess county, necessary for carrying on the manufactures aforesaid; to give and receive promissory notes; and to do and perform all necessary acts as natural persons.

Powers.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same, at the pleasure of the company, to any sum not exceeding two hundred thousand dollars; which capital stock shall be divided into shares of fifty dollars each, to be paid in instalments under the direction of the board of directors, subject to such forfeitures as the board of directors shall prescribe.

\$100,000 capital; may be increased to \$200,000.

SEC. 4. That for the purpose of carrying into effect the object of this incorporation, James Armstrong, William Craig, Germanicus Kent, Daniel H. Whitney, John Atchison, Daniel Wann, Marshall Pierce, William B. Gass, Charles Oakley, M. M. Rawlings, and James Craig, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, or a majority of them,

Commissioners to obtain subscriptions for stock.

after giving general notice thereof in some newspaper printed in the town of Galena, may open books, for the subscription of said stock, at such time and places as they may direct, and keep the same open until at least two hundred shares of the capital is subscribed. If the requisite number of shares shall not be subscribed within thirty days after the books are opened, said commissioners, or a majority of them, shall take such measures for completing such subscription as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar on each share subscribed; and when the said subscription is completed, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders, at the town of Wapello, by a printed notice, in some newspaper of general circulation in Jo Daviess county.

Election of directors.

SEC. 5. That at said meeting, the stockholders of said company shall proceed to elect, by ballot, five directors, (each share shall give one vote) who, at the time of their election, be holders, respectively, of not less than twelve shares of the capital stock of said company, and directors shall be annually chosen thereafter by the stockholders or their proxies; and the five persons receiving the highest number of votes shall be duly elected to hold their offices one year, and until their successors are elected and qualified. The directors so chosen, or a majority of them, shall constitute a board, and be competent to the transaction of business, and may, after electing one of their number to preside over the board, from time to time, make and prescribe such by-laws, rules, and regulations relative to the concerns of said corporation, the duties of the president, agent, clerks, and all others by them employed; and shall also appoint a treasurer, who shall give bond to the president and directors, in such amount and in such manner as the said president and directors shall prescribe; and the said president and directors shall have power to appoint all such officers, agents, and clerks, as may be necessary in carrying on the business of the said corporation.

Directors.

By-laws.

Treasurer to give bond.

Dividends.

SEC. 6. The said company shall at all times keep proper books, in which shall be registered all the transactions of the board and of the corporation; and the same shall at all times be subject to the inspection of the stockholders; and it shall be the duty of the president and directors to make annual dividends, or at such other times as the board may direct, of so much of the profits of the said corporation as to them shall appear advisable. And the said president and directors, whenever required by a majority of the stockholders, shall exhibit, at a general meeting, a full and perfect statement of the debts and credits, and all such other matters as may be deemed essential, relating to the affairs of the corporation.

SEC. 7. A majority of the stockholders, whenever they deem it necessary, may call a special meeting of the company; and, provided the regular election for directors, from any

Special meetings.

cause, shall not take place at the time herein provided, it shall be lawful for any two of the stockholders to call a special meeting for such election, giving notice of the time as herein provided.

SEC. 8. The stock, not disposed of by the persons appointed to receive subscriptions in the manner herein before named, shall and may be issued, by the directors for the time being, according to such by-laws and regulations as may be adopted by the said board of directors. Stock not disposed of.

SEC. 9. The president and directors are authorized to borrow any sum of money which in their discretion may be deemed necessary, not exceeding the amount of their capital stock, to aid in the construction of the said mills, manufacturing establishments, and machinery: *Provided*, That the total amount of debts which the said corporation shall at any time owe shall not exceed the amount of their capital stock; and, in case of such excess, those under whose administration it shall happen shall be holden for the same in their private and individual capacity; but this shall not be construed to exempt the corporate property of the company from being also liable and chargeable for such excess. May borrow money. Proviso.

SEC. 10. The stock of the said corporation shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder, indebted to the corporation, shall be permitted to make a transfer until such debts be paid, or secured to be paid, to the satisfaction of the directors. Stock deemed personal property.

SEC. 11. That nothing in this act shall be construed to invest said company with any banking powers, or to authorize them to make, emit, or utter any bills of credit, bank notes, or other thing, to be used as a circulating medium, as and in lieu of money. No banking powers.

SEC. 12. That all such persons as shall become subscribers to the stock hereby created shall be, and they are hereby, constituted and declared a body politic and corporate, by the name and style of "The Rockford Manufacturing Company," from and after the passage of this act; and, by that name and style, they and their successors shall have succession for twenty-five years, and shall enjoy all the privileges and be governed by all the provisions and prohibitions in this act, so far as the same shall be applicable to carry on a separate and independent company at Rockford, in Winnebago county. Rockford manufacturing company. Powers.

SEC. 13. That John W. Leavitt, George W. Brinckerhoof, Charles Oakley, M. M. Rawlings, James Craig, R. W. Brush, Daniel H. Wheaton, George Haskell, and Germanicus Kent, are hereby appointed commissioners to obtain subscriptions, and to perform all the duties required to put into successful operation the Rockford Manufacturing Company, that Commissioners to receive subscriptions.

the commissioners to obtain stock in the Wapello Manufacturing Company are required to perform relative to putting that company into operation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to incorporate the Greene County Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Carlin, A. W. Caverally, David Pierson, D. M. Woodson, William Yates, M. S. Link, John Evens, and James Reno, be, and they and all other persons who may hereafter become members are hereby, incorporated as a body politic and corporate, by the name and style of "The Greene County Mutual Fire Insurance Company;" and said company shall possess all the powers, privileges, rights, and immunities that are granted to the Illinois Mutual Fire Insurance Company in its charter granted at its present session of the General Assembly, and subject to the same conditions, terms, and restrictions; and shall be organized and conducted according to the provisions of the charter of said Illinois Mutual Fire Insurance Company, so far as the same are applicable to this company.

Name & style.

Body politic.

Powers and privileges.

SEC. 2. The Greene County Mutual Fire Insurance Company shall be organized in manner prescribed in said charter of said Illinois Mutual Fire Insurance Company, and, whenever organized, it shall go into full effect and operation in conformity to the charter above alluded to.

This act to be in force from and after its passage.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT extending the time to the Springfield and Alton Turnpike Road Company to complete said road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the charter of the Springfield and Alton Turnpike Road Company be, and the same is hereby, extended, so as to allow said company five years, in addition to the time now provided in said charter, to complete said road; and any number of miles of said road which may be completed within the time aforesaid, the charter shall not be forfeited, as to that part of said road so completed, although the whole of said road may not be finished: *Provided,* That the said company shall extend the said road from Springfield to Carlinville, in Macoupin county, and shall not be permitted, under this act, to extend the road so as to come in competition with the State work from Carlinville to Alton.

Five years allowed to complete road.

APPROVED, March 2, 1839.

AN ACT to incorporate the Geneseo Manual Labor High School. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Rufus Hubbard, Elisha Cone, and James Wilcox, and their successors, be, and they are hereby, created a body corporate, and shall have perpetual succession, to be styled "The Trustees of the Geneseo Manual Labor High School," to be located in township seven-teen north, range three east, at or near the town of Geneseo, in Henry county, with full power to acquire, hold, and transfer property, real and personal; make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use, a common seal, and the same to break, alter, or destroy, at pleasure; and said trustees shall never exceed the number of eleven. For the present the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion. But it is expressly declared that the powers hereby given shall not be used or construed to extend to the contracting for, or acquiring, any property, real, personal, or mixed, or for dealing any otherwise than in such things as may be necessary and proper for the purposes of an institution of learning; and the whole property and estate of said corporation shall be applied exclusively and solely to that purpose; and said corporation shall not deal in exchange, discount of notes, or in commercial business or pursuits.*

Body corporate.
Style.
Location.
Powers.
Trustees.
Powers limited.

SEC. 2. The beforenamed trustees shall have power to fill all vacancies in their own body; to appoint a chairman of their board, a president and professor, and such other officers and servants under them as they deem necessary and proper, to hold their offices under such rules and regulations as the said trustees may prescribe; and to make, allow, and pay to the president, professors, and other officers and servants, such reasonable compensation for their services as to the said trustees may seem right and proper; and the said trustees shall have full power and authority to make by-laws, rules, and regulations, for the better government of said school, as they may judge expedient, and the same to annul, alter, or amend, at pleasure: *Provided* said by-laws, rules, and regulations, be not repugnant to the laws of this State, or inconsistent with the principles laid down in this act, as fundamental laws for the government of said school; and the said trustees shall have full power to do and perform any lawful matter or thing which they may deem conducive to the good of the institution.

Vacancies, how filled.
Further powers.

SEC. 3. A majority of the trustees shall constitute a board competent to make *pro tempore* appointments, and the transaction of all business, except the permanent appointment or removal of officers; in which case a concurrence of two-thirds of the whole board shall be necessary.

Pro tem. appointments.

SEC. 4. The board of trustees shall have the entire control of the system of manual labor, and shall determine the

Manual labor system

proportion of labor of each student; and no student shall be received as a regular member of the school unless he submits to the performance of such an amount of labor as is enjoined by the trustees; and the trustees shall account to each student for such labor, which shall be appropriated to the discharge of his expenses in said school.

Peculiar doctrines excluded. SEC. 5. No religious doctrine peculiar to any one sect of christians shall be inculcated by any profession in said school; but said institution shall at all times be conducted upon free, liberal, and enlightened principles; and no student shall be excluded in consequence of his religious opinions, or those of his parents, guardians, or relations.

Donations. SEC. 6. It shall and may be lawful for the trustees of said school to receive, acquire, hold, and procure, from any individual or society, religious or otherwise, donations, gifts, or bequests, of any sum or sums of money, books, maps, charts, philosophical apparatus, or estate of any kind, which shall be applied wholly and exclusively to the uses and purposes that may be especially designated by the donors, respectively, or to the establishment and maintenance of one or more professorships to be appointed by the donors, to be separate and distinct from the internal concerns of said school.

First meeting. SEC. 7. The first meeting of the trustees hereby appointed shall be held at the dwelling-house of Rufus Hubbard, on the first Monday of May next, or so soon thereafter as may be convenient; and the said trustees shall have at least one stated meeting in every year; and should any trustee hereby appointed, or hereafter to be chosen, refuse to serve, the seat of such trustee or trustees shall be declared by the board to be vacant, and they may proceed to fill the vacancy as herein provided.

May hold land SEC. 8. The lands, tenements, and hereditaments, to be held in perpetuity, in virtue of this act, by said corporation, shall not exceed five hundred acres: *Provided, however,* That if donations, grants, or devises in lands, shall from time to time be made to said corporation, over and above said five hundred acres which may be held in perpetuity as aforesaid, the same may be held and received by the said corporation for the period of five years from the date of every such donation, grant, or devise; at the end of which time, if the said lands, over and above the said five hundred acres, shall not have been sold by said corporation, then, and in that case, the lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

APPROVED, March 2, 1839.

AN ACT to incorporate the Vandalia and Alton Turnpike Road Com- In force, Mar.
pany. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Thomas G. Hawley, William S. Gilman, W. L. D. Ewing, R. K. McLaughlin, Robert Blackwell, Nathaniel Buckmaster, Thomas Keys, S. L. Wait, George W. Walworth, Enoch Long, Stephen Griggs, Gersham Flagg, John W. Buffrum, A. Hoxey, and Robert Smith, and their associates and successors in office, be, and they are hereby, constituted a body politic and corporate, Body politic.
by the name and style of "The Vandalia and Alton Turn- Name & style.
pike Road Company;" and, by that name and style, they and their successors shall be capable, in law and equity, of con- Powers.
tracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts whatsoever. They may have a common seal, and change and alter the same at pleasure; and do and perform all other acts and things which may be necessary to accomplish the building of the aforesaid turnpike road. They are hereby invested with all the privileges and advantages usually belonging to corporations in purchasing, taking, holding, enjoying, selling, and transferring, any real or personal estate, by gift, grant, purchase, or otherwise, which may be necessary to facilitate the aforesaid object.

SEC. 2. The capital stock of the company shall be five Capital stock.
hundred thousand dollars, to be divided into shares of one hun-
dred dollars each, payable in five equal annual instalments; Instalments.
and each person, at the time of subscribing for stock in said
company, shall give a note in the following form: "For value Form of note.
received, I promise to pay to the president and directors of
the Vandalia and Alton Turnpike Road Company, the sum of
dollars and cents, in five equal
annual instalments;" which notes shall be taken and deemed
to have been given for a good and valuable consideration, and
may be sued for, and recovered, in any court, in the same
manner as though they were given to private individuals;
and in all cases arising under this act, or in which said com-
pany may be party, plaintiff or defendant, the several courts Jurisdiction
of this State shall have the same jurisdiction as they would of courts.
have in suits upon contracts between natural persons.

SEC. 3. Whenever one or more instalments fall due upon May sue on
any note given to said company, it shall be lawful to sue for notes.
and recover so much money as may be due thereon, by filing
a copy of the note in the court in which suit is instituted;
and in all suits brought by or against said company, the right
of appeal shall be allowed to either party in the same manner Right of ap-
peal.
as now is or hereafter may be prescribed by law in controversy
between individuals.

SEC. 4. The individuals named in the first section of this Term of office
act shall be the directors of the company for one year after the

- company is organized, and until their successors in office are duly elected and qualified; and they shall proceed to elect one of their body president, and shall also have power to appoint a secretary, treasurer, and superintendent of the road, whom they may remove at pleasure, and may also require such bonds of said officers as they may deem right and proper for the security of the interest of the persons concerned or the public, and may pay them such compensation as they may think right and proper.
- May appoint officers.** SEC. 5. The directors shall meet at Alton, at such time as a majority may determine, by giving at least three weeks' notice in some paper printed in Vandalia and Alton; at which meeting they shall elect their president and other officers. A majority of the board shall be a quorum to do business; and all subsequent meetings shall be held at such time and place as the board may appoint and direct.
- Time & place of meeting.**
- Election of officers.**
- Powers.** SEC. 6. The company aforesaid shall have power to give and receive promissory notes, checks, bonds, bills of exchange, mortgages, deeds, bills of sale, and all other instruments of writing, for the purpose of conducting and carrying on the building of the aforesaid turnpike road, and for none other; and all the money and property which may come to the hands of said company shall be faithfully and exclusively applied to, and expended in, making the aforesaid turnpike road: *Provided*, That said company shall neither have nor exercise any other powers than those connected with the improvement aforesaid.
- Proviso.**
- Bonds & bills, how signed.** SEC. 7. All bonds, checks, notes, or bills of exchange, given by said company, shall be signed by the president, and countersigned by the secretary; and all instruments conveying either real or personal estate shall be signed in like manner by the president and secretary; and all conveyances or other contracts shall be given and made in the name of the president and directors of said company.
- Subscriptions and contributions.** SEC. 8. Said company are hereby authorized to receive subscriptions and voluntary contributions for the promotion of the improvement aforesaid, either in money, labor, or any other valuable thing, and secure the payment thereof in such manner as to them shall seem best; and when said subscription is paid, it shall be the duty of the president to give a proper receipt therefor.
- Annual election.** SEC. 9. The directors shall appoint a time and place to hold an election for new directors in each year; at which election, the stockholders shall respectively be entitled to one vote for each share of stock; and they may vote, in person or by proxy, for nine directors, who shall manage and conduct the affairs of said company.
- May use land, &c.** SEC. 10. Said company shall have power, and they are hereby authorized, to enter upon and use any lands, timber, rock, gravel, or any other material that may be necessary in the prosecution of the work aforesaid; and they shall pay all

damages that may arise to any person or persons by taking or using their property aforesaid, for the purpose of constructing and keeping in repair said road; and when the same be agreed on voluntarily by the parties, the amount to be paid shall be fixed and determined in the manner laid down for the recovery of damages caused by the laying out public highways.

SEC. 11. Where the lands or other property or estate of any married woman, infants, or persons *non compos mentis*, shall be necessary for the construction of said works, the husband of said married woman, and guardian of such infants or persons *non compos mentis*, may release all damages in relation to the estate or lands to be taken and appropriated as aforesaid, as fully as they might do if the same was holden in their right respectively.

SEC. 12. Said company shall have full power, and they are hereby authorized, to cause to be surveyed, located, and constructed, a turnpike road, not exceeding eighty feet wide, from Vandalia, by Greenville, to the Mississippi river at Alton; or on such route between said extreme points as will, in their opinion, best promote the objects of said corporation. They may commence the construction of said road at such point or points as they may deem most expedient and proper, and prosecute the same to final completion as fast as the means of the company will admit.

SEC. 13. Should any donation or donations of land, money, or other valuable thing, be made to said company for the promotion and advancement of the object aforesaid, either by the National or State Government, it shall be the duty of said company to use and appropriate such donation as aforesaid solely and exclusively to the construction of said road.

SEC. 14. The directors, for the purpose of procuring money to progress immediately with the work aforesaid, may make such deduction as they may think is right, to those who pay for their stock in advance; or, if they think proper, the directors may borrow, for the purpose aforesaid, any sum not exceeding the whole amount of their capital stock.

SEC. 15. As soon as the said company shall have completed the aforesaid road, or any continuous ten miles thereof, they may then erect a gate or gates, at suitable distances apart, not less than ten miles, and demand and receive, of persons traveling said road, a reasonable toll, not exceeding the tolls allowed to the Wabash and Mississippi Turnpike Company: *Provided*, That all persons going to, and returning from, public worship, and militia-men going to, and returning from, musters, and all funeral processions, shall pass said road free of toll: *Provided, also*, That the Legislature may, at any time, regulate the rates of toll to be required by said company.

SEC. 16. The company shall cause to be kept a fair account of the whole expense of making and repairing said road, with all incidental expenses; and also a fair account of

- State may purchase. the toll received; and the State shall have the right to purchase of the company said road, at any time, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said turnpike road, with an interest of ten per centum per annum: *Provided, also,* The said company shall surrender said road, on like terms, to the National Government, at any time when they may signify their intention to continue the Cumberland road, from Vandalia to the Mississippi river, on the line of this road.
- Proviso. **SEC. 17.** The persons named in the first section of this act be, and they are hereby, appointed commissioners to open books, and solicit the subscription of stock of said company; and for that purpose, said commissioners may open books at such time and place as a majority of them may deem most expedient, so that all persons who wish to take stock, or to give any voluntary contributions for constructing said road, may have an opportunity to do so; and all subscriptions so received by said commissioners shall be transmitted to the president of the company aforesaid.
- Cumberland road. **SEC. 18.** This act shall continue in force twenty years, shall be deemed a public act, and shall be liberally construed for all the purposes therein named.
- Books opened for capital stock. **APPROVED, March 2, 1839.**
- Term of charter.

In force, Mar.
2, 1839

AN ACT to incorporate the Franklin Academy.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solomon Clark, Meshack Morriss, William A. Roberts, Isaac Barber, John T. Knox, Ralph Elston, George P. Boyer, Matthew M. Cully, John P. Maddox, William J. Stephenson, and their successors, be, and they are hereby, constituted a body politic and corporate, to be known by the name of "The trustees of the Franklin Institute," and, by that name, shall have perpetual succession, and have a common seal, with power to change the same at pleasure; and, as such, shall be authorized to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college, or university, in this State, not herein limited or otherwise directed.
- Body politic.
Name & style. **SEC. 2.** That the said trustees shall hold their first stated meeting at the town of Frankfort, in the county of Franklin, on the first Monday of June next, or so soon thereafter as may be convenient; and they, or a majority of them, shall, as soon as they think proper, fix upon a permanent seat for said institute, and proceed to erect buildings thereon as soon as convenient, and the interest of said institution may require.
- First meeting. **SEC. 3.** The said trustees, or their successors, by the name aforesaid, shall be capable, in law, to purchase, receive, and
- Powers.

hold, to themselves and successors, for the use and benefit of said institution, any lands, tenements, or rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by, them for the use of the Franklin Institute.

SEC. 4. The said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State. ^{Further powers.}

SEC. 5. In case a sufficient number of members do not attend to constitute a board [at] any meeting, those who do attend may adjourn to any day thereafter, or to the next stated meeting, and shall give ten days' previous notice thereof.

SEC. 6. Five members shall be sufficient to constitute a board for the transaction of all business respecting the said institute, excepting those cases particularly excepted.

SEC. 7. The assent of the majority of the whole number of trustees shall be necessary to perform the following business, to wit: To fix the salary of the president; to fix upon the permanent seat of the institute; to alienate, sell, or convey, any lands, tenements, or rents, belonging to said institute.

SEC. 8. The trustees shall have power, from time to time, to establish such by-laws, rules, and ordinances, not contrary to the constitution and laws of this State, as they shall deem necessary for the said institute. ^{By-laws.}

SEC. 9. The trustees shall elect a president, treasurer, and clerk, to their own body, and so many inferiors, tutors, or masters as may be necessary; and upon the death, resignation, or legal disabilities of any of the trustees, president, or other officers of the said institute, the board of trustees shall supply the vacancy by ballot. ^{Officers.}

SEC. 10. The treasurer of said institution always, and all other agents when required by the trustees, before entering upon the duties of their appointments, shall give bond for the security of the corporation, in such penal sum, and with such security, as the board of trustees shall approve; and all processes against the said corporation shall be by summons, and summons [service] of the same shall be by leaving an attested copy with the treasurer of the institute, at least thirty days before the return day thereof. ^{Bonds of officers.}

SEC. 11. The said institute and their preparatory department shall be open to all denominations of christians, and the profession of any religious faith shall not be required of those who become students; all persons, however, may be suspended, or expelled, from said institution, whose habits are idle or vicious, or whose moral character is bad. ^{Open to all. Expulsion of students.}

SEC. 12. The president and other officers of the said institute shall be subject to the direction of the board of trustees, and shall continue in office during good behaviour. ^{Term of office.}

SEC. 13. The president of the board of trustees shall have full power to call special meetings of the said trustees, and it shall be his duty, upon the request of three of them, to do the same; but, upon any called meeting, ten days' general notice shall be given, by the president, previous to the meeting. ^{Special meetings.}

- Course of studies.** SEC. 14. The trustees of the corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said institute, and in the preparatory department attached thereto; to fix the rates of tuition, room-rent, and other college expenses; to appoint instructors, and such other officers and agents as shall or may be needed in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove either of the instructors, officers, and agents; to erect the necessary buildings; to purchase books, and chemical and philosophical apparatus, and other suitable means of instruction; to put in operation a system of manual labor for the purpose of lessening the expense of education, and promoting the health of the students; to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students, and to add, as the ability of the said corporation shall increase, and the interests of the community shall require, additional departments for the study of any or all the liberal professions: *Provided, however,* That nothing herein contained shall authorize the establishment of a theological department in said institution.
- Buildings. Books and apparatus.**
- Proviso.**
- Vacancy.** SEC. 15. If at any time a member of the board of trustees shall absent himself for three stated meetings successively, or for some disorderly conduct, unless for good cause shown and approved of by the said trustees, in such case his seat shall be considered to be vacant, and the board proceed to fill his seat with a member: *Provided,* That the trustees of said institution shall at all times be accountable for their conduct in the management of the business aforesaid, in such manner as the Legislature shall by law direct.
- Proviso.**
- APPROVED, March 2, 1839.

In force, Feb.
23, 1839.

AN ACT to incorporate the Liberty Steam-mill Company.

- Name & style.** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall hereafter become subscribers to the stock hereinafter described shall be, and they are hereby, constituted and declared a body politic and corporate, by the name and style of "The Liberty Steam-mill Company," from and after the passage of this act; and, by that name, they and their successors shall have succession for twenty years, and shall, in law, be capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever; may have a common seal, and alter the same at pleasure; and they and their successors may also, by that name and style, be capable, in law, of purchasing, holding, and conveying away real and personal estate for the uses and purposes of said incorporation,
- Powers.**

(which real estate shall not exceed one acre of ground.) in the town of Liberty, for the purpose of erecting said mill upon, and one hundred and sixty acres of land elsewhere, whereon to erect the necessary enclosures for carrying on the business of the company.

SEC. 2. The said company hereby incorporated shall have power to erect a steam-mill in the county of Randolph, town of Liberty, and are hereby authorized to carry on the manufacturing of the various kinds of grain and other manufactures; to export the same and other products of the country; and to use all such powers and privileges as may be necessary to carry on the said manufactory according to the objects of this act as herein expressed.

SEC. 3. The capital stock of said company shall consist of six thousand dollars, with the privilege of increasing the same to twenty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 4. For the purpose of carrying into effect the object of this corporation, Samuel Mansker, A. H. Frazer, William W. Higgins, Harvey Clendenen, and Fitch W. Kelsey, are hereby appointed commissioners to obtain subscription to the capital stock of said company; and said commissioners, or a majority of them, after giving general notice thereof in some newspaper printed in this State, may open books for the subscription of said stock at such time and places as they may direct, and keep the same open till at least fifty shares have been subscribed. Every subscriber, at the time of subscribing, shall pay to said commissioners two dollars for each share subscribed; and when such subscription is complete as aforesaid, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders at Liberty, by a printed notice in some newspaper of general circulation in this State.

SEC. 5. At said meeting the stockholders of said company shall proceed to elect five directors, who shall manage, direct, and govern the affairs of said company for one year from the period of said election, and until their successors are elected and qualified; and at said election each stockholder shall be entitled to one vote for each share he may hold, and a majority of all the votes given shall be required to make an election. The period of election of directors as aforesaid shall be annually on the first Monday of the month in which the first election shall be held.

SEC. 6. Immediately after the directors are chosen as aforesaid, they shall hold a meeting, at which, and at all subsequent meetings of said board, a majority of the directors shall constitute a quorum. They shall proceed to the election of a president from their own body; a secretary, who shall be sworn by a justice of the peace to the faithful discharge of his duty, and who shall record all votes of the corporation in a book to be by him kept for that purpose; a

Erection of mill.

May manufacture and export.

Capital stock.

Commissioners to open books.

Meeting of stockholders.

Election of directors.

Annual election.

Quorum.

Officers to be chosen.

treasurer, who shall give bond to such amount and in such manner as the said president and directors shall direct; and the board shall appoint all other officers and agents as to them shall seem necessary.

Transfer of
stock.

SEC. 7. Said president and directors shall have power to make and establish all such by-laws, rules, and regulations as shall be necessary, and not inconsistent with the laws of this State and the provisions of this act, for the payment or collection of the subscriptions to its stock, and the transfer of the same, or of property, or that in any other way may concern the management or direction of the affairs of said company.

SEC. 8. If it should happen that any election should not be made on the day when by the provisions of this act it should be made, the corporation shall not for that reason be dissolved; but such election may be held on any other day within thirty days thereafter, public notice being given by directors thereof.

Act deemed
public.

SEC. 9. This act shall be deemed a public act, and shall be construed favorably, for the purposes therein expressed and declared, in all courts and places whatsoever.

APPROVED, February 23, 1839.

In force,

AN ACT to incorporate the town of Bloomington.

Body politic.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the citizens of the town of Bloomington, in the county of McLean, and State aforesaid, are hereby made and constituted a body corporate and politic, by the name and style of "The president and trustees of the town of Bloomington," and by that name shall have and use a common seal, which they may change or alter at pleasure; and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Name & style.

Boundaries of
town.

SEC. 2. All that district of country embraced within the following boundaries, to wit: Beginning at the northeast corner of the west half of the northwest quarter of section three, in township twenty-three north, of range two, east of the third principal meridian; thence, south, one and a half miles; thence, west, one and a half miles; thence, north, one and a half miles; and thence, east, one and a half miles, to the place of beginning, is hereby declared to be within the boundaries of the town of Bloomington.

Term of ser-
vice of corpo-
ration officers.

SEC. 3. That the present president and trustees of said town shall continue in office until the second Monday in April next, and until their successors are duly elected and qualified; and forever thereafter an election shall be held, on the second Monday in April, annually, for five trustees, who shall hold their offices for one year, and until others are duly elected and qualified. No person shall be a trustee of said town who is

not a citizen of the State of Illinois and of said town, and who has not arrived at the age of twenty-one years, and who has not resided in said town at least six months next preceding his election, and who shall not be at the time a *bona fide* freeholder in said town. All persons who are entitled to vote for representatives to the General Assembly, and shall have resided in said town three months next preceding an election, and who shall be an actual resident of said town at the time of said election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their body president; and they shall have power to fill all vacancies in said board occasioned by death, resignation, or otherwise.

Qualification
of voters

SEC. 4. The board of trustees shall have power to appoint a clerk, assessors, treasurer, supervisor of streets, and all such other officers as may be necessary. They shall be judges of the qualifications, elections, and returns of their own members. A majority of their board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as the board may provide. They may determine the rules of proceedings, punish their members for disorderly conduct, and make such other rules and regulations for their own government as to them may seem fit and expedient.

Powers of
trustees.

SEC. 5. The board of trustees shall have exclusive power to levy and collect a tax on all real and personal estate within the limits of said corporation, *Provided*, That the per cent. on the assessed value thereof shall not exceed the per cent. authorized by the revenue laws of this State. They shall have power to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to provide for licensing and taxing taverns, stores, groceries, auctioneers, theatrical and other shows and amusements within said corporation; to prohibit and restrain gaming, gaming-houses, bawdy-houses, and other disorderly houses; to open and keep in repair streets, lanes, alleys, drains, and sewers, and to keep the same clean; to require bond and security of town officers for the faithful performance of their duties; and from time to time pass such ordinances and by-laws, to carry into effect the provisions of this act and the powers hereby granted, as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; and in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of *certiorari* prosecuted, from any such decision, in the same manner as now is or may be hereafter

Further pow-
ers.

Proviso.

provided by law for appealing from judgments of justices of the peace.

Lots may be taxed.

SEC. 6. It shall be lawful for the board of trustees to levy and collect a special tax on the owners of lots on any street or parts of a street, for the purpose of grading and paving the side-walks on said street: *Provided*, That two-thirds of the property-holders on such street shall first petition for the same.

Proviso.

Powers of trustees.

SEC. 7. The board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys within the limits of said corporation, and to extend, open, and widen the same, making the person or persons injured thereby adequate compensation; to ascertain which the said board shall cause to be summoned six good lawful men, freeholders and citizens of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, or widening of any street, avenue, lane, or alley; and shall report their proceedings, under their hands and seals, to the board of trustees; and the board of trustees shall thereupon pay, out of the treasury of the corporation, to the person to be injured, the amount of damages assessed in his favor.

SEC. 8. The board of trustees shall have power, from time to time, to pass such by-laws and ordinances as to them may seem expedient, not inconsistent with the constitution or laws of this State; and all ordinances of said trustees shall be fairly written out and recorded by the clerk, and published in such manner as the board may direct.

Proviso.

SEC. 9. The board of trustees are also vested with power to declare what shall be considered a nuisance within said town, to prevent the running and indecent exhibition of horses; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, affrays, riots, or other disorderly conduct in said town; and to provide that such punishment may be inflicted for any offence against the laws of this State: *Provided*, That no person shall be deprived of the right of trial by jury in any case where such person would be entitled to a trial by jury for a like offence against the laws of this State.

SEC. 10. The board of trustees shall have power to provide for the punishment of offenders by imprisonment in the county jail, in all cases where such offenders shall refuse or fail to pay fines which may be assessed, or forfeitures or penalties which may be recoverable.

SEC. 11. The board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine; and to prescribe the manner of selling property when the taxes levied upon it are not paid: *Provided, however*, That no

sale of any town lots, or other real estate shall be made until public notice shall have been given, for at least four weeks successively previous to the day of sale, by advertisement in a newspaper published in said town, or by posting up written notices thereof, in at least three of the most public places in said town, one of which shall be on the court house door.

SEC. 12. When any town lot or lots, or real estate, shall be sold for taxes by virtue of this act, the same may be redeemed, at any time within two years from the date of such sale, by the owner of such property, his or her heirs or assigns, agents, administrators, or executors, paying to the treasurer of said town, for the use of the purchaser of said property, the full amount of the purchase money, and costs, with such interest as said corporation may by ordinance require.

SEC. 13. The members of the board of trustees, and every other officer of said corporation, shall, before entering on the duties of his office, take an oath or affirmation, before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean himself in office.

SEC. 14. The board of trustees shall have power to appoint a town constable or constables, and authorize him to execute all writs, process, and precepts, which may be issued against persons for the violation of the laws or ordinances of the corporation; and to arrest, on view, all persons who may violate such laws or ordinances; to collect all fines, forfeitures, and penalties which may be assessed or recovered for the use of the corporation; and to require bond and security of said constable, in such sum as they may think proper. Said constable or constables shall hold their office during the pleasure of the board of trustees.

SEC. 15. The board of trustees, for the purpose of keeping the streets and alleys in said town in good order and repair, are hereby authorized to require every male resident of said town, over the age of twenty-one years, to labor on said streets, alleys, and roads three days in each year; and any person who shall be notified by the supervisor of streets to perform such labor so assessed as herein provided, and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar for each day's labor neglected to be performed; and the supervisor of streets in the proper districts is hereby authorized to prosecute such delinquent persons, in the name of the president and trustees of the town of Bloomington, before any justice of the peace in said town; and said supervisor shall be a competent witness against said delinquent; and in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

Three days' labor may be required of persons on streets, &c.

SEC. 16. It shall be the duty of any justice of the peace residing in said town, on complaint being made to him, on

oath, of the violation of any law or ordinance of the corporation, or upon view, to issue his warrant, directed to the town constable, or any other authorized officer, to apprehend the offender or offenders, and bring him or them forthwith before him; and, after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be provided in such law or ordinance.

President, &c.
may hold
lands, rents,
&c. for certain
purposes.

SEC. 17. The said president and trustees are hereby made capable, in law, to take and hold to themselves and successors any lands, tenements, hereditaments, and the rents, issues, and profits thereof, which may be necessary for the erection of any market-houses, and other public buildings, and the same to sell, grant, and dispose of, if necessary; and to sue and be sued, plead and be impleaded, answer and be answered unto, in any court or place whatever; and all suits and judicial proceedings under this act shall be carried on in the name and style of "The president and trustees of the town of Bloomington."

Compensa-
tion.

SEC. 18. The justices of the peace and constables who are required to render services under this act shall be entitled to the same fees, and collect them in the same manner, as now is or may be hereafter provided by law for other justices of the peace and constables.

Limits of tax.

SEC. 19. Lands embraced within the limits of the corporation of said town of Bloomington shall not be taxed by the president and trustees of said town at any higher or greater rate than said lands would be taxed by the laws of the State, unless the same are laid out into town lots or occupied as town lots.

Act not for-
feited for fail-
ure to hold
election.

SEC. 20. This act shall not become forfeited by the failure of the inhabitants to hold an election for president and trustees or other officers as herein before provided; but when such failure shall have occurred, it shall be the duty of the president and trustees to order another day of election to take place within thirty days after such failure, by posting notices thereof, at least ten days previous to holding the same, in three of the most public places in said town; and if they shall fail to give such notices, it shall be lawful for any three freeholders to give such notices; and the officers elected at such election, when duly qualified, shall have the same powers as if elected at the regular election; and they shall hold their offices until the next regular elections, and until their successors are duly qualified.

Voters to vote
for or against
being incor-
porated.

SEC. 21. The qualified voters within the corporation shall, at the first annual election for president and trustees, vote for or against becoming incorporated under the provisions of this act; and, if a majority of all the votes given shall be against the provisions of this act, the provisions contained herein shall be null and void.

APPROVED, March 2, 1839.

AN ACT to incorporate the Marshall Academy.

In force, Mar.
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* William B. Archer, James Whitlock, William C. Griffeth, Channing Madison, Justin Harlin, Ninevah Shaw, William McKeene, Woodford Dulaney, Stephen Archer, James Plaster, John Bartlett, Jonathan K. Greenough, William Tutt, Nathan Tafft, Thomas T. Wenthers, and Joshua P. Cooper, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The trustees of the Marshall Academy," and by that style and name to be known, and have perpetual succession. The said academy shall be and remain at or near Marshall, in the county of Clark, in the State of Illinois.

Body politic.
Name & style
Location.

SEC. 2. The corporate powers hereby granted shall be such as are usually considered requisite and useful in promoting the general interest of education, to wit: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as may be directed by the trustees; to have and use a common seal, and to alter the same at pleasure; to make, alter, and amend such by-laws for the government and regulation of said corporation as are not inconsistent with the constitution and laws of this State; and to confer such academical or honorary degrees as are usually conferred in similar institutions.

Powers.

SEC. 3. The trustees of said corporation shall choose from among themselves, by ballot or otherwise, a president, secretary, and treasurer; and said treasurer may be required to give bond and security, in such penalty and upon such conditions as said trustees may direct: *Provided*, That, if the trustees shall consider it advisable, the secretary shall also be, *ex officio*, treasurer. Said trustees shall fill any vacancy that may occur in the board by reason of death, removal, resignation, or otherwise; and a majority of said trustees for the time being shall constitute a quorum for the transaction of business, but the number of trustees shall not be increased.

Officers.

Proviso.

Vacancies,
how filled.

Quorum.

SEC. 4. The trustees of said corporation shall have authority to prescribe and regulate the studies to be pursued in said academy; to determine the rate of tuition, and other academical expenses; to appoint instructors, and such other officers, agents, and assistants as may be necessary to manage the concerns of the institution; to define their duties, to fix their compensations, and to displace and remove them; to erect suitable buildings; to purchase books, chemical and philosophical apparatus; to make rules for the general management of the affairs of the institution and for regulating the

Studies.

Agents and
assistante.

- conduct of the students; but no preference or restriction of students shall ever be made on account of religious opinions.
- Expulsion.** All persons, however, may be suspended or expelled from said institution, by the trustees thereof, whose habits are idle or vicious, or whose character is bad.
- Stock deemed personal property.** **SEC. 5.** The stock of said corporation shall be deemed personal property, and shall be assignable and transferable in the manner prescribed by the trustees, but shall be in perpetuity for the purpose of a seminary of learning, and for none other, except the character of the institution should be changed hereafter as herein provided for: *Provided, however,* That the said trustees shall, in no instance, hold, in trust as aforesaid, a greater quantity of land than eighty acres, (which quantity may be held absolutely for the benefit of the institution,) except the same be acquired by bequest or donation to said corporation; in which case the trustees shall make sale thereof within the term of seven years; and apply the proceeds strictly to the object contemplated by the donor or testator.
- Proviso.** **SEC. 6.** The capital stock of said corporation academy shall not exceed one hundred thousand dollars; and the real estate to the quantity of eighty acres, together with all the buildings and improvements and appurtenances thereunto belonging, so long as the same shall be holden, used, and occupied by the corporation for the purposes of the institution, shall be free and wholly exempt from all taxes to be levied for State or county purposes, or any requisition of taxes for any purpose whatever.
- Capital stock not to exceed \$100,000. Real estate not to exceed eighty acres.** **SEC. 7.** If, at any time hereafter, the trustees of said institution shall be desirous to change the character of the same from that of an academy to a college, and shall memorialize the Legislature, to that effect, and it appearing that the institution shall have been well conducted, and the object of education advanced, the same shall be so changed, and a liberal charter granted, with all the necessary rights, privileges, powers, rules, and regulations to carry the same into effect and full operation, to be sustained as "The Marshall College," of the eastern division of the State of Illinois; the town and academy being called to commemorate the memory of the late Chief Justice John Marshall, of Virginia.
- Should trustees wish to change character of academy, course to pursue.**
- Name & style of college.**

APPROVED, March 2, 1839.

In force, Mar.
2, 1839.

AN ACT to incorporate the Centre Bridge Company at Ottawa.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles Hayward, Loring Delana, and Allen H. Howland, and their associates, heirs and assigns, be, and they hereby are, constituted a body

politic and corporate, by the name and style of "The Ottawa Centre Bridge Company," with the sole power vested in them and their successors, in their corporate name, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of law and equity whatsoever; may make, have, and use a common seal, and break, alter, or renew the same at pleasure; may purchase, take, and hold such property, whether real, personal, or mixed, as they shall deem reasonable to carry into effect the object of said company; may exchange, sell, or otherwise dispose of the same; and may also establish, ordain, and put in execution, such ordinances, regulations, and by-laws as may be proper, necessary, or convenient for the government of said company or incorporation, not contrary to the laws or the constitution of this State or the United States: *Provided*, That the real estate to be owned by said corporation shall not exceed one hundred and sixty acres.

Name & style.

Powers.

Proviso.

SEC. 2. The capital stock of said company shall not exceed ten thousand dollars, and shall be divided in such number of shares, and of such amount each, as the said Charles Hayward, Loring Delana, and Allen H. Howland, and associates, heirs and assigns, shall think proper.

Capital stock.

SEC. 3. A majority of the stockholders of said company shall constitute a quorum to do business, and shall hold their first meeting, for the purpose of choosing such officers to transact the business of the company as shall be proper, at such time and place as the said Charles Hayward, Loring Delana, and Allen H. Howland, or any two of them, shall appoint, by giving thirty days' notice in one of the nearest public journals to the bridge site; at which meeting each and every stockholder, either in person or by proxy, shall be entitled to one vote for each and every share of the stock he or she may own; and the said officers when duly elected, or a majority of the stockholders, as the company shall determine, shall have power to call for such instalments on each share as may be deemed necessary for the interest of the company; and in case of a failure on the part of any stockholder, his heirs or assigns, to pay said instalment within thirty days after being required, all the interest they may have or possess in said company shall be forfeited to the members thereof: *Provided*, That four weeks' notice of such call shall have been given, either in writing or in some newspaper printed in La Salle county. This act shall not be so construed as to interfere with the rights acquired by an act passed at the present session of the General Assembly, authorizing Wm. E. Armstrong to build a bridge across Fox river: *Provided, however*, the said Armstrong shall make a selection of the point where he intends to erect his bridge, within six months after the passage of this act.

Quorum.

First meeting.

Notice of meeting.

Instalments.

Bridge across Fox river.

Location of bridge. SEC. 4. The said company shall have power, and are hereby authorized, to erect a bridge across the Fox river at any point on section twelve, town thirty-three north, of range three, east of third principal meridian, not interfering with the site for the aqueduct of the Illinois and Michigan canal; said bridge to be so constructed as to afford a safe and free passage to all travel, and be kept in good repair for the purpose intended.

Bridge, when to be done. SEC. 5. The said company shall, within one year from the first day of April next, commence the building of said bridge across said Fox river, and shall complete the same within two years thereafter; otherwise this act shall be null and void.

Toll-gate and tolls. SEC. 6. As soon as the said bridge shall be completed it shall and may be lawful for the said corporation to erect a toll-gate at the end of or on said bridge, and to demand and receive the same rates of toll for passing the same as are now established and received for ferriage across said Fox river in the town of Ottawa.

SEC. 7. The stock of said company shall be deemed personal property, and assignable and transferable on the books of the company; but no stockholder, or his legal representatives, indebted to the corporation, shall have power to make a transfer until such debt be paid, or secured to be paid, to the satisfaction of the officers of said company, or a majority of the stockholders.

Term of charter. SEC. 8. This act of incorporation shall be and continue in force for and during the term of twenty-five years from and after its passage, and no longer.

SEC. 9. This act is hereby declared to be a public act, and shall take effect from and after its passage.

APPROVED, March 2, 1839.

In force, Mar. 1, 1839. AN ACT to incorporate the New Greenfield Hotel Company, in Greene County.

Body politic. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George W. Allen, R. M. Brooker, William H. Holladay, Doctor Cooper, Edwin Henderson, and James B. Carrington, and their associates* and successors, be, and they are hereby, constituted a body corporate and politic, under the name of "The New Greenfield Hotel Company," to be located in New Greenfield, Greene county, and, by that name, shall have power to contract and be contracted with; may have and use a common seal, alter or revoke the same at pleasure; and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction; and shall be vested with all the powers and privileges necessary to the

Name & style.

Location.

Powers.

object, of their corporation, as are hereinafter defined and limited.

SEC. 2. The said company shall have power and be capable of holding, purchasing, improving, selling, and conveying any estate, real or personal, for the use of said corporation; second, to improve or erect buildings on the same; third, to rent, lease or occupy any or all such lands belonging to said company for a term not exceeding the limits of this charter: *Provided*, That the real estate owned by said company shall not exceed one quarter section of land except such as may be held as collateral security for debts due said company, or may become the property thereof by virtue of such indebtedness.

Powers.

Proviso

SEC. 3. The capital stock of said company shall be ten thousand dollars, with power to increase the same, at the pleasure of said company, to any sum not exceeding twenty-five thousand dollars; which capital stock shall be divided into shares of one hundred dollars each, and subscribed for and held in manner hereinafter provided.

\$10,000 capital stock. May be increased to \$25,000.

SEC. 4. All contracts or other evidences of indebtedness which may be made or entered into by the said corporation shall be subscribed by the president and secretary, and, being so signed, shall be binding on said corporation; and conveyances, entered into by said corporation, conveying real estate belonging to said company, when signed as aforesaid, shall in like manner be binding on said corporation, according to the tenor, effect, and true intent and meaning of the same.

Contracts, how executed

SEC. 5. The concerns of said corporation shall be managed and conducted by directors, consisting of not more than five, who shall be chosen annually by the stockholders or their proxies, which shall be by ballot; and the directors receiving the greatest number of votes shall receive the certificates of the inspectors declaring them duly elected. The directors so chosen, or the major part of them, shall constitute a board, and be competent to the transaction of all business; and shall and may from time to time make and prescribe such by-laws, rules, and regulations, relative to the concerns of said corporation, the duties of the president and secretary, each of whom shall be elected by a majority of the directors so chosen; and shall also regulate the duties of their agents, clerks, and all others by them employed; and the said directors shall have power to appoint such other officers, agents, and clerks as may be necessary to carry on the business of said corporation, with such salaries and allowances as to the said directors may seem proper: *Provided*, That such by-laws and regulations shall not be repugnant to the constitution and laws of the United States or of this State.

Directors.

Certificate of election.

Proviso.

SEC. 6. George W. Allen, R. M. Brooker, and Doctor Cooper, shall be commissioners, the duties of whom, or a majority of them, shall be to open books of subscription to the capital stock of said corporation, within twelve months from the passage of this act, in such place or places and at such

Commissioners to receive subscription.

Amount to be paid on subscription.

times as in their opinion would best promote the interest of said company. Twenty days' notice shall be given by the commissioners of the time and place, and the number of days the subscription books will remain open, in a public newspaper published nearest the place where the books will be opened. The commissioners shall require every subscriber to pay, at the time of subscribing, one dollar on every share subscribed by him; and if one-half of the capital stock shall be subscribed, it shall be the duty of said commissioners to give at least twenty days' notice for the meeting of the stockholders, for the purpose of choosing the directors of said corporation, designating the time and place of election; at which election, persons holding stock in said company shall be permitted to vote, either in person or by proxy. The said commissioners shall be inspectors of the first election of directors, and shall certify under their hands the names of those persons duly elected, and deliver to them the subscription books and the amount of money received on subscriptions.

SEC. 7. The stock of said corporation shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer until such debt be paid, or secured to be paid, to the satisfaction of the directors.

Books of record.

SEC. 8. The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation, and the same shall at all times be subject to the investigation of the stockholders; and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors may direct, of so much of the profits of said company as to them may seem proper.

Stock not disposed of.

SEC. 9. The stock, not disposed of by the commissioners in the manner heretofore named, shall and may be issued, by the directors for the time being, according to the by-laws and regulations that may be adopted by the said company.

SEC. 10. As soon as twenty per cent. of the capital stock of said company shall be subscribed, and ten per cent. of the same paid in, the said corporation shall be authorized to proceed to business, and not before.

Each share one vote.

SEC. 11. In all elections for directors, each share of the capital stock shall entitle the holder to one vote.

SEC. 12. The directors shall have power to require the stockholders, respectively, to make payment of all sums of money by them subscribed, and remaining unpaid, at such time and in such proportion as such directors shall see fit, under the pain of forfeiture of the share or shares upon which payments are required, and all previous payments thereon, to the said corporation.

SEC. 13. The directors shall give at least twenty days' Notice of call personal notice, in the manner that the by-laws of said corporation may direct, or thirty days public notice published in the nearest newspaper, one in such week, of such call; which notice shall be sufficient call on such stockholders to authorize, in case of default to comply therewith, the forfeiture above Default. provided.

SEC. 14. This act is hereby declared a public act, and shall be favorably construed in all courts of justice, and shall take effect from and after its passage, and be and remain in Expiration of force for the term of twenty-five years. charter.

APPROVED, March 1, 1839.

AN ACT to establish a company for manufactures.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Levi D. Boone, his associates and successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name Body politic. of "The Union Steam-mill Company;" and, by that name Name & style. and style, they and their successors shall have succession, and shall, in law, be capable of suing and being sued, in all Powers. courts and places whatsoever; shall have a common seal; and shall, by their corporate name, be capable, in law, of holding and conveying any real estate and personal estate for the purposes and use of said corporation.

SEC. 2. The company shall have power and authority to Further pow- carry on the manufacture of flour and all other useful manu- ers. factures, and to enter into contracts and execute agreements, and do all other acts for the purpose of carrying on said business and protecting the interest of said company; may make, ordain, and establish all necessary by-laws, not inconsis- tent with the constitution and laws of the United States and of this State.

SEC. 3. The capital stock shall consist of not more than Capital stock fifty thousand dollars, divided into shares of such amount as the directors shall order; and the corporation hereby created shall continue for twenty years.

SEC. 4. The company and affairs of said company shall Managers. be under the order of five managers, to be chosen by the stockholders in such manner as the by-laws shall direct, and shall continue in office for one year, and until their successors shall be chosen.

APPROVED, March 2, 1839.

INCORPORATION LAWS OF ILLINOIS.

In force, Mar.
2, 1839.

AN ACT to incorporate the Winslow Bridge Company.

- SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons who may become stockholders pursuant to the provisions of this act be, and they are hereby, created a body politic and corporate, by the name and style of "The Winslow Bridge Company," and, by that name, shall be authorized to hold real estate sufficient to effect the objects contemplated by this act; and of suing and being sued, defending and being defended, in law and in equity, in all courts whatsoever; and shall have power to establish such by-laws, rules, and regulations, not repugnant to the constitution and laws of this State and of the United States, as shall be found requisite for the due government and proper management of said corporation.
- SEC. 2.** The capital stock of said corporation shall be twenty-five hundred dollars, to be divided into shares of twenty-five dollars each: *Provided, however,* That if it shall be found insufficient for the erection of a suitable bridge across the Pickatonica river, as designed by this act, said corporation may increase said capital stock to an amount not exceeding in the whole five thousand dollars.
- SEC. 3.** That William S. Russell, Thomas Vanvalza, William Wardham, David Marsh, and John K. Brewster, of Stephenson county, in the State of Illinois, and Russel W. Baldwin, William Boiles, Fortunatus Berry, and William J. Bankson, of Wisconsin Territory, be, and they are hereby, appointed commissioners to open books for subscription to the capital stock of said corporation; which shall be opened at such time and place and manner as said commissioners may prescribe.
- SEC. 4.** Whenever fifty shares of the stock of said corporation shall have been subscribed, the commissioners aforesaid shall give at least three weeks' notice of the time and place of the meeting of the stockholders for the choice of directors, by advertisement thereof in some newspaper published in or nearest said county of Stephenson, or personal notice in writing; and at the time and place appointed as aforesaid, the stockholders shall choose, by ballot, five or seven directors, being stockholders of said corporation, who shall serve for one year, and until their successors are chosen and qualified for office; a majority of whom shall form a quorum for the transaction of business. An annual election for the choice of directors shall be held at such time and place as the stockholders at their first meeting shall appoint; and the directors thus chosen shall select one of their number to act as president, and also appoint a secretary, treasurer, and such other agents as they may consider expedient: *Provided,* That in case said stockholders neglect or fail to elect directors at any annual meeting, said corporation shall not on that account be dissolved, but the president and directors for the time being
- Body politic.**
- Name & style.**
- Powers.**
- Capital stock.**
- Proviso.**
- Commissioners to obtain subscriptions for stock.**
- Election of directors.**
- Quorum.**
- Annual election.**
- Officers.**

shall exercise the duties of their office till their successors are duly chosen by the said stockholders.

SEC. 5. The directors may demand from the stockholders, respectively, all sums of money by them subscribed, at such times and in such proportions as they may direct, first giving notice to said stockholders as prescribed in the fourth section of this act, stating the amount on each share demanded, and the time and place of payment; and if any stockholder shall neglect or refuse to pay the sum required as aforesaid for the space of fifteen days after the time named for such payment, the said corporation may, if they see fit, commence suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon; and if said amount cannot be levied on execution, or if such delinquent is out of the State, the corporation may declare said stock forfeited, with whatever amount may have been previously paid thereon, and the same shall remain to the sole benefit of the said corporation.

Sums subscribed.

Stock, when forfeited.

SEC. 6. The said corporation may construct a bridge across the Pickatonica river at the village of Winslow, at or near where the free ferry now is; and the same shall be built in a safe and workmanlike manner, with a convenient draw, or otherwise, so as not to obstruct the free passage of steam and other boats, rafts, &c., not less than eighteen feet wide, and well secured by a firm railing on each side thereof not less than four feet high.

May build a bridge at Winslow.

SEC. 7. Whenever said bridge shall be completed, said corporation may erect a gate and toll-house at either end thereof, and may demand and receive for toll not exceeding the following rates, to wit: Every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox attached to said carriage, six and a fourth cents. Every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled, or cutter, drawn by one horse, eighteen and three-fourth cents; for every cart, sleigh, or sled, drawn by two horses or oxen, twenty-five cents; for each man and horse, twelve and a half cents; for each horse and mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and a fourth cents; and in the like proportion of the foregoing rates for any other animals or carriages. But all persons going to and returning from places of religious worship; going to and returning when in the discharge of military duty; and all foot passengers crossing said bridge residing within one mile of the same, shall be exempt from paying toll: *Provided, further,* That all persons bringing grain of any kind to the mills established at said village of Winslow, and returning with the same when ground, and also all persons residing within two miles of said bridge, who may cross the same for the purpose of procuring fire-wood and timber for their own proper use, shall not be

Rates of toll.

Persons free from toll.

required to pay more than quarter part of the regular tolls as specified at the commencement of this section.

Injury done
to bridge.

SEC. 8. If any person shall wilfully impair or injure said bridge, the person so offending shall forfeit and pay to said corporation treble the amount it may cost to repair the same, with costs of suit, to be received, [recovered,] on conviction thereof, in any court of law having competent jurisdiction.

Passing toll-
gate.

SEC. 9. If any person shall forcibly pass the gate or bridge aforesaid without having paid the legal toll, he shall forfeit and pay eight times the amount of said toll, with costs, to be recovered for the benefit of said corporation by an action of debt before a justice of the peace.

If toll-gather-
er detain per-
sons, to forfeit.

SEC. 10. If any toll-gatherer shall, without sufficient reason, delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with costs, to the use of the person so unreasonably delayed, hindered, or defrauded.

Bridge to be
kept in repair.

SEC. 11. The said corporation shall, at all times after the completion thereof, keep said bridge in good repair; and should the same be permitted to remain in a dangerous or impassable state for the space of twelve months at one time, the said bridge shall be forfeited to the county of Stephenson: *Provided, however,* That the destruction of said bridge by fire, high water, or other casualty shall not work a forfeiture of the privileges hereby granted, if the said corporation shall forthwith proceed to repair the same.

Proviso.

SEC. 12. No person or corporation shall, within the term of ten years within the completion of said bridge, construct any other toll-bridge within one mile above or below said bridge: *Provided* the said corporation shall keep said bridge in good repair during the term of ten years pursuant to the provisions of this act.

Proviso.

SEC. 13. If the said bridge shall not be constructed within the term of three years from the passage of this act, then and in that case this act shall be null and void; otherwise to remain in full force for the term of twenty years.

When act to
void.

County may
purchase
bridge.

SEC. 14. Whenever the county commissioners of the county of Stephenson may deem it expedient to purchase said bridge, they shall have the right to do so by paying said corporation the original cost of the same, with twelve per cent. thereon; and said corporation shall file, with the clerk of the county commissioners' court of Stephenson county, a true statement of the actual cost of said bridge within one year after the completion of the same.

Evidence of
stock.

SEC. 15. Certificates shall be issued to the stockholders, as evidence of the stock held by them, which shall be signed by the president and secretary; said stock to be transferable on the books of the corporation only personally, or by agent or attorney duly authorized for that purpose; and said stock

shall at all times be holden by the corporation due from the holders to said corporation.

SEC. 16. In all elections for directors or for other purposes, each stockholder shall be entitled to vote, either in person or by proxy, according to the amount owned by him in said corporation, each share counting one vote: *Provided, however,* Proviso. That no one stockholder shall be entitled to more than twenty votes.

SEC. 17. The directors may call meetings of the stock- Meeting of holders whenever they may deem it expedient, and also when stockholders. requested so to do in writing by any ten of the stockholders; and shall at each annual meeting present a true and accurate account of the concerns of said corporation; and also declare and pay over to each stockholder, respectively, semi-annual Dividends. dividends of the profits that may accrue to said corporation, in such manner as said stockholders shall prescribe.

APPROVED, March 2, 1839.

AN ACT to incorporate the Jo Daviess Mining and Smelting In force, Mar.
Company. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel Wann and such other persons as he may associate with him be, and they are hereby, declared to be a body corporate and politic, Body politic. for the term of twenty years, by the name and style of "The Name & style. Jo Daviess Mining and Smelting Company," and, by this title, shall be capable of suing and being sued, of pleading and Powers. being impleaded, of defending and being defended, in all courts and places whatsoever; and may have a common seal, and may change the same at pleasure.

SEC. 2. The capital stock of said company shall be divi- Capital stock. ded into not more than four thousand shares, of fifty dollars each; and the "Diggings" of the said Daniel Wann, at Vinegar hill, shall form a part of the capital stock; and the said company shall be authorized to purchase, hold, and convey any lands in the county of Jo Daviess, for the purpose of conducting their mining and smelting operations: *Provided* they Proviso. shall not hold or possess during the continuance of this charter more than four thousand acres of land; and said operations of mining and smelting shall be confined to the limits of the present county of Jo Daviess; and all deeds executed by the president in the name of said company, or to said company by their corporate name, shall be sufficient in law to convey the title to the lands therein named. The business of said company shall be managed by five directors, who shall be annually elected on the first Monday in May, and shall hold their offices one year, and until others are elected: *Provided,* Proviso. *always,* That no person shall be elected as directors of said

company, or hold such office of director, except he be a stockholder in said company.

Officers. SEC. 3. The president and directors of said company shall have power to appoint a treasurer, to hold his office during their pleasure, and such subordinate officers as they may deem expedient; and the duties and compensation of all such officers shall be determined by the president and directors.

Powers to mine & smelt. SEC. 4. The president and directors shall have power to transact all business of the company, to wit: that of mining and smelting, and every thing connected therewith, by themselves or their agents; and shall, with a majority of the stockholders, have power to make such by-laws, rules, and regulations for the government of said company as they may deem proper: *Provided* such by-laws, rules, and regulations are not inconsistent with the constitution and laws of the United States or the laws of this State.

Proviso

Stock transferable. SEC. 5. The shares of said company shall be personal property, and shall be transferable in such manner as shall be prescribed by the by-laws of said company, and shall be liable to taxation to the same extent, and no greater, as other property is, and to be taken in execution in the same manner as any other personal property is or may hereafter be liable by law to be taken; and it shall be competent for the Legislature to prescribe the manner in which execution shall be levied thereon.

No banking privileges.

SEC. 6. This act shall be deemed a public act, and shall not be so construed as to confer any banking privileges, and shall take effect from and after its passage.

Body politic. Name & style. SEC. 7. That George W. Harrison and such other persons as shall become stockholders pursuant to this section shall be, and they are hereby, appointed a body politic and corporate, by the name and style of "The Buncombe Mining and Smelting Company," and, by that name, shall have perpetual succession for twenty years, with the right to sue and be sued, plead and be impleaded; to make and use a common seal, and the same to alter or change at pleasure; to contract and be contracted with, in all matters and things relating to their corporate powers or duties, as fully and effectually as a natural person; to purchase, hold, and convey real and personal estate.

Powers.

Capital stock. SEC. 8. This company or corporation shall have the same amount of capital, perform all the duties, and be governed by all the restrictions and limitations contained in the second, third, fourth, fifth, and sixth sections of this act, so far as they can be made applicable to "The Buncombe Mining and Smelting Company," in the county of Jo Daviess.

APPROVED, March 2, 1839.

AN ACT to incorporate the Exeter Manufacturing Company.

In force, Mar.
1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac G. Israel, Dennis Rockwell, John P. Wilkinson, George M. Chambers, their associates, successors, and assigns are hereby constituted a body politic and corporate, by the name and style of "The Exeter Manufacturing Company," and, by that name, shall have succession and existence for the period of twenty-five years from the passage of this act; and are hereby made capable, in law, to grant and receive by the corporate name, to sue and be sued, contract and be contracted with, to plead and be impleaded, in all courts or places wherein judicial proceedings may be had; to have a common seal, and alter the same at pleasure; and to do all acts in relation to the management and conduct of the business of the company as a natural person.

Body politic.
Name & style.

Powers.

SEC. 2. The company shall have power to carry on the business of mining, transporting, and selling stone-coal, of manufacturing meal and flour, woollen goods, paper, and sawing lumber, at Exeter, in Scott county.

Mining.

SEC. 3. The capital stock of the company shall be one hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars whenever desired by a majority of the stockholders. The said stock shall be divided into shares of one hundred dollars each; and said stock shall be deemed personal property, and held liable to be sold on execution, and shall be taken and subscribed as herein provided.

Capital stock.

Shares.

SEC. 4. Books for the subscription of said stock shall be opened, under the direction of the aforesaid persons, at Jacksonville, or at such place as may be appointed by them, upon giving ten days' notice of the time and place of opening the same, by publication in one or more newspapers printed in the place where the books are to be opened; and all persons desiring to subscribe to said stock shall be permitted to do so during the period of keeping open said books, which shall not be less than five days; and each person subscribing one or more shares shall be a stockholder to the extent of the subscription, upon paying five dollars upon each share subscribed; and the actual payment of the money shall be a condition precedent to becoming a stockholder.

Subscription books.

SEC. 5. When five hundred shares shall have been subscribed as aforesaid, there shall be an election held under the direction of the aforesaid persons for five directors of said company; by whom the business of said company shall be managed and conducted, and who shall severally own at least ten shares of the capital stock. The election shall be held in Jacksonville or Exeter, and notice of the time and place of holding such election shall be given by publication in some newspaper printed in Jacksonville, at

Election for directors.

Place of election.

least four successive weeks; and at such election each share of stock shall entitle the owner thereof to one vote, and a plurality of votes shall be sufficient to make an election. Votes may be given in person or by proxy.

Powers, how exercised.

SEC. 6. All the powers conferred upon the corporation shall be exercised by the directors, to be elected as aforesaid, and their successors; and said directors shall be the successors of the persons named in the first section of this act; and upon the election of directors as herein provided for, the company shall be deemed to have been organized, and may proceed to the transaction of business under and by their corporate name. The directors first elected shall continue in office for one year, and until their successors are elected. They shall at their first meeting appoint one of their number president of the board, who shall be president of the company.

Term of office.

Annual elections.

SEC. 7. Elections for directors shall be held annually at such place as may be appointed by the directors, and the mode of conducting the same shall be provided for by the by-laws of the corporation. The directors for the time being shall appoint all agents and clerks, and prescribe their duties, and fix their compensations. They shall also provide for the transacting all the business of the company, and do and perform all acts in relation to the business, property, and effects of the company, and to the use and disposition of such property and effects, as a natural person may.

SEC. 8. The directors for the time being shall require payments to be made upon stock subscribed from time to time, in equal proportions, from the stockholders until the whole sum subscribed shall have been paid; and owners of stock failing to pay as required shall be liable to the action of the company for the amount required; and the directors shall have power to forfeit the stock of all persons failing to make payments, and all previous payments, to the use of the company.

SEC. 9. The corporation hereby created shall never own more than one thousand acres of land at any one time; and this privilege is only to be extended to enable the company to have and use timber growing upon land for the purpose of converting the same into lumber, and to obtain coal; and no purchase of land shall be made except to enable the company to obtain stone-coal and for the use aforesaid, to procure timber, and to be occupied by houses, mills, machinery and lumber-yards necessary to be used in the transaction of the business of the company.

Election of President.

SEC. 10. At the first meeting after any election, one of the directors shall be chosen as president of the company, who shall continue in office as such until superceded by election; and if at any time the stockholders shall fail to make an election as herein required, the corporation shall nevertheless continue in existence, and the president and directors last elected shall continue in office until succeeded by the election of successors.

SEC. 11. The corporation shall have the power to construct, put in operation, and have and maintain, during its existence, a turnpike or railroad from Exeter to the Northern Cross railroad for the purpose of affording facilities of transportation from and to their establishment; but such road, if a railroad, shall not be united or connected with the State railroad except upon terms to be prescribed by the Board of Public Works, acting under authority of law; and said company shall have the right to use such road, and to charge and receive tolls for the use of the same by others, and subject to the rights of the company. The road when constructed by them shall be deemed and considered a public highway.

SEC. 12. The company shall keep regular accounts of its business and financial operations, and shall divide the profits of its operations among the stockholders annually; and any stockholder shall be held liable to creditors for the amount of stock subscribed and not paid into the company.

SEC. 13. This act shall be deemed a public act in all courts and places whatsoever.

SEC. 14. The stock of the company shall be transferable and assignable in such manner and upon such terms as may be provided by the by-laws. The limitation imposed as to the right to hold real estate shall not be construed to prevent the corporation from purchasing real estate sold under execution in its favor, or from receiving mortgages upon real estate, to secure debts contracted *bona fide*; but real estate purchased as aforesaid shall not be held by said company exceeding the term of five years; and the holding or attempting to hold, directly or indirectly, for a longer period shall work a forfeiture of the estate, and its reversion to the former owner or his or her legal representatives.

APPROVED, March 1, 1839.

AN ACT to incorporate the Trustees of the Rushville Female Seminary. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Josiah Parrott, Adams Dunlap, George H. Scripps, George Little, O. M. Houghland, Micaiah Warren, and William H. Withrow, be, and they are hereby, constituted a body politic and corporate, by the name of "The trustees of the Rushville Female Seminary," and, by that name and style, shall remain and have perpetual succession. The said seminary shall be located at or near the town of Rushville, in Schuyler county. The trustees of said seminary shall not exceed nine, exclusive of the presiding officer of the institution, who shall, *ex officio*, be a member of the board of trustees. For the present the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their pleasure.

SEC. 2. The primary object of the said institution shall be to educate the youth of the country, and to fit and prepare them for the various duties of life.

Corporate powers.

SEC. 3. The corporate persons [powers] hereby granted shall be the following, to wit: To have perpetual succession; to make contracts; to sue be sued, plead and be impleaded, in all courts of law and equity; and to grant and receive by their corporate name; to accept, acquire, purchase, or sell property real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all moneys belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects above named; to have a common seal, and alter and change the same at pleasure; to make such by-laws for the regulation of said institution as are not inconsistent with the constitution and laws of this State.

Course of study.

SEC. 4. The trustees of said corporation shall have authority from time to time to prescribe and regulate the course of studies to be pursued in said seminary; to fix the rate of tuition and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to dispose [displace] or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students.

Officers.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in their board from death, removal out of the State, resignation, or other cause. A majority of the trustees for the time being shall be a quorum to do business.

Quorum.

Treasurer to give bond.

SEC. 6. The trustees of said institution shall appoint a treasurer, and take bond, with such security, in such penalty, and with such conditions, as the said board may prescribe.

Expulsion of students.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; all persons, however, may be expelled or suspended from said institution, by the trustees thereof, whose habits are idle or vicious, or whose moral characters are bad.

Proviso.

SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity by the said corporation shall not exceed six hundred and forty acres: *Provided, however,* That if donations, grants, or devises in lands shall from time to time be made to the said corporation over and above the six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation,

grant, or devise; at the end of which time, if the said lands shall not have been sold by said corporation, then and in that case the said land so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

SEC. 9. This act shall be in force from and after its passage, and be deemed a public act.

APPROVED, March 1, 1839.

AN ACT supplemental to "An act to incorporate the Quincy, Griggsville, and Springfield Turnpike Company," approved March 1, 1837. In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Quincy, Griggsville, Jacksonville, and Springfield Turnpike Company, be allowed five years longer to commence and to complete the construction of the road provided for in the act incorporating said company, approved March 1st, 1837. Company allowed further time.

APPROVED, March 1, 1839.

AN ACT to incorporate the Kaskaskia Insurance Company. In force, Mar 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an insurance company, to be called "The Kaskaskia Insurance Company," is hereby created, with a capital stock of one hundred thousand dollars, which may be increased, at the will of the stockholders, to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified. Name & style.
Capital stock.

SEC. 2. Pierre Menard, Nathaniel Pope, David J. Baker, R. B. Servant, Seth Allen, Ferdinand Maxwell, Gabriel Jones, Joseph B. Holmes, William Brewster, Edmond Menard, Isaac Stone, Miles A. Gilbert, Francis Swanwick, James M. Wheeler, J. P. McGinnis, and David Hailman, or any three of them, be, and they are hereby, authorized to open books of subscription in Kaskaskia, for the capital stock of said company, on the first Monday in May next, and keep them open every day from ten o'clock A. M. till four o'clock, P. M. for the space of six days; when the same shall be closed. If, within the said six days, five hundred shares shall have been subscribed for, it shall be lawful for the subscribers to meet, after ten days' notice in the public prints of the time and place of meeting shall have been given, and choose their directors, who may, at any time after ten day's public notice given, cause the subscription books to be re-opened, and continue open until the whole amount of said stock shall have been taken. Persons to open books for subscription.

SEC. 3. The subscribers for the stock of the company aforesaid, their associates, successors, and assigns, shall be, and they are hereby, ordained, constituted, and declared a body corporate and politic, by the name and style of "The Kaskaskia Insurance Company;" and, by that name, they and their successors shall have continued succession, and shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended against, in all courts and places whatever, in all manner of actions, suits, complaints, and causes; and they and their successors may have and use a common seal, the same to alter and renew at pleasure.

Payment of
stock.

SEC. 4. The payment of the stock subscribed shall be made and completed by the subscribers, respectively, at the time and in the manner following, that is to say: At the time of subscribing, there shall be paid on each share one dollar; after the election of directors, and before the company shall go into operation, there shall be paid, on each share, ten dollars; and the balance due upon each share shall be subject to the call of the directors; and the said company shall not be authorized to make any policy or contract of insurance until the whole amount of shares subscribed shall be actually paid, or satisfactorily secured to be paid, on demand, by approved notes, by hypothecated stock, or by mortgage on real estate.

Powers.

SEC. 5. The corporation hereby created shall have full power and authority to make all kinds of insurances against losses on goods or merchandize in the course of transportation, whether happening on the land or on water; to make all kinds of insurance upon lives; and to make such other insurances as they may deem expedient; to grant and purchase annuities; to receive money in trust, and to accumulate the same, at a rate of interest not exceeding eight per cent. per annum, or to allow a rate of interest not exceeding eight per cent. per annum; to accept and execute all such trusts of every description as may be committed to them by any person or persons, corporation or corporations whatsoever, or may be transferred to them by any order of court of record whatever; to receive and hold lands under grants, with general or special covenants, so far as the same may be necessary for the transaction of their business; to lend money upon respondentia and bottomry; and to lend their surplus or unemployed money or capital to companies, corporations, and individuals, upon personal or real security, at such rates of interest as may now be done by the existing laws of this State; and, generally, to do and perform all necessary matters and things relating to or connected with their objects, or with either of them. They may also cause themselves to be insured against risks upon their interest which they may have in any vessels, goods, or merchandize. in virtue of any such loans on bottomry or respondentia.

SEC. 6. The stock and affairs of the company aforesaid Directors. or corporation shall be managed and conducted by not less than five directors, who shall hold their offices for one year, and until others shall be chosen to supply their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be a president of the board, who shall also be the president of the company, and shall preside until the next annual election; and in the case of the death or resignation of the president or any director, the vacancy may be filled by the board of directors.

SEC. 7. The annual meeting of the members of said com- Annual meet-pany shall be holden, in each year, at the court house in Kas- ing.kaskia, or such other places as the directors for the time being may appoint; at which meeting, the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and at least ten days' notice shall be given, in some newspaper of general circulation published in this State, of the time, place, and purpose of such meeting.

SEC. 8. The directors may appoint, from their own body Officers. or elsewhere, one or more persons to act or assist in the performance of the business of the company, and also to appoint a secretary and such other officers and servants as they may deem expedient; and they shall also have power to declare and make dividends of the profits arising from the business of Dividends. the company, and make and prescribe all such by-laws, rules, regulations, and ordinances as to them shall seem proper, touching the business and management of the affairs of the By-laws. said company: *Provided* the same be not repugnant to the Proviso. constitution and laws of this State and of the United States.

SEC. 9. It shall be lawful for said company to purchase May hold real and hold such real estate as may be convenient and necessary estate. for the transaction of its business to an amount not exceeding fifteen thousand dollars; and also to take and hold any real estate as a security, or in mortgage, or in trust or pledge, or to secure the payment of debts due in good faith to said company; and also to purchase real estate at any sales made in virtue of any judgment at law, or decree in equity, made in favor of said company, and to hold all such real estate so long only as may be necessary to enable said company to make sale of the same for money or other personal property.

SEC. 10. The stock of said company shall be considered Stock deemed personal property, and be assignable and transferable accord- personal pro-ing to the by-laws of the company. perty.

SEC. 11. This act shall be and is hereby declared to be a public act, and that the same shall be construed liberally for the beneficial purposes herein intended, and the corporation hereby created.

SEC. 12. Nothing contained in this act shall be construed No banking as to invest said company with banking powers, as to author- powers grant-ize them to make, emit, or utter any bank-note, or other ed.

Limit of char-
ter. thing to be used as a circulating medium, as or in lieu of money. This act shall continue in force for the term of twenty years from and after the date of its passage.

APPROVED, March 1, 1839.

In force, Mar.
2, 1839. AN ACT supplemental to the "Act incorporating the Beardstown and Sangamon Canal Company."

Capital stock
limited to
\$500,000. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the capital stock of the Beardstown and Sangamon Canal Company shall be limited to five hundred thousand dollars; and the said corporation shall be authorized to negotiate a loan or loans, to the amount of its capital stock, upon such security and for such period of time as may be agreed on and found conducive to the interest of the company and the promotion of the objects of its enactment.

Loans made. SEC. 2. In negotiating loans, the company may contract to receive the money borrowed in sums of twenty thousand dollars, as the same may be wanting for use in the construction of the canal; but, in case it shall at any time happen that the company may have on hand any funds not wanting for use in paying for works, such funds may be loaned for a period not exceeding twelve months, and at a rate of interest not exceeding twelve per cent. per annum; and the provisions in the charter requiring the canal to be completed in six years from the passage of said charter is hereby repealed: *Provided,* That, if said canal shall not be commenced by the first of January, 1841, the State shall have full right to the navigation of the Sangamon river.

May loan out
money.
Proviso. SEC. 3. So much of the above act as relates to loaning money at interest shall also apply to the Vandalia and Alton Turnpike Company; also to the Vandalia and Mississippi Turnpike Company, who shall have all the privileges of loaning money as well as the Beardstown and Sangamon Canal Company.

APPROVED. March 2, 1839.

In force, Mar.
2, 1839. AN ACT to incorporate the town of Rushville.

Body politic. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Rushville, in the county of Schuyler, are hereby declared to be a body corporate and politic, by the name and style of "The president and trustees of the town of Rushville;" and, by that name, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended,

answer and be answered unto, in all courts of law and equity, and in all matters of action whatsoever; may grant, purchase, and receive, and hold property, real or personal, within the said town, and no other, (burial grounds excepted,) and may lease, sell, and dispose of the same for the benefit of the town; and may do all other acts as natural persons; may have and use a common seal, and break and alter the same at pleasure. May hold land

SEC. 2. The corporate powers and duties of said town shall be vested in seven trustees, (to be chosen and appointed as hereinafter directed,) who shall elect one of their number president, and shall form a board for the transaction of business. Powers vested in trustees.
President.

SEC. 3. The members composing the board of trustees shall be elected annually, on the first Monday in the month of May, by the citizens residing within the limits of said town or corporation qualified to vote for Representatives to the General Assembly, to serve for one year, and until their successors shall be elected and qualified. They shall be at least twenty-one years of age, citizens of the United States and of this State, and inhabitants of said town, and shall possess a freehold estate within the limits thereof. Public notice of the time and place of holding such election shall be given, by advertisement in some public newspaper printed in said town, or by advertisements posted up in four of the most public places, at least ten days previous to the election. The present board of trustees for said town shall cause such notice to be given, and they, or a majority of them, shall be inspectors of the first election under this act; and all subsequent elections shall be held in such manner as shall be prescribed by the by-laws. Annual elec-
tion.
Qualifications
of voters.

SEC. 4. The board of trustees shall appoint all officers of their board, and shall be judges of the qualifications, elections, and returns of their own members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day; may compel the attendance of absent members in such manner, and under such penalties, as the board may provide. They may determine the rules of proceedings, punish their members for disorderly conduct, and, by the concurrence of two-thirds of the whole number elected, expel any member; and make such other rules and by-laws for their own government as to them may seem proper and expedient. Officers.
Expulsion of
members.

SEC. 5. The board of trustees shall have power, by ordinance, to levy and collect taxes upon all real estate within the town and limits of the corporation, not exceeding one-half of one per cent. upon the assessed value thereof, except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night-watches, erect lamps in the streets, and light the same; to provide for taxing and regulating theatrical and other shows within said corporation; to restrain and prohibit gaming-houses, bawdy-houses, and other disorderly houses; Powers of
trustees.

to build market-houses, establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains, and sewers; to establish and regulate a fire department, and to provide for the prevention and extinguishment of fires; to regulate the storage of gun-powder and other combustible materials; to erect pumps and [dig] wells in the streets for the convenience of the inhabitants; to regulate the election of town officers, and define their duties; and, in general, to regulate the police of the town: *Provided*, That the said trustees shall in no case levy a tax upon lots owned by the county, nor upon any land until it shall have been laid off into town lots.

Proviso.

SEC. 6. The boundary of said corporation shall be one mile square, the centre of which shall be the public square in the said town of Rushville.

Further powers.

SEC. 7. The said trustees shall have power to regulate, to grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said corporation, and to extend, open, and widen the same, making the persons injured thereby adequate compensation; to ascertain which the trustees shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which will be sustained, by the opening, widening, or extending of any street, avenue, lane, or alley; and shall moreover estimate the amount which other persons will be benefitted thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees, under their hands and seals; and the persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided by the trustees; and the residue, if any, shall be paid out of the town treasury.

SEC. 8. The said trustees, or a majority of them, shall have power to preserve good order and harmony in said town; to punish open indecency, breaches of the peace, gambling, gaming-house, horse-racing, shooting, and all disorderly houses or riotous meetings or assemblages; for which purpose they may make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this State, and impose fines for the breaches thereof; which fines shall be recovered before any justice of the peace of said town.

Duty of justices.

SEC. 9. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon complaint being made to him, upon oath, of the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable or to any authorized person, to apprehend the offender or offenders, and bring him or them forthwith before him; and, after

hearing the evidence, if it shall appear that the accused has been guilty of the violation of an such law or ordinance of the corporation, to impose such fine or imprisonment as shall be pointed out in such law or ordinance; *Provided* such fine shall not exceed ten dollars, and imprisonment not to exceed twenty-four hours: *And provided, further,* That appeals and writs of *certiorari* shall be granted from judgments rendered under this act as are now or shall be provided by law for appeals from judgments of justices of the peace; and all fines imposed for breaches of the peace, or violation of the corporation ordinances, shall be paid into the treasury of said corporation.

Fine and imprisonment.
Proviso.

SEC. 10. The officers of said town, in addition to the trustees, shall consist of one clerk, one street commissioner, one treasurer, one assessor, and one collector of taxes, one measurer and weigher of wood, coal, or any other article, and such other officers as the said trustees may deem necessary for the good of said town.

Officers.

SEC. 11. Upon the application of the owners of two-thirds of the real estate on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on the said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the side-walks on said street.

Special tax.

SEC. 12. When any real estate in said town shall have been sold by the authority of the corporation thereof for the non-payment of any tax that may have been levied upon the same, the same shall be subject to redemption, by the owner or owners thereof, his, her, or their agent or agents, within two years after the same shall have been sold, on paying to the treasurer of the board of trustees of said town double the amount of the taxes for which the same was sold, together with costs for selling the same; but should the said lots or parts of lots so sold for taxes as aforesaid not be redeemed within the time specified, then, and in that case, it shall be the duty of the president of the board of trustees of said town to execute a deed of special warranty, signed by the president of the board, and countersigned by the clerk thereof.

May sell land for taxes.

Redeemable.

Redemption.

Not redeemed

SEC. 13. The board of trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine; and to prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided,* No sale of any town lots or other real estate shall be made until public notice of the time and place of sale shall be given by advertisement in the newspapers, or at four of the most public places in said town, at least fifteen days previous thereto.

Proviso.

SEC. 14. The said trustees shall have the exclusive power of granting or withholding tavern or grocery licenses within the limits of the said corporation, any law to the contrary notwithstanding: *Provided, however,* That if license shall be granted

Licenses.

Proviso.

by the said trustees to any tavern or grocery within the said corporation, the tax charged for such license shall be paid into the county treasury, or otherwise, as may be provided by law.

Fees of officers.

SEC. 15. That justices of the peace and constables who render services under this act shall be entitled to the same fees, and collect them in the same manner, as now is or hereafter may be provided by law.

Ordinances, how published

SEC. 16. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town, or posted up at three of the most public places in said town: and no ordinance shall be in force until published as aforesaid.

Called meeting.

SEC. 17. That the president or any two of the trustees shall have power to call a meeting of the board, by giving one day's notice thereof; and, in the event that the notice of an election shall not be given as required by this act, or, from any other cause, that an annual election shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act.

Special election.

Vacancies, how filled.

SEC. 18. The trustees shall have power to fill all vacancies which may happen in their board in such manner as shall be prescribed by the by-laws: *Provided, always,* That this corporation may be dissolved at any annual election, two-thirds of the qualified voters of said town or corporation voting therefor.

SEC. 19. This act shall take effect from and after its passage.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839.

AN ACT to incorporate the Fulton Turnpike Road Company.

Body corporate.
Term.
Name & style.

Powers.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Lacy, Lewis W. Ross, S. H. Pitkin, W. H. Van Eps, A. Freeman, Caleb Dillworth, E. S. Pekin, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, for the term of thirty years, under the name of "The Fulton Turnpike Road Company," and, by that name, shall be and are hereby made capable, in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or in any other place whatsoever; to make, have, and use a common seal, and the same to alter and renew at pleasure; and shall be and are hereby vested with all the privileges, powers, and immunities,

which are or may be necessary to carry the purpose and objects of this act into effect; and are made capable of purchasing, holding, and conveying, real and personal estate; of contracting and being contracted with, as hereafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, a turnpike road commencing at or near the junction of Spoon river with Illinois river; from thence to the bluffs of the Illinois and Spoon river, in such a manner and form as they shall deem to be most expedient; and for this purpose said company are hereby authorized to lay out their road not exceeding eight rods wide through its whole length; and, for the purpose of cuttings and embankments, and procuring stone and gravel, may take as much more land as may be necessary for the proper construction and security of said turnpike road: *Provided, however,* Proviso. That all damages that may be occasioned to any person or corporation by taking of such land or materials for the purpose aforesaid, shall be paid for by said company, in the manner hereinafter provided: *And provided, further,* That the real estate of said corporation shall not exceed one hundred and sixty acres.

SEC. 2. The capital stock of said company shall consist Capital stock. of two thousand shares of fifty dollars each; and the immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their places as directors. Number of directors. And the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one Quorum. of their number to be president of the board, who shall also Officers. be president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bond to the said corporation, with securities to the satisfaction of the directors, in a Treasurer to give bond. sum of not less than ten thousand dollars, for the faithful discharge of his trust.

SEC. 3. The president and directors for the time being are hereby authorized and empowered, by themselves or their Further powers. agents, to exercise all the powers herein granted to the company for the purposes of locating, constructing, and completing said road, and for the transportation of persons, goods, and merchandize, and other property of all descriptions; and to establish, for the benefit of said company, such rates of toll Tolls. as they may agree upon from time to time, under such rules and regulations as said directors may prescribe and direct; and may erect toll-houses, establish gates, and demand toll Toll-houses. upon the road when completed; and may have all such other power and authority for the management of the affairs of the company, not heretofore granted, as may be necessary and proper to carry into effect the object of this act; to purchase

- Hold lands. and hold lands, materials, wagons, and other necessary things for the use of the road, and to make such equal assessment from time to time on all shares in said company as they may deem expedient and necessary, and direct the same to be paid to the treasurer of the company.
- By-laws. SEC. 4. The said company shall have power to make, ordain, and establish all such by-laws, rules, and regulations as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions, of this act, and for the transfer and assignment of its stock, the conveyance of property, and payment of assessments, and the well ordering and regulating, and securing of the interest and affairs of said company; *Provided* the same are not repugnant to the laws of this State or of the United States.
- Proviso.
- To pay damages. SEC. 5. The said company shall be holden to pay all damage that may arise to any person or corporation by taking their land for said turnpike road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the same manner provided by law for the recovery of damages happening by the laying out of highways.
- Lands may be released. SEC. 6. When the same or other property or estate of any *feme covert*, infant, or person *non compos mentis*, shall be necessary for the construction of the said turnpike, the husband of such *feme covert*, and the guardian of such infant or person *non compos mentis*, may release all damages for any lands or estate taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right, respectively.
- SEC. 7. The said company are hereby authorized to construct the said turnpike road across any water-course, road, or public highway, subjecting themselves to any damage that may be incurred in so doing.
- Penalty for injury done to road. SEC. 8. If any person or persons shall wilfully do, or cause to be done, any injury to said turnpike road, or carriage, machine, toll-houses, or other building, or any structure whatever belonging to said corporation, the person so offending shall forfeit and pay the said corporation double the amount of damages sustained by means of such offence or injury, with all the costs of action, before any court of record in this State.
- Annual meetings. SEC. 9. The annual meeting of the members of said corporation shall be holden on the first Monday in November in each year at such place as the president and directors for the time being may appoint; at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and any two of the individuals named in the first section of this act are hereby authorized to call the first meeting of the said company, by giving notice, in some newspaper published in such paper [place] within the State as may be agreed upon by them, of the time, place, and purpose of such meeting, at least ten days before the time mentioned in such notice.
- Directors, how chosen.

SEC. 10. Any person may pay the amount of his subscrip- Stock, how
tion of stock of said company in labor or materials for the con- paid.
struction of said turnpike road, provided it be done at such
time and place as the president and directors, or superintend-
ents of said company, may direct.

SEC. 11. It shall be lawful for the Legislature of this State may
State, at any time during the continuance of the charter of purchase.
the said turnpike road after the expiration of twenty years
from the opening for the use of the turnpike road herein pro-
vided to be made, to purchase of the said company, by paying
to the said company the amount expended in making said turn-
pike road, and twelve per cent. interest upon the same from
the time of payment by the stockholders: *Provided, however,* Proviso.
That the nett income from tolls shall not have amounted to
twelve per cent. per annum at the time of purchase by the State.

SEC. 12. This act shall continue in force for the term of Term of act.
fifty years; and upon departure from, or violation of, any
provision of this act, the Legislature may alter, amend, or re-
peal the same, if they deem the public good shall require it;
and shall be deemed and taken a public act from and after
its passage.

APPROVED, March 2, 1839.

AN ACT to incorporate the Golconda Seminary.

In force, Mar.
2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly, That Wm. Sim, Samuel
W. Hodge, John P. Hodge, Elijah B. Franklin, Philip Vine-
yard, John Raum, Samuel Roper, Newton D. Clark, and
Jason B. Smith, and their successors, be, and they are hereby,
created a body politic and corporate, by the name of "The Body politic.
trustees of the Golconda Seminary," and, by that name and Name & style.
style, to remain and have perpetual succession. The said sem-
inary shall be and remain at or near Golconda, in the county Location.
of Pope, and State of Illinois. The number of trustees shall
not exceed nine, exclusive of the principal, or presiding offi-
cer, who shall, *ex officio*, be a member of the board of trustees;
but no other instructor shall be a member of said board. For Trustees.
the present the aforesaid individuals shall constitute the board
of trustees, who shall fill the remaining vacancies at their
pleasure.

SEC. 2. The primary object of the said institution shall Object.
be the education of the youth of the country, and to fit and
prepare them for the various duties of life.

SEC. 3. The corporate powers hereby bestowed shall be Powers.
the following, viz: To have perpetual succession; to make
contracts; to sue and be sued, plead and be impleaded; and
to grant and receive by their corporate name; to accept, ac-
quire, purchase, or sell property, real, personal, or mixed, in

all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the object above mentioned; to have a common seal, and alter and change the same at pleasure; to make such by-laws for the regulation of said institution as are not inconsistent with the constitution and laws of this State.

Further powers.

SEC. 4. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the kind and course of studies to be pursued in said seminary; to fix the rate of tuition, and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students.

Vacancies, how filled.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board from death or removal out of the State, resignation, or other cause. A majority of the trustees for the time being shall be a quorum to do business.

Quorum.

SEC. 6. The trustees of said institution shall appoint a treasurer, who shall give bond, with such security, in such penalty, and with such conditions, as the board may prescribe.

Open to all.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; all persons, however, may be expelled, or suspended from said institution, by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad.

Expulsion of students.

SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity by the said corporation shall not exceed six hundred and forty acres: *Provided, however,* That, if any donations, grants, [or] devises in lands, shall from time to time be made to said corporation, over and above the six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the lands shall not have been sold by said corporation, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of devisors of the same.

Proviso.

Com. school department

SEC. 9. There shall also be attached to the said academy a department in which shall be taught branches that are usually taught in common schools, which shall constitute the common school of the district in which said academy may be situated; and the trustees of said academy shall receive from the

school commissioner of the county the same amount of money, in the same proportion, and apply the same to such tuition in the same manner as other common schools are paid and kept: *Provided*, That the teachers or instructors of said department shall be selected by the trustees, and under the control of the by-laws of said corporation. Proviso.

APPROVED, March 2, 1839.

AN ACT to incorporate the Warren County Male and Female Seminary. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the persons hereafter elected pursuant to the provisions of this act, and their successors, be, and they are hereby, created a body politic and corporate, to be styled "The president and trustees of the Warren County Male and Female Seminary," and, by that name, to remain in perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold, and convey property, real and personal; to have and use a common seal, and the same to break, alter, and renew at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government and regulation of said institution, its officers, servants, and property: *Provided* such by-laws are not inconsistent with the constitution and laws of this State or of the United States. Body politic.
Name & style.
Powers.

SEC. 2. The trustees of said institution shall consist of not less than three nor more than seven persons, who, together with the president, shall be elected by the stockholders annually, on the first Monday of April in each year, and shall hold their offices until their successors are duly elected and qualified. The first election for president and trustees shall be held in the town of Monmouth, and forever thereafter at such place as the president and trustees may direct. All elections shall be by ballot, and may be made personally or by proxy, and conducted in such manner as may be directed by the by-laws of said institution. No. of direct-
ors.

SEC. 3. The directors of said institution shall have power to fill all vacancies which may occur from time to time in their body by death, resignation, or otherwise. Vacancies,
how filled.

SEC. 4. The said president and trustees shall hold the property of said institution solely for the purposes and advantage of said institution, and of education, and the promotion of literature and science in the said seminary; and no particular religious faith shall ever be required of those who may become president and trustees, students, pupils, teachers, officers, or servants of said institution. Peculiar doc-
trines exclud-
ed.

SEC. 5. Said institution shall be permanently located within the township, in the county of Warren, in which the town of Monmouth is situated, in this State; and the said Location.

- president and trustees shall be competent, in law, to make [take] to themselves and successors in office, in their said corporate name and capacity, any estate, real, personal, and mixed, by the gift, grant, bargain, and sale, conveyance, will, devise, or bequest, of any person or persons, body corporate and politic whatsoever; and the same estate, real or personal, to grant, bargain, and sell, convey, devise, let, place out on interest, or otherwise dispose of, for the sole and separate use and benefit of said institution, in such manner as seems to them most beneficial for the interest of the said institution. The said president and trustees shall faithfully apply all funds by them received, or that have already been received, according to the best of their judgment, in erecting and completing a suitable building or buildings, supporting the necessary officers, instructors, or servants, and in procuring books, maps, charts, globes, philosophical and other apparatus necessary to the success of said seminary: *Provided, nevertheless,* That in case any donation, devise, bequest, or otherwise, shall be made to the said institution, for a particular purpose or purposes not incompatible with the design of said institution, and the corporation shall accept the same, every such donation, devise, or bequest, shall be applied in conformity with the express conditions prescribed by the donor or deviser.
- Proviso.**
- Annual election.** SEC. 6. The trustees shall annually, and as soon as convenient after their election, elect a treasurer and secretary of the board of president and trustees of said incorporation, who shall each be stockholders therein, and who, when elected and qualified, shall continue in office till their successors are duly elected and qualified. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president, or at his usual place of residence, at least twenty days before the return thereof. The president and trustees, as well as the treasurer, shall, before entering upon the duties of their office, take an oath or affirmation to fulfil the duties of their offices, respectively.
- Process, how served.**
- Oath.**
- Further powers.** SEC. 7. The said president and trustees shall have power to employ and appoint a principal of said institution, and all such instructors and instructresses, and all such servants as may be necessary; and shall have power to displace any or either of them, as they may deem the interest of said institution and the cause of education therein to require; and to fill vacancies that may happen, by death or otherwise, among said officers or servants. The lands within the jurisdiction of this State, held in perpetuity by the said corporation, shall not exceed three thousand acres at any one time; and if donations in lands be received at any time by said corporation, the same may be held in trust by the said president and trustees, and shall be sold, within five years from the date of such donation, for the benefit of said institution; and, in failure thereof, the lands so given shall revert to the donor or grantor of the same, or their heirs.

SEC. 8. The president and trustees shall meet semi-annually, or oftener if they shall deem proper, at the seminary, after the same shall be accepted; and it shall be the duty of the secretary to attend all meetings of the board, and keep and preserve a fair and correct record of their proceedings. A majority of the board shall constitute a quorum for the transaction of all business relative to said institution.

Semi-annual meetings.

SEC. 9. That, on the payment of twenty dollars to the treasurer of said institution, every such person shall be considered and is hereby declared to be a stockholder, and shall be entitled to one vote for every share of said corporation in all elections; and it shall be lawful for each and every stockholder for the time being of the said institution, his or her executors, and administrators or assigns, to give, sell, devise, and dispose of their respective shares in the said seminary; and their respective assignees shall be stockholders of said institution, and shall be entitled to all the rights and privileges in said institution as the original stockholders are entitled to by this act.

What constitutes a stockholder.

SEC. 10. That Francis Smith, Theodore Coburn, James McCallon, Daniel McNeil, jr., Benjamin C. Herd, Jacob Rust, Alexander Turnbull, James P. Hogue, and Gilbert Turnbull, of the county of Warren, be, and they are hereby, appointed commissioners to solicit and receive subscriptions of stock to said institution, and give receipts for the first instalment to be paid on subscriptions of stock to said seminary, and give receipt for the same to be paid on subscription; and when the sum of five hundred dollars shall be subscribed for, the said commissioners, or any three of them, are hereby authorized to give public notice, by posting up notice in four public places in the county, for the time and place of holding an election for president and trustees of an [said] institution, and that said election be held in the town of Monmouth, at such place as the commissioners may direct; and that said commissioners, or any three of them, are hereby appointed judges of the first election, and are hereby authorized and empowered to hold the same; the first election to be held on such day as the said commissioners may direct; but afterwards, the annual elections shall be held on the first Monday in April annually, as directed in the second section of this act, at the seminary as soon as erected. That each stockholder shall be required to pay to the commissioners five dollars on each share by him subscribed, at the time of subscribing, and the residue at such time or times as the president and trustees shall direct: *Provided*, That any stockholder, neglecting or refusing to pay the balance due on any share or shares, shall forfeit to said institution all money previously paid on such share or shares so neglected.

Com'rs to receive subscriptions.

Notice of election.

Judges of first election.

Annual election.

SEC. 11. All sales of real or personal property, or evidence of indebtedness by said corporation, must be signed by the

Sales of property.

president and attested by the secretary; and, when thus signed and attested, they shall be binding on said incorporation, according to the true intent and meaning of the same, and not before.

Judges of election.

SEC. 12. That, after the first election for president and trustees, the president and trustees shall act as judges of election; or any three of them shall and may act as the board of election.

Proviso.

SEC. 13. That the seminary erected and in operation, shall at all times be open for the use and privilege of any free white person within the United States who may wish to be instructed in said seminary: *Provided* said free white person will comply with the laws of said institution, and pay the sums fixed by the president and trustees for the instruction of the students or pupils attending at the same.

When election is not held.

SEC. 14. That in case it should so happen that an election for president and trustees should not take place on the day on which it should take place according to law, the said corporation shall not for that cause be deemed dissolved, but that it shall be lawful, on any other day, to hold an election in the place of the one omitted, to be held in such manner as may be prescribed by the by-laws of said incorporation.

Dividends.

SEC. 15. The president and trustees shall make an annual dividend of all profits which may arise by said incorporation; but all profits and dividends declared, or arising from said incorporation in any manner whatever, shall be applied to the purchase of books, or improving and repairing the buildings of said institution, or whatsoever else for the benefit or interest of said corporation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to amend "An act to incorporate the Wabash and Indiana Railroad Company."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when lands of any *feme covert*, infant, or insane person, shall be taken for the use of the road authorized to be constructed by said act, the husband of such *feme covert*, and the guardian of such infant or insane person, may be served with notice to appear before the commissioner to be appointed by the circuit court to appraise the damage which may be sustained by the appropriation of the lands to the use of the road aforesaid.

Where lands of feme covert, or others, are taken, husband or guardian may be served with notice.

Appraisers to make report.

SEC. 2. The appraisers appointed under the seventh section of the act to which this is an amendmend shall make a report to the judge of the circuit court by whom they have been appointed, reciting the order of their appointment, and specifying the several parcels of land, with all proper certainty, which they have valued, the names of the owners of

respective parcels, if known, and, if not known, stating that fact; and specifying also the damage which the owners thereof will sustain by reason of the appropriation of the same for the purpose aforesaid; and in case the owners are unknown, on depositing the amount of the assessed value or damage sustained by such unknown owner in such bank as the said judge may direct, the said corporation shall immediately become entitled to the said land: and the report of the said appraisers shall be recorded in the office of the recorder of the county in which such lands may be, in the same manner and with the like effect as deeds are recorded, without any other proof that the report is genuine than the certificate of such judge; and when the said report shall have been so recorded, the said corporation shall be seized and possessed of such lands, and may enter thereon and use the same for the purposes before recited.

Damage.

If owners are unknown, amount of damage to be deposited in bank.

Report recorded.

SEC. 3. The said corporation may, if they should deem it practicable, extend the said railroad towards and to Fox river, under the same terms, conditions, privileges, and advantages, as are given and recited in the original act of incorporation: *Provided* it shall not interfere with any of the railroads or canals directed to be constructed by and on the part of the State.

Railroad may be extended.

Proviso.

APPROVED, March 2, 1839.

AN ACT to incorporate the Quincy House Company.

In force, Mar. 1, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Tillson, jr., Lucius Kingman, Robert Tillson, Charles Howland, William Munroe, and C. F. Chamberlain, and their associates and successors, be, and are hereby, constituted a body politic and corporate, by the name, style, and description of "The Quincy House Company," to be located in the town of Quincy, county of Adams, and, by that name, shall have power to contract and be contracted with, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places where justice is judicially administered; and continue for twenty-five years; to have a common seal, which they may alter and renew at pleasure; and exercise all other incidental powers of a corporate body.

Body politic. Name & style.

Powers.

SEC. 2. The said company shall have power and be capable of holding, possessing, purchasing, improving, selling, and conveying any estate, real or personal, for the use of said corporation; second, to improve or erect such buildings as the said company may think proper; third, to convert the Quincy house already erected in the town of Quincy aforesaid, the town lots on which the same is erected, the out-houses and

Powers.

appurtenances thereunto belonging, into the stock of said company at cost; fourth, to rent, lease, or occupy any or all such lands belonging to said company for such a term of years, at any one time, as may be agreed upon.

Capital stock.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, and shall be made up by adding to the north of the Quincy house aforesaid the town lots on which stand the out-houses and appurtenances, at cost, so as to make that amount; and which shall constitute the capital stock of said company, including also the furniture and implements of every kind and description already purchased, or to be hereafter purchased, for the use and accommodation of said Quincy house aforesaid, and the useful and profitable occupancy thereof. Said stock of one hundred thousand dollars is to be divided into shares of one hundred dollars, each share to be paid in the said Quincy house, lots, out-houses, appurtenances, implements, and furniture, to the amount thereof; and the residue of the shares in cash, one-half at the time of subscribing, and the other half in three months thereafter.

Powers.

SEC. 4. The said corporation shall have the power of contracting and being contracted with, in all respects, as fully as a natural person, and to provide by its by-laws for the making and executing all such contracts; but deeds of conveyance or other instruments in writing, touching or concerning real estate, shall be signed by the president, countersigned by the secretary, and the corporate seal shall be thereto affixed.

Nine directors to manage concern. Annual elections.

SEC. 5. The concerns of said corporation shall be managed by nine directors, at least five of whom shall be citizens of the State of Illinois, and who shall be elected annually by the stockholders or their proxies; which election shall be by ballot; and each share-holder, or his proxy, shall be entitled to give as many votes as he has shares in the stock of said company; and the directors receiving the greatest number of votes shall receive the certificates of the inspectors declaring them duly elected. The directors so chosen, or a majority thereof, shall constitute a board, and be competent for the transaction of all business; and shall and may from time to time make and prescribe such by-laws, rules, and regulations relative to the concerns of said corporation as to them may seem expedient; regulate the duties of the president and secretary, each of whom shall be chosen by a majority of the directors so chosen; and shall also regulate the duties of three inspectors of election to be appointed by said directors; and also the duties of their agents, clerks, and all others by them employed; and the said directors, or a majority of them, shall annually elect a secretary and treasurer to said board, and appoint such other officers, clerks, and agents as they may deem necessary for the carrying on the business of said corporation, with such salaries and allowances as to the said directors shall seem proper: *Provided*, That such by-laws and

By-laws.

Secretary and treasurer.

Proviso.

regulations shall not be repugnant to the constitution of the United States or of this State.

SEC. 6. The said board of directors, as aforesaid, shall have power, if they should deem it necessary, to require the treasurer to the board to enter into bond, with securities for the due and faithful performance of the duties of his office as required by law, and agreeably to the by-laws, rules, and regulations of such board. Powers.

SEC. 7. John Wood, Charles Morton, and Seth C. Sherman shall be commissioners and inspectors of the first election to be held under this act; the duties of whom, or a majority of them, shall be to open books of subscription to the capital stock of said corporation, at any time after the passage of this act, at the "Quincy house" in Quincy, giving, however, ten days' public notice, in the public papers printed in the town of Quincy, of the day and hour such books will be open for subscription; which said books may be kept open from day to day, and until the time that such stock shall be subscribed and taken: *Provided*, That if such stock should not all be taken within a reasonable time, but an amount equal to two-thirds thereof, the said company may in that case proceed to the election of directors, and may organize the same in all respects as if the said stock had all been taken; and may, at any subsequent period, receive subscription to the stock until the same is all taken. Inspectors of first election
Subscription books.

SEC. 8. The stock of the said corporation shall be assignable and transferable according to such rules as shall be adopted in that behalf by the by-laws and ordinances thereof; and shall be deemed personal property; but no stockholder, indebted to the corporation, shall be permitted to make a transfer until such debt be paid or secured to the satisfaction of the directors. Stock transferable.

SEC. 9. The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation, and the same shall at all times be subject to the investigation of the stockholders; and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors may direct, of so much of the profits of said company as to them, or a majority of them, may seem advisable. Books of account.

SEC. 10. For the present the persons named in the first section of this act shall be the trustees of said incorporation, and they and their successors in office shall have power to fill all vacancies which may occur in their own body, or any of the offices of said corporation, by death, resignation, or otherwise; and persons appointed to fill any of said vacancies shall hold their office until their successors are duly elected and qualified. Present trustees.

SEC. 11. The board of directors shall be elected annually, at such time and under such rules and regulations as shall be prescribed by the by-laws and ordinances of said corporation. Election of directors.

Capital stock
may be in-
creased.

Lands to be
sold.

Day of sale.

Lands forfeit-
ed to State.

If lands are
unsold.

SEC. 12. The said corporation are hereby authorized and empowered to add to the capital stock of said Quincy House Company, at any time before the first day of January, in the year of our Lord one thousand eight hundred and forty, all the lands which have heretofore been conveyed to Charles F. Moulton, Daniel Low, David H. Nevins, John N. Gossler, John W. Leavitt, Joseph L. Joseph, Samuel S. Lewis, Amos Binney, James C. Dunn, Lemuel Lamb, Joseph Swift, Charles Atwater, and James B. Danforth, and also to Lemuel Lamb and Thomas Dunlap, purchased of sundry individuals; all which lands are situate in the State of Illinois, and constitute the joint interest of the Illinois Land Company, of which company John Tillson, jr., is the general agent; by issuing additional stock therefor to the number of fifteen thousand shares, of one hundred dollars each share: *Provided*, That all the lands conveyed to said individuals as aforesaid shall be disposed of at public sale by the company, in the town of Quincy, Adams county, and State of Illinois aforesaid, on or before the first day of October, one thousand eight hundred and forty-six; and that there shall be a public sale of not less than one-seventh of said lands, in each and every year after the present year, at said town of Quincy aforesaid; of which sale in each year sixty days' public and previous notice shall be given, containing a list of the particular tracts of lands to be sold, the kind of title, and the name or names of such individual or individuals through whom the title has passed until the same became the property of said company, as shall appear by the papers at their office in the town of Quincy; not less than five copies of which shall be deposited with the clerk of the county commissioners' court of each county, or such county wherein the lands are situated, fifty days previous to the day of sale, describing each tract of land so to be offered for sale lying in each county; and in case of default on the part of said corporation to dispose of all the lands, now belonging to said land company, at their office in the town of Quincy, and State aforesaid, conveyed to the aforesaid persons, and for which the number of fifteen thousand shares of stock, at one hundred dollars each, shall have been issued on or before the first day of October, one thousand eight hundred and forty-six, all of said lands remaining unsold at the time shall become forfeited in the hands of the shareholders, and shall become the property of the State of Illinois, and shall be divided among the several counties thereof according to the population of each county, and be under the control of the county commissioners' courts of said counties, and appropriated and applied exclusively to the purpose of education in such counties.

SEC. 13. If the lands aforesaid, or any part thereof, shall remain unsold, after having been offered at public sale conformable to the provisions of this act, it shall be lawful for said corporation to sell and dispose of such remaining land, or any

part thereof, by private sale at their office in Quincy: *Provided*, That said company shall not be compelled to sell any land during the seven years aforesaid at a less price than one dollar and twenty-five cents per acre. Proviso.

SEC. 14. If the said Illinois Land Company shall accept the provisions of this charter, and consent to add their lands to the stock of the "Quincy House Company," they shall signify their acceptance by an instrument of writing, under the hand and seal of John Tillson, jr., the general agent; which said acceptance shall be filed with the secretary of the board of directors of the Quincy House Company, and by him entered upon the records of said company. Said secretary shall make out and certify a copy of said acceptance, and transmit the same to the Auditor of Public Accounts, to be by him filed and preserved in his office. If Illinois Land Company accept provisions of this charter, acceptance to be filed with Auditor.

SEC. 15. So soon as the said Illinois Land Company shall have signified their acceptance of this charter as provided for in the 14th section of this act, they shall make, execute, and deliver to the Quincy House Company, a deed conveying to said Quincy House Company all lands which said Illinois Land Company shall, at the date of such deed, own in the State of Illinois; which said deed, when duly authenticated, shall be recorded in the recorder's office of the county of Adams, and it shall not be necessary to record said deed in each one of the counties where any part of said land may lie, nor in any other county than in the aforesaid county of Adams. A list of all the lands contained in said deed of conveyance shall be made out and certified by the recorder of the county of Adams aforesaid, and transmitted to the Auditor of Public Accounts, and by him filed and preserved in his office; after which the said corporation may issue the fifteen thousand shares of additional stock named in the twelfth section of this act to the persons entitled to the same.

SEC. 16. After the first day of October, one thousand eight hundred and forty-six, the said corporation shall cease to exist so far as relates to fifteen-sixteenths of its capital stock; and the said corporation are hereby authorized to make their capital only one hundred thousand dollars, it being the original capital of the Quincy House Company, and to issue stock accordingly to the owners thereof; and after the said first day of October, one thousand eight hundred and forty-six, the real estate to be held in fee simple by said Quincy House company shall not exceed one hundred and sixty acres of land in quantity; and said company shall after that time confine its operations exclusively to the management of the said Quincy house, and the business necessarily connected therewith. When charter to be void.

SEC. 17. This act is hereby declared a public act, and shall be favorably and benignly construed in all courts and places Public act.

where justice is administered, for every beneficial purpose mentioned therein, and shall take effect and be in force from and after its passage.

APPROVED, March 1, 1839.

In force, Mar.
2, 1839.

AN ACT to establish the Marshall Female Seminary.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James McCabe, Isaac Hill, Thomas Henderson, Thomas Carey, Justin Harlan, John Bartlett, Stephen Archer, Woodford Dulaney, and William B. Archer, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The trustees of the Marshall Female Seminary," and, by that style and name, to have perpetual succession. The said seminary shall be and remain at or near Marshall, in the county of Clark, and State of Illinois.

SEC. 2. The corporate powers hereby granted shall be such as are usually considered requisite and useful in promoting the general interest of education, to wit: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as may be directed by the trustees; to have and use a common seal, and to alter the same at pleasure; to make, alter, and amend such by-laws for the government and regulation of said corporation as are not inconsistent with the constitution and laws of this State, and with a view to promote education and refinement. The powers of said trustees shall at all times be ample, full, and extensive, to carry those objects into effect.

SEC. 3. The trustees of said corporation shall choose from among themselves, by ballot, or otherwise, a president and treasurer; and said treasurer shall also be, *ex officio*, secretary of said corporation, and may be required to give bond, in such penalty and upon such conditions as said trustees may direct. Said trustees shall fill any vacancy that may occur in the board by reason of death, removal, resignation, or otherwise; and a majority of said trustees for the time being shall constitute a quorum for the transaction of business; but the number of trustees shall not be increased over the number herein provided.

SEC. 4. The trustees of said corporation shall have authority to prescribe and regulate the studies to be pursued in said seminary; to determine the rate of tuition and all other expenses; to appoint instructors and instructresses, and also such agents and assistants as may be necessary, and shall have

power to displace and remove any or either of them, as they may deem the interest of the institution may require; to fill such vacancies which may happen by death or otherwise among said officers, agents, and assistants; to erect suitable buildings; to purchase books, globes, and all apparatus necessary; to make rules for the general management of the affairs of the institution.

SEC. 5. The capital stock of said corporation shall be deemed personal property, and shall be assignable and transferable in the manner prescribed by the trustees, but shall be held in perpetuity for the purpose of a female seminary of learning and refinement, and for no other purpose whatever: *Provided, however,* That said trustees shall in no instance hold, in trust as aforesaid, a quantity of land exceeding ten acres, except the same be acquired by bequest or donation to said corporation; in which case the trustees shall make sale thereof within the term of seven years, and apply the proceeds to the object contemplated by the donor or testator; nor shall the capital stock of said corporation ever exceed the sum of thirty thousand dollars.

SEC. 6. The quantity of land (ten acres) with all the buildings, improvements, and appurtenances on the same, shall be, so long as the same is used and occupied for the true objects contemplated in this act—education and refinement—wholly exempt from taxes for State or county purposes, or taxes or requisitions for any purpose whatever.

APPROVED, March 2, 1839.

AN ACT to incorporate the Mount Carmel Manufacturing Company. In force, Mar. 2, 1839.

WHEREAS the improvement of the navigation of the Great Wabash river, at the Grand rapids, now in progress by the States of Indiana and Illinois, will create a large amount of water-power and hydraulic privileges, to be leased out by and for the benefit of the said States; and whereas it is important to the financial interests of the said States, as well as to the interest and accommodation of their citizens, that this water-power should be brought into early use and requisition; and whereas, to secure these benefits, it is requisite that a larger amount of capital should be concentrated than can at present be commanded by individuals in the country: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joshua Beall, Doct. Ezra Baker, jr., Thomas S. Hinde, Moses Bedell, William Wilson, William F. Thornton, Hiram Bell, Henry I. Mills, William Wood, Lyman J. Smith, Doct. Mahon, Scoby Stewart, Abner Armstrong, Joseph L. Wilson, James B.

Hinde, Orlando B. Ficklin, and Edward Smith, and their associates and successors, be, and they are hereby, constituted and declared to be a body politic and corporate, in law and in fact, by the name and style of "The Mount Carmel Manufacturing Company;" and all such persons and their assigns as shall hereafter become stockholders in the capital stock of the said company, by original subscription or transfer, so long as they remain such stockholders, shall be deemed to be the associates and successors of the said corporators within the meaning of this act.

SEC. 2. The said company shall be competent to contract and be contracted with; and be capable, in law and equity, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended, in all courts and places, and in all matters whatsoever; and may have and use a common seal, which they may alter and change at pleasure; and may make, establish, amend, and enforce such by-laws, ordinances, and regulations, not inconsistent with the constitution and laws of this State, as they may deem expedient for the prudent and efficient management, and the safety of their property and affairs.

SEC. 3. The capital stock of the said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferable on the transfer books of the said company, in such manner and under such regulations and restrictions as shall be prescribed from time to time by the by-laws of the said company.

SEC. 4. The corporators named in the first section of this act, or any five of them, may, by giving at least ten days' public notice in some newspaper, published in Mount Carmel, of the time, place, and purpose of their meeting, proceed to hold a meeting of the said corporators in the court house in Mount Carmel, for the purpose of opening the books of subscription for the said capital stock of the said company; and may, on the said day of meeting, after appointing one of their number to be the chairman, and another secretary of the said meeting, proceed to open the book or books for the subscription to the said capital stock; and, so long as there remains any shares of the said stock unsubscribed for, shall permit all persons then present, (including the said corporators,) and wishing to subscribe for the same, to do so, upon paying to them, at the time of such subscription being made, one dollar on each and every share so subscribed; which payment shall be bona fide made, and not evaded by giving promissory notes therefor, or otherwise.

SEC. 5. If the whole number of shares of the said capital stock shall not be subscribed for on the first day of opening the books as aforesaid, it shall and may be lawful for the said corporators to continue the same open, at such times, in such places, and by such agent or agents, as a majority of them,

at their said first meeting, or at any adjourned or subsequent meeting, (which they are hereby authorized to hold,) may order and direct: *Provided*, That whenever any number of the shares of the said capital stock, exceeding one thousand shares, shall have been subscribed for, and the first instalment paid thereon as prescribed in the preceding section of this act, it shall and may be lawful for the said corporators, or any five or more of them, to proceed to organize the said company, by the election of directors thereof, as hereinafter provided.

SEC. 6. The stock, property, and concerns of the said company shall be managed and controlled by nine directors, to be elected annually by the stockholders, to serve for one year, and until their successors are elected and qualified; all of whom shall, at the time of their election, and during their continuance in office, be stockholders in the said company; and any five of whom shall constitute a quorum for the transaction of business.

SEC. 7. Whenever the requisite amount of the capital stock shall have been subscribed for, and the first instalment paid thereon, as provided for in the fifth section of this act, it shall be lawful for the said corporators, or any five or more of them, to give at least ten days' public notice, in some newspaper published in Mount Carmel, that, on a day to be mentioned in the said notice, an election for nine directors of the said company will be holden at the court house in Mount Carmel; and the said corporators are hereby authorized to hold such election at the time and place mentioned in such notice, any three of whom may act as judges of the said election. At the first and all subsequent elections for directors every stockholder shall be entitled to one vote for each and every share of the capital stock he, she, or they may hold, and may vote either personally or by proxy; and the nine candidates receiving the plurality of the votes given shall be declared duly elected. In cases where two or more persons may receive an equal number of votes, and the requisite number of directors cannot therefore be declared duly elected, the judges shall forthwith proceed to decide, between such persons so receiving an equal number of votes, by ballot.

SEC. 8. All subsequent elections for directors shall be held and conducted in such manner, and at such times and places, as shall be directed by the by-laws of the company; and if it shall so happen that any election for directors shall be neglected or omitted to be holden on the day the same should have been held, the said corporation shall not, for that cause, be deemed to be dissolved, or its rights, privileges, and immunities defeated or impaired; but it shall be lawful for the stockholders to hold an election for directors, on any other day, in such manner as the by-laws of the company may in such cases provide for and direct.

Term of office. **SEC. 9.** The directors of the said company, when so elected, shall continue in office for one year, and until their successors are elected and qualified, as may be prescribed by the by-laws; and shall, so soon as convenient after their election, organize their board by choosing one of their number to be president thereof; and shall appoint a secretary and a treasurer of the company, both of whom shall be stockholders therein; and shall continue in office during the time the directors appointing them are elected to serve, unless sooner removed by the board; and it shall not be incompatible for a director to be appointed either the secretary or treasurer, or to hold both the office of secretary and treasurer in the same person, should it be deemed expedient to appoint directors to one or both of said offices.

Officers.

Treasurer to give bond. **SEC. 10.** The treasurer, before entering on the duties of his office, shall enter into bond to the said company, in such penal sum and with such sureties as the board shall direct, conditioned for the faithful performance of the duties of his said office; which duties shall be defined and regulated by the by-laws of the company.

SEC. 11. The corporators named in the first section of this act shall, so soon as the board of directors are elected and organized, pay over to the said directors all the moneys received by them from the subscribers to the said capital stock for the first instalment paid thereon, excepting so much as shall have been necessarily expended by them, for the incidental expenses incurred in obtaining such subscriptions; but no corporator shall be entitled to retain or receive any thing for his personal services, unless he shall have been authorized to act as the special agent of the said corporators in obtaining such subscriptions.

Special agent.

Further powers. **SEC. 12.** The directors shall have power and authority to appoint or employ, from time to time, such agents, superintendents, architects, engineers, workmen, and other persons as shall be deemed by them to be necessary and expedient to carry into full effect and operation the objects and intents of this act of incorporation; and to prescribe the duties of all such persons so appointed or employed by them, and require such security from them for the performance of their respective duties, and pay them such compensation for their services, and discontinue such service at such times as the said directors may deem proper, or as may be agreed on by the parties.

May agree with Indiana & Illinois for water-power. **SEC. 13.** The said company are hereby specially authorized and empowered to contract and agree with the States of Indiana and Illinois, or with such authorities as the said States shall or may jointly or severally authorize to make such contracts or agreements, for the use and privilege of so much water-power and hydraulic privileges, created by the said States at the Grand rapids of the Great Wabash river, near Mount Carmel, as the said company shall or may need to

propel and operate the machinery necessary to carry on their manufacturing operations; and may use the said water-power at such site or sites, between the dam and the mouth of Great-house creek, in or near the town of Mount Carmel, as the said company may procure, and as they may deem most conducive to the interests and success of their operations; and may excavate and construct such mill-races, forebays, reservoirs, and other devices, for the use of the said water-power, as may be necessary therefor: *Provided, however,* That the said Proviso. company shall not be permitted to lease or obtain from the said States or authorities aforesaid a surplus of such water-power and hydraulic privileges, over and above what may probably be necessary for their bona fide and actual operations, with a view and intention of preventing competition in the erection of mills, manufactures, or machinery of any description, by other companies or individuals; nor shall this act be ever so construed as to grant to the said company any exclusive privilege to embark in or carry on any branch of manufactures or business whatsoever.

SEC. 14. For the purpose of securing the necessary capital to carry into effect the objects of this act, the said directors are authorized and empowered to call in any part or the whole of the capital stock subscribed, under such regulations and in such instalments as may from time to time be prescribed by the by-laws of the company; and if the whole amount of the said capital stock shall not have been subscribed for previous to the first election of directors, the directors for the time being may, at any time thereafter, cause books of subscription to be opened, for the subscription of all or any portion of the residue of the said capital stock, by such agent or agents, and at such times and places, and to be paid for in such instalments and manner, as the said directors may deem expedient.

SEC. 15. And for further securing means and capital to Company may borrow money. enable said company to carry into effect the objects of this act, the directors are authorized and empowered to borrow, on the faith and credit of the said company, any sum or sums of money not exceeding in the whole the amount of their capital stock, and to issue bonds or transferable certificates of stock therefor, in the corporate name and under the seal of the said company; and to take such loans on such time, and pay such rates of interest therefor, and make the same payable at such place or places as may be agreed on by the lenders and the said company; and the said directors may employ such agents or agent to negotiate and effect such loans in Agents to negotiate. the United States, or elsewhere, as they may deem proper.

SEC. 16. The lands, tenements, and real estate which may Lands held. be leased, purchased, and held by the said company, shall be confined to such lands, tenements, and real estate, as shall be deemed by them necessary and requisite for the erection of

their mills, manufactories, foundries, work-shops and improvements, and dwellings and offices, for their agents and workmen and persons in the employ of the said company; and for mill-races, forebays, reservoirs, and other water-works, and for boat, lumber, and coal-yards and wharves; and such coal and timber tracts of lands, not exceeding one thousand acres, as may be deemed by them necessary to insure a constant and uninterrupted supply of fuel and lumber for the operations of the said company; and such lands and real estate as the company may become the purchaser of at sales under executions or decrees for debts due and owing to the said company: *Provided*, That lands so purchased under executions and decrees shall be sold by the said company within five years thereafter.

To deal in
grain, &c.

SEC. 17. The said company are hereby authorized and empowered to purchase and deal in grain, cotton, wool, iron-ores, coal, lumber, and other raw material; and to erect, construct, establish, and carry on manufactories of flour, meal, oils, paper, cotton, woollen, flaxen and hempen fabrics; implements of agriculture; castings, rail-way and other iron; steam-engines, locomotive and other railroad cars; and to establish and carry on boat-yards, and the construction of steam and other boats, and the manufacture of rail-way, building, and other lumber; or any or either of the said branches of manufactures and business; and to sell, use, and dispose of such manufactured and constructed articles in such manner as the directors may deem most prudent and beneficial to the interests of the said company.

Steam-en-
gines.

SEC. 18. That for the purpose of facilitating the operations of the said company, and securing the early application of the said water-power whenever the dam shall have been completed, the said directors are authorized to purchase and put into operation one or more steam-engines, for the sawing of lumber, preparing building materials, and preparation of machinery, if they shall deem it expedient so to do.

Insurance.

SEC. 19. The directors are authorized to insure all or any part of the property of the said company against losses by fire, marine risks, or otherwise, in all cases as natural persons are capable in law to do.

Surplus capi-
tal may be
loaned.

SEC. 20. If it shall so happen that at any time there should be any surplus capital or funds of the said company on hand, and unemployed in their ordinary business and operations, by reason of the States not having the water-power ready for application by the time expected, or by casualties happening to the dam or other water-works, and thereby suspending the operation of the machinery of the company; or by an unavoidable deficiency in the supply of raw materials or operatives, or otherwise, it shall and may be lawful for the said directors to make temporary loans of such unemployed and surplus funds and capital, at not exceeding eight per cent. per

annum interest, until the same shall be needed in the ordinary manufacturing operations of the company.

SEC. 21. Suit against the said company shall be commenced by summons, and personal service of the same on the president or treasurer of the company, upon the same notice as in cases of suits against individuals; or by leaving an attested copy of such summons, at the usual office of the said company, thirty days before the return day thereof.

SEC. 22. All and any person trespassing on or injuring the property of the said company shall be liable in the same manner to the said company as in like cases of trespass or injury to property belonging to individuals.

SEC. 23. Nothing in this act shall be so construed as to invest the said company with banking privileges: *Provided*, That the sale of bills or drafts, drawn or received by the said company for funds or proceeds of the sales of their articles of manufacture and trade in the southern or other markets, shall not be deemed banking privileges within the meaning of this act; but said company may dispose of such bills and drafts in the same manner as individuals may do.

SEC. 24. This act and the corporation created by it shall be in force and exist for the space of thirty years, and no longer.

SEC. 25. This act shall be deemed a public act, and shall be received in evidence for and against the said company, in all courts of judicature, without the necessity of pleading the same.

APPROVED, March 2, 1839.

AN ACT to incorporate the Illinois Insurance Company.

In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established, in the city of Chicago, an insurance company, to be called "The Illinois Insurance Company."

Name & style.

SEC. 2. All such persons as shall hereafter be stockholders of said company shall be, and they are hereby, declared to be a body corporate and politic, by the name and style of "The Illinois Insurance Company," and to continue for thirty years from and after the passage of this act; and, by that name and style, shall be competent to contract and be contracted with; and be capable, in law and equity, to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever.

Body politic.

To continue thirty years.

SEC. 3. The said corporation may have and use a common seal, which they may alter, change, or break at pleasure; and may also make and establish, and put in execution, such by-laws, ordinances, and regulations, as shall in their opinion be

Powers.

necessary, for the good government of said corporation, and the prudent and efficient management of its affairs. No by-laws, ordinances, and regulations of the same shall be in anywise contrary to the constitution and laws of this State or of the United States.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of five dollars each, to be paid in such instalments as the directors chosen under this act may from time to time direct, under such penalties as the president and directors may in their discretion appoint and order. The stockholders may at any time augment the capital stock of the said company, at any special meeting called for that purpose, a majority of all the votes being given therefor, under such regulations, restrictions, and conditions, as the stockholders shall at such meeting judge proper, to any amount not exceeding five hundred thousand dollars. The stock of said company shall be assignable and transferable, according to such rules as shall be adopted in that behalf by the by-laws and ordinances thereof.

SEC. 5. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods, and merchandize, freight, moneys, bottomry, respondentia, interest, and on all marine risks, and inland navigation, and transportation; and against all losses, by fire, of any buildings, or houses, whatsoever; and vessels on the stocks.

SEC. 6. All policies of insurance by them made shall be subscribed by the president, or, in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed may be adjusted and settled by the president and board of directors.

SEC. 7. The said corporation shall not take any risk, nor subscribe any policy by virtue of this act, until one-half of the capital stock thereof shall have actually been paid in.

SEC. 8. The said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize, whatsoever; but the president and directors may, at their option, vest the capital stock of said corporation in the capital stock of any incorporated bank, company, or public funds of this State. They shall have power, also, to loan to any individual any portion of their capital stock on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion: *Provided*, They shall not, under any pretence, loan money at a greater rate of interest than is allowed by the laws of this State.

SEC. 9. The said corporation may only purchase and hold such real estate as the directors may deem necessary for the transaction of its business, not exceeding one hundred and sixty acres; and, also, to purchase on sales made by virtue of any judgment at law, or any decree of a court of equity, or otherwise; to take and receive any real estate in payment,

or towards satisfaction, of any debt previously contracted or due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property; and to sell and convey said real estate or any part thereof.

SEC. 10. Peter Balles, William Brown, Stephen M. Edgell, George W. Dale, Alexander Furgerson, Alexander Loyd, Alexander Morrison, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books for said stock, on the first Monday of April, in the year of our lord one thousand eight hundred and thirty-nine, in the town of Chicago; and the sum of two dollars on each share subscribed for shall be paid to said commissioners, in specie, or in the notes of specie-paying banks, at the time of making such subscriptions. The books may be closed whenever the whole of said stock shall be subscribed; and whenever a board of directors shall be duly elected, the said commissioners shall deliver over to the said board of directors said books, and shall pay over to said directors the whole amount of money by them, respectively or jointly, received, except so much as shall be retained for the expenses incurred by them in executing the duties imposed on them by this act: *Provided, however,* That if the books for the subscription of stock shall not be opened at the time herein required, the said commissioners may open the books at any time thereafter, upon giving twenty days' notice, in all the newspapers printed in Chicago, of the time and place of opening the same.

Commissioners to obtain subscriptions for stock.

Proviso.

SEC. 11. In case of the death, resignation, or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises as those prescribed to the whole of said commissioners by this act of incorporation named; and their acts as such shall be legal.

Death or absence of members.

Quorum.

SEC. 12. The stock, property, and concerns of said incorporation shall be managed and conducted by nine directors, who shall hold their offices for one year, and until others be chosen and no longer, and shall be holders, respectively, of not less than ten shares of the capital stock of said company.

Directors.

SEC. 13. The first election of directors under this act shall be held at such time and place, in the town of Chicago, as shall be directed by the said commissioners, or a majority of them, who, or a majority thereof, are hereby appointed inspectors of said election; and the persons thus appointed and elected as directors shall hold their offices until the first Monday in April, in the year of our Lord one thousand eight hundred and forty, and until others are elected in their stead.

Election of directors

Annual elec-
tion.

SEC. 14. The directors for every subsequent year shall be elected on the first Monday of April in each year, at such time of the day, and at such place within the town of Chicago, and under the direction of such persons as a majority of the directors for the time being shall appoint by a resolution, to be entered on their minutes.

Proxies to be
stockholders.

SEC. 15. All elections shall be held and made by such of the stockholders of the said incorporation as shall attend for that purpose, either by person or proxy; which proxies shall be always stockholders, allowing one vote to each share of capital stock; and the nine persons who shall have the greatest number of votes shall be directors; and if, at any election, two or more persons shall have an equal number of votes, so as to leave their election undecided, then the directors who have been elected shall proceed, by ballot and by a plurality, determine which of said persons so having an equal number of votes shall be director or directors, so as to complete the whole number; and whenever any vacancy shall happen for the office of president or vice president, or directors, from death or otherwise, such vacancy shall be filled, for the remainder of the year in which it shall happen, by the directors for the the time being, or a majority of them. The said commissioners shall certify, under their hands and seals, the persons elected, and deliver such certificate to the persons selected, or to some one of them; and if, through any unavoidable accident, said directors should not be chosen on the first Monday as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided.

Vacancies,
how filled.

Meet to
choose offi-
cers.

SEC. 16. The directors when chosen shall meet as soon as may be after every election, and shall choose out of their number a president, who shall be sworn, or affirmed, faithfully to discharge the duties of the office, and shall preside for one year, and until another person shall be chosen in his stead; and also a vice president for the same term. They shall have power to appoint a secretary and all subordinate officers of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall give such bond, and in such penal laws, with such conditions, and with such securities, as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors.

Give bonds.

SEC. 17. The president and such a number of directors as shall be required by the by-laws of said corporation shall constitute a board for the transaction of business.

Amount of
capital stock
to be publish-
ed.

SEC. 18. The president and directors of said company shall, previous to subscribing any policy, and once in every year, publish, in two of the newspapers of this State, the amount of their capital stock, against what risks they mean to insure, and the largest sum they mean to take on any risk.

SEC. 19. The expenses incurred by the commissioners in executing any duties required by this act shall be paid out of the moneys received by them from the subscribers, out of the capital stock, and may be retained by them for such purposes. Expenses,
how paid.

SEC. 20. It shall be the duty of the directors of said company, at such times as the by-laws thereof shall prescribe, to make dividends of so much of their interest arising from the capital stock, and the profits of said company, as to them shall appear advisable; but the money received, and notes taken for premiums or risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered a part of the profits of said company; and in case of any loss or losses, whereby the capital stock of said company shall be lessened, before all the instalments are paid in, each proprietor or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until the sum arising from the profits of the business of said company, equal to such diminution, shall have been added to the capital stock; and once in every three years, and oftener if required by a majority of the votes of the stockholders, directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. Dividends.

In case of
losses.

Statement of
profits.

SEC. 21. This act is hereby declared to be a public act.

SEC. 22. This charter shall be void and of no effect, unless the stock shall be subscribed, and the company shall commence operations, agreeably to the provisions thereof, within one year after the passing of this act. If stock is not
subscribed,
charter void.

SEC. 23. Nothing in this act contained shall authorize said corporation to issue notes or other evidences of debt, in the similitude of bank notes, to be used as a circulating medium in lieu of money, or to buy bills of exchange. Shall not is-
sue notes.

SEC. 24. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of stockholders, as aforesaid, shall be liable for any losses equal to the amount of said capital stock subscribed, and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in or profits not divided. In case of
losses.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to incorporate the Northern Division of the American Bottom.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of the American bottom which lies in Madison and St. Clair counties, south of Wood river, is hereby declared a body corporate under the title and name of "The northern division of the American bottom."

Body corporate.
Title & name.

SEC. 2. The inhabitants of said district of country are hereby constituted a body politic and corporate; and, under the name and style of "The president and trustees of the northern division of the American bottom," they and their successors shall be known in law; shall have perpetual succession; shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; may purchase, receive, and hold property, real and personal, within said corporation, and may sell, lease, or dispose of the same for the benefit of the corporation, and may do all other acts as natural persons: they shall have a common seal, and may alter the same at pleasure.

Name & style.

Powers.

President and board of trustees.

President to hold his office two years.

Number of trustees.

Office how vacated.

Contested election.

Vacancy how filled.

Power of president to nominate all officers.

SEC. 3. The powers of said corporation shall be vested in a president and a board of trustees.

SEC. 4. The president shall be elected by the voters of the corporation, and shall hold his office for the term of two years, and until his successor be duly elected and qualified.

SEC. 5. The board of trustees shall consist of six trustees, to be selected as follows: three from that part of said corporation which lies in Madison, and three from the portion lying in St. Clair counties; and shall hold their office for the term of two years, and until their successor are duly elected and qualified.

SEC. 6. The president, trustees, and all other officers of corporation shall, during their continuance in office, reside within the limits of the corporation; and if the president and trustees or other officers of the corporation shall cease to reside within the limits of the same, his office shall thereby immediately become vacated.

SEC. 7. Whenever any election for president or trustees shall be contested, it shall be determined by the board of trustees; and all vacancies that shall occur in the board of trustees shall be filled by election, in such manner as shall be provided by ordinance.

SEC. 8. The president may be removed from office for any misdemeanor in office, by a vote of two-thirds of all the board of trustees elected; and, whenever a vacancy shall happen in the office of president, it shall be filled by election in such manner as shall be provided by ordinance.

SEC. 9. The president shall have power to nominate, and, with the concurrence of the board of trustees, to appoint all corporation officers not ordered by law or ordinance to be otherwise appointed. He shall take care that the laws of the

State, so far as they relate to the corporation and the ordinances of the corporation, are duly enforced, respected, and observed within the corporation. He may remit fines, forfeitures, and penalties accruing or owing from the violation of any ordinance of the corporation. He may fill all vacancies which may occur in any office other than that of trustees, until the next meeting of the board of trustees after the vacancy shall have happened. He shall from time to time give to the board of trustees information relative to the state of the corporation, and shall recommend to their consideration such measures as he shall deem expedient.

Remission of fines.

SEC. 10. The president shall preside at all meetings of the board of trustees; and, when the board is equally divided, he shall give the casting vote. The board shall judge of the qualifications, elections, and returns of the members of the board. They shall make rules and regulations for the government of their own proceedings. They shall have power to compel the attendance of absent members at the meetings of the board, to punish members for disorderly conduct, and, by a vote of two-thirds of all the members elected, to expel a member, but not a second time for the same offence. They shall cause a true and faithful record to be kept of all the acts and proceedings of the board; and, at the desire of any member, shall cause the ayes and nays on any question to be entered therein.

When president to give casting vote.

Expulsion of members.

SEC. 11. There shall be four stated meetings of the board of trustees in every year, the time and place of which shall be prescribed by resolution or ordinance of the board.

Stated meetings.

SEC. 12. In all meetings of the board of trustees, a majority of the whole number of members elected shall constitute a quorum to do business; but any less number may adjourn from day to day, and compel the attendance of absent members. The president may call special meetings of the board of trustees, by giving five days' notice thereof, in writing, to the members of the board.

Quorum.

SEC. 13. Whenever any vacancy shall happen in the office of president, the trustees shall choose one of their own number to act, and receive the compensation of president, until such election shall be filled by election.

Vacancy filled by trustees.

SEC. 14. The president and board of trustees shall have power, within the corporation, to levy and collect taxes not exceeding one-half of one per centum on all landed property, (made taxable by law for State purposes); to receive and use donations and appropriations from any person or body of persons whatsoever: *Provided* the proceeds of such taxation, and of such donations and appropriations, be used by them to secure the main intention of this act, that is to say, for the purpose of draining, reclaiming, and rendering healthful that tract of country included within the boundaries of the corporation. They shall have, and they are hereby invested with, powers to dig canals, ditches, sluices, and outlets for standing

Taxes on lands.

Proviso.

Intention of act to drain bottom.

- waters in lakes, ponds, slashes, and pools of water; to turn the channels or beds of branches, rivulets, lakes or ponds, and to remove all obstructions in the same; to raise embankments, levees, or dykes whenever they shall deem proper, and to alter and vary the same at pleasure; to declare what shall be considered nuisances, and to cause the removal of the same; to regulate the election of corporation officers; to remove (at pleasure) from office any person holding any office created by ordinance; to fix the compensation of all corporation officers;
- Levees and dykes.** to fix the fees of jurors, witnesses, and others for services rendered under this act, or any ordinances of the corporation; to provide for the payment of all expenses incurred in the performance of duties required by this act, or any ordinance of the corporation, and to provide for the collection and appropriation thereof; to provide for the taking the census of the inhabitants of the corporation; to appoint all officers, servants, and agents necessary to carry into effect the powers hereby granted.
- Fees of jurors.**
- Census.**
- Ordinances to be approved by president.** **SEC. 15.** Every ordinance of the board, before it shall become a law, shall be presented to the president for his appropriation; and, should the president disapprove of the same, he shall return it to the board of trustees, with his objections; and then the board of trustees shall reconsider the ordinance so returned; and if, after such reconsideration, a majority of the whole number of trustees elected shall pass the ordinance, it shall become a law.
- Ordinances reconsidered.** **SEC. 16.** If any ordinance shall not be returned to the board of trustees within five days after it shall have been delivered to the president for his approbation, it shall become a law in the same manner as if he had approved it.
- Style of ordinances.** **SEC. 17.** The style of the ordinances of the corporation shall be: "Be it ordained by the president and board of trustees of the corporation of the northern division of the American bottom."
- Ordinances to be published.** **SEC. 18.** All ordinances passed by the board of trustees shall, before they become a law, be published in one or more newspapers published in the limits of the corporation, or in some newspaper published in St. Clair or Madison counties.
- How proven.** **SEC. 19.** All ordinances of the corporation may be proven by the seal of the corporation; and when printed and published in book form, and purporting to be printed by authority of the corporation, the same shall be received in evidence in all the courts and places without further proof.
- Private property for use of corporation, how paid for.** **SEC. 20.** When it shall be necessary to take private property for the use of the corporation, or to injure private property for the general benefit of the corporation, the corporation shall make a just compensation therefor to the person whose property is so taken or injured; and if the amount of such compensation cannot be agreed on, the president shall cause the same to be ascertained by a jury of disinterested freeholders of the corporation. Such jury shall at the same

time take into consideration the benefits accruing to such property by any work done upon it by order of the corporation, as well as the injury done, and shall have the same in mind when making up their verdict on the same.

SEC. 21. All jurors empaneled to inquire into the amount of damages or benefits sustained by a piece of property having had a corporation work done upon it, shall first be sworn to that effect, and shall return to the president the result of their inquiry, in writing, and signed by each juror. Jury to assess.

SEC. 22. The president shall have power, for good cause shown within twenty days after the return to him of any inquest, to set the same aside, and to cause a new inquest to be made.

SEC. 23. The president and trustees shall have power, by ordinance, to direct the manner and condition in which any property advertised for sale, or sold, for taxes by authority of the corporation, shall be redeemed: *Provided, however,* That at least two years shall be allowed for redemption. Redemption of land sold for taxes.

SEC. 24. There shall be a corporation register chosen by the trustees, whose duty it shall be to keep a record of all the official acts of the president, and, when necessary, to attest them. He shall perform the duties of clerk to the board of trustees when in session: he shall keep a book or books wherein shall be entered all the proceedings of the board; he shall keep in his office all records, public papers, and documents belonging to the corporation; and he shall perform such other duties as shall be assigned to him by the board of trustees. He shall hold his office for two years, and until his successor shall be duly appointed and qualified, unless removed as heretofore provided. He shall, before entering on the discharge of the duties of his office, give bond to the president, conditioned for the faithful discharge of the duties of his office. Register to be chosen to perform the duties of clerk. Records and papers of corporation, how and when kept. Proviso.

SEC. 25. Every officer of the corporation shall, before entering on the discharge of the duties of his office, take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the constitution of the United States and of this State, and that he will faithfully conduct himself in office. Officers to be sworn.

SEC. 26. The general election for all officers of this corporation, required to be elected by this act, shall be held on the third Monday of July, of eighteen hundred and thirty-nine, and on that day every two years thereafter. The voters shall possess the same qualifications as are required in voters for State officers, that is, shall be twenty-one years of age, shall have lived in the corporation six months preceding the election, &c.; and they shall vote *viva voce*. General election. Vote viva voce.

SEC. 27. For the carrying out the organization of this corporation, Laurant Pensaneau, Narcisse Cornoyer, and Thomas Gilham, are hereby authorized and required to hold an election, on the third Monday of July next, for president Persons authorized to hold first election. Time & place of election.

and six trustees as provided in this act, and to continue the same from ten o'clock A. M. to six P. M.; which election shall be held at the office of Alexander Cook, esq., in Illinois-town, in the county of St. Clair; and as soon as they shall have ascertained who are elected, they shall proclaim the same, and give certificates to such persons of such election. Said Laurant Pensaneau, Narcisse Cornoyer, and Thomas Gilham shall be qualified as judges of election as provided in cases of State elections, and shall appoint their clerk for the same. The return or polls of this election shall be delivered to the trustees of the corporation as soon as they shall have been qualified.

Certificates of election.
Judges of election.

Act may be altered or repealed.

SEC. 28. The General Assembly may at any time alter, amend, or repeal this act.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to incorporate the Bainbridge Academy, in Franklin county.

Body politic.

Name.

Powers.

Object.

Further powers.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Bainbridge, Joel Norris, Warrenton K. Spiller, Dubratus Dempsey, Thos. E. Loudon, William T. Turner, Thomas Scurlock, Anderson Walker, Wilson Spiller, and Ragsdal Rowland, and their successors, be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The president and trustees of the Bainbridge Academy," and, by that style and name, to remain and have perpetual succession. The said academy shall be and remain at or near Bainbridge, in Franklin county, and State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present the abovenamed individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.*

SEC. 2. The object of said corporation shall be the promotion of the general interest of education.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession; to make contracts; to sue and be sued; to plead and be impleaded; to grant and receive by its corporate name; and to do all acts as natural persons may; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects before mentioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States

or of this State; and to confer, on such persons as may be considered worthy, such academical or honorary degrees as are usually conferred by similar institutions.

SEC. 4. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said academy; to fix the rate of tuition, and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; and make rules for the general regulation of the conduct of the students. Additional powers.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board from death, removal, resignation, or any other cause. A majority of the trustees for the time being shall be a quorum to do business. Vacancies, how filled.

SEC. 6. It shall be the duty of said trustees to appoint one of their number treasurer to the board, who shall be required to give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him. Treasurer to give bond.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; nor shall any trustee, teacher, or other person, be allowed or permitted to use any means or influence in order to induce any student to subscribe to any particular creed or faith, or to attend on or at any particular church or place of worship, to the exclusion of any other. All persons, however, may be suspended, or expelled from said institution, by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad. Open to all. Expulsion of students.

SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity, by virtue of this act, by said corporation, shall not exceed six hundred and forty acres: *Provided, however,* That, if any donations, grants, or devises in land shall from time to time be made to said corporation, over and above the said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received by said corporation, and held for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by said corporation, then, and in that case, the lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same. Mayhold land

SEC. 9. There shall also be attached to the said academy a department in which shall [be taught branches that are usually taught in common schools, and which shall] constitute the Com. school department

common school of the district in which said academy may be situated; and the trustees of said academy shall receive from the school commissioner of the county the same amount of money, in the same proportion, and apply the same to such tuition in the same manner as other common schools are paid and kept; *Provided*, That the teachers or instructors of said department shall be selected by the trustees, and under the control of the by-laws of said corporation.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to incorporate the Shawneetown and New Haven Railroad Company.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Marshall, Henry Eddy, Ephraim H. Gatewood, James C. Sloo, J. C. Stickney, Alexander Kirkpatrick, William H. Davidson, Jesse Kirkman, and Thomas S. Hick, their associates, successors, and assigns, are hereby created a body politic and corporate, under the name and style of "The Shawneetown and New Haven Railroad Company," and, by that name, shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or courts whatsoever; to make and use a common seal, the same to alter and renew at pleasure; and, by that name and style, be capable, in law, of contracting and being contracted with, purchasing, holding, and conveying, personal and real estate for the purpose and use of said corporation, as hereinafter limited; and shall be, and are hereby, vested with all the powers and privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad for a double or single track, commencing at Shawneetown, on the Ohio river, near the corner of North First street, adjoining the upper public landing in said town; thence to the town of New Haven, on the Little Wabash river, terminating upon the bank of the river at said town; and for his purpose, said company are authorized to construct said road; and for the purpose of embankments, cuttings, stone, wood, and gravel, may take as much more land as may be necessary for the proper construction and security of said railroad.

Capital stock. **SEC. 2.** The capital stock of said company shall consist of two hundred thousand dollars, in shares of one hundred dollars each; and the immediate government and direction of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation in a manner hereinafter provided, and shall hold their

Directors, how chosen.

offices until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the company, and have authority to choose a secretary and treasurer, who shall give bond and security to the corporation for the faithful discharge of his duties, in the sum of twenty-five thousand dollars. Officers.

SEC. 3. The president and directors for the time being are hereby authorized and empowered, by themselves or their agents, to execute all powers herein granted to the company, and all such other power and authority for the management of the affairs of said company, not heretofore granted, as may be proper and necessary to carry into effect the object of this act; and to make such equal assessments from time to time on all shares of the company as they may deem expedient and necessary: *Provided*, That no assessment upon such shares shall be made of a greater amount in the whole than one hundred dollars on a share.

SEC. 4. The president and directors of said company shall have power to issue their bonds and obligations of said company to the amount of half the capital stock of said company, and negotiate the sale of said bonds, through their agent or agents duly appointed for that purpose, either in the United States or England, not paying a rate of interest upon such amounts so loaned upon said bonds exceeding six per cent. per annum. May issue bonds.

SEC. 5. The said company shall have power to make, ordain, and establish, all such rules, by-laws, ordinances, and regulations, as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of the stock, the payment of assessments, and the conveyance of property, and the well-ordering, regulating, and securing of the interest and affairs of said company: *Provided* the same shall not be repugnant to the laws of this State and the United States. By-laws. Proviso.

SEC. 6. A toll is hereby granted and established, for the sole benefit of said company, upon all passengers and property of all descriptions which may be conveyed or transported on said road, at such rates as may be agreed upon and established, from time to time, by the directors of said company. Tolls.

SEC. 7. The annual meetings of the members of said company shall be holden, on the first Monday of each year, at such time, place, and under such regulations as the directors for the time being may appoint; at which meeting the directors shall be chosen by ballot. Each proprietor shall be entitled to one vote for each share, and shall have power, when absent from the place of election, to vote by proxy, such proxy being certified before a notary public, justice of the peace, or other competent authority. Annual meetings. Directors chosen by ballot.

- Commencement and completion.** **SEC. 8.** The said company shall commence the said road within three years, and complete it within the next ten years.
- First meeting.** **SEC. 9.** Any two members named in this act are hereby authorized to call the first meeting by giving notice, ten days previous, in at least one newspaper published in Shawneetown, Illincis, of the time and place and purpose of said meeting.
- Public act.** **SEC. 10.** This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this State, without the necessity of pleading the same.
- State may purchase.** **SEC. 11.** The State may at any time purchase the said road, by paying cost, if it shall hereafter be deemed proper to do so. After the period of thirty years this corporation shall cease to exist.
- APPROVED, March 2, 1839.**

In force, Mar. 2, 1839. AN ACT to establish the Mississippi Ferry Company at Savannah, and for other purposes.

- Body politic. Name & style.** **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Luther H. Bowen, Benjamin Church, Aaron Pierce, and their associates, heirs, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of "The Mississippi Ferry Company," at Savannah, in the county of Carroll, and State of Illinois, with power to establish and maintain the ferry herein granted for and during the term of ten years from and after the passage of this act.*
- Ferry, how furnished.** **SEC. 2.** The boat or boats necessary for the conducting of said ferry may be so constructed as to be propelled by steam, horse, or other power, or means, as the proprietors may deem expedient.
- Powers.** **SEC. 3.** The said corporation hereby created shall have succession for the time aforesaid; for and during that time, shall have power, in the name of the corporation, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of competent jurisdiction; may have and use a common seal, and may alter and change the same at pleasure; and, in their corporate name, shall be capable, in law, to purchase and hold, and convey any estate, real, personal, or mixed, that may be necessary for the use of said ferry, not exceeding ten acres of land.
- Capital stock.** **SEC. 4.** The capital stock of said company shall be twelve thousand dollars, which shall be divided into shares of fifty dollars each, which shall be taken and held to be personal property. The capital stock of said corporation may be increased to any amount not exceeding twenty thousand dollars, when a majority of the stockholders shall deem such increase necessary for the objects herein contemplated.

SEC. 5. The trustees aforesaid shall open books for the subscription of said stock, on the first Monday of May, or as soon thereafter as is convenient, at Savannah, and such other places as they may deem proper, by giving at least twenty days' public notice thereof; and like notice shall be given when it is necessary to increase the capital stock.

Books opened
for capital
stock.

SEC. 6. At the time of subscribing for, two dollars shall be paid on each share subscribed for; and, as soon as the whole or one hundred shares of the capital stock is subscribed, the trustees shall close the books, and shall order meetings of the stockholders, to be held at Savannah, by giving ten days' public notice thereof, for the election of seven trustees of said corporation. The election shall be conducted by the trustees named in this act, or a majority of them; and, at said election, the stockholders shall be entitled to one vote for each share of stock owned; and, at every subsequent election, one vote for such share owned at least ten days before said election; and the persons having a plurality of votes shall be declared duly elected trustees. The present trustees shall then deliver the books and all papers appertaining to the said corporation to the trustees elect.

Meeting of
stockholders.
Election of
trustees.

SEC. 7. A majority of the trustees for the time being shall be a quorum for the transaction of business; and, within ten days after the election, they shall meet and organize by electing one of their number president of the board, and appointing a clerk and treasurer, and such other officers as they may deem expedient; and require of all, or any one, such bonds as they may deem the safety of the corporation to require; and the trustees shall have power to form by-laws and regulations for the government of the corporation, not inconsistent with the constitution and laws of the United States and of this State.

Quorum.

Officers.

By-laws.

SEC. 8. When the said ferry is established, it shall and may be lawful for the said company, their assigns and successors, to demand and receive, from all persons crossing said ferry, for and during the time aforesaid, the following rates of ferriage, viz: For each loaded wagon, drawn by two horses or oxen, one dollar and fifty cents, and for each additional animal by which the same is drawn, twenty-five cents; for the same without a load, one dollar and twenty-five cents, and for each additional animal, twenty-five cents; for each sulky, gig, or other vehicle, drawn by one horse, and driver, seventy-five cents; for each coach, barouche, or other pleasure carriage, drawn by two horses, and the driver, one dollar and fifty cents, and twenty-five cents for each additional horse; for each man and horse, fifty cents; for each head of neat cattle, twelve and one-half cents; for each head of sheep, hogs, or goats, six and one-fourth cents; for each footman, twenty-five cents; and for crossing freight, twelve and one-half cents for each one hundred pounds weight.

Tolls.

SEC. 9. The ferry hereby granted shall be in all respects governed by the laws regulating ferries, toll-bridges, and turnpike roads, except as is herein otherwise provided.

Trustees to
open books
for stock.

SEC. 10. And that Harman Hait, Charles M. Franklin, and Henry Hulse, shall be trustees for the subscription of the capital stock of "The Pickatonica Toll-bridge Company," hereby created, who, or a majority of them, shall open books for subscription at the house of Alva Fask, Fask's ferry, in Winnebago county, on the first Monday in September next, by giving thirty days' public notice thereof. The capital stock of said corporation shall be four thousand dollars, with power to increase the same to ten thousand dollars, when a majority of the stockholders shall deem such increase necessary. The stock shall be divided into shares of twenty dollars each; and, at the time of subscribing, one dollar shall be paid in on each share subscribed for; and as soon as the capital stock is subscribed, or one hundred shares thereof, the trustees shall close the books, and proceed to organize said company as is provided in this bill for the Mississippi Ferry Company.

Capital stock.

Bridge, how
constructed.

SEC. 11. The said bridge shall be so constructed as not to obstruct the free navigation of the said Pickatonica river for rafts, boats, or steamboats; and, when finished, the rates of toll shall be fixed by the county commissioners' court of Winnebago county; and each corporation shall, after the first election as herein provided, cause an election to be held annually thereafter for the election of trustees; and if, at any time, such an election shall not be held on the Monday annually as herein provided, the corporate powers shall not be forfeited, if the trustees shall cause such election to be held within sixty days thereafter. The trustees shall have power to require the payment, from time to time, of such sums on each share as they may deem necessary; and, in their by-laws, declare what shall constitute a forfeiture of stock for failure to pay the amounts so required.

Annual meet-
ing.

Forfeiture of
stock.

APPROVED, March 2, 1839.

In force, Mar.
2, 1839.

AN ACT in relation to the town of Charleston.

Incorporated.

Powers.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Charleston, in Coles county, Illinois, shall be deemed and considered in law incorporated under the provisions of "An act to incorporate the inhabitants of such towns as may wish to be incorporated," approved February 12, 1831; and the president and trustees of the town of Charleston, and their successors in office, in Coles county, have, in addition to the powers conferred by the provisions of the aforementioned act, power to regulate and license taverns and groceries; to

authorize the destruction and demolition of all instruments and devices used for the purpose of gaming; to forbid the selling or giving away any ardent spirits, or other intoxicating liquor, to any child, apprentice, or servant, without the consent of his or her parent, guardian, master, or mistress; to compel the owner or occupant of any grocery, barn, privy, cellar, tannery, shop, stable, sewer, or other unwholesome nauseous house, or place, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, comfort, and convenience of the inhabitants of said town; to direct and manage the storage of powder; to erect market-houses, and regulate markets; and upon information, filed before said trustees, that any house or room in the said town is used for the purpose of gaming, they shall have power to authorize the constable of said town to break open and enter said house or room, for the purpose of arresting such persons as may be gambling; and destroying and demolishing such instruments and devices used for gambling. They shall have power to levy a fine for the breach of any ordinances, not exceeding fifty dollars. They shall have power to provide for the resurvey of said town; and such resurvey, when made and recorded, shall be deemed and considered to be legal and valid, and shall be evidence in relation to the boundaries of the lots in said town; and they may erect permanent monuments of said survey. They shall have power to erect lamps, and regulate the lighting thereof.

APPROVED, March 2, 1839.

AN ACT to revive an act, entitled "An act to incorporate the stockholders of the Randolph Manufacturing Company," approved January 16, 1836. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act, entitled "An act to incorporate the stockholders of the Randolph Manufacturing Company," approved January 16, 1836, be, and the same is hereby, revived, with all the rights, privileges, and advantages in the said act contained; *Provided,* That, if the said company shall not have been organized under said act hereby revived, and the works located, and business commenced, within two years from the first day of July next, this act shall be void and of no effect. Act revived. Proviso.

SEC. 2. That nothing contained in the act, entitled "An act to incorporate the Cairo City and Canal Company," approved March 4, 1836, shall be so construed as to prevent the said company from selling lots situate in the city of Cairo under the provisions of the act of the Legislative Council and House of Representatives of the Illinois Territory, incorporating the City and Bank of Cairo, approved January 9, 1818; and it shall be lawful for them to do so in the manner and for

the uses and purposes in the last named act specified; and any one of the commissioners appointed in and by said territorial act is hereby authorized to consent to any sale or disposition which the proprietors of the city of Cairo have or may make of said city, or the land on which said city was located.

APPROVED, March 2, 1839.

In force, Mar. 2, 1839. AN ACT to incorporate the seminaries of learning therein named.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Rev. James Dupier, John Dixon, Samuel M. Bowman, Smith Gilbraith, Frederick R. Ducher, William F. Bradshaw, Hugh Graham, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name of "The trustees of the Lee Seminary of Learning," and, by that name and style, shall remain and have perpetual succession. The said seminary of learning shall be and remain in or near the town of Dixon, in Ogle county. The trustees of said seminary shall not exceed twelve, exclusive of the presiding officer, who shall, *ex officio*, be a member of the board of trustees. For the present the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their pleasure.

SEC. 2. The primary objects of the institution shall be the education of the youth of the country, and to fit and prepare them for the various duties of life.

SEC. 3. The corporate powers hereby bestowed shall be the following, viz: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; and to grant and receive by their corporate name; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to the objects above mentioned; to have a common seal, and alter and change the same at pleasure; to make such by-laws for the regulation of said institution as are not inconsistent with the constitution and laws of this State.

SEC. 4. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the kind and course of studies to be pursued in said seminary; to fix the rate of tuition, and other academical expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable

Body politic.
Name & style.

Location.

Number of trustees.

Present board

Objects of institution.

Powers.

Seal.
By laws.

Further powers.

means of instruction; to make rules for the general management of the affairs of the institution and for the regulation of the conduct of the students.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board from death, removal out of the State, resignation, or other cause. A majority of the trustees for the time being shall be a quorum to do business.

To fill vacancies.
Quorum.

SEC. 6. The trustees of said institution shall appoint a treasurer, who shall give bond, with such security in such penalty, and with such conditions, as the said board may direct.

Treasurer to give bond.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular faith shall not be required of those who become students. All persons, however, may be expelled, or suspended from said institution, by the trustees thereof, whose habits are idle or vicious, or whose moral characters are bad.

Institution open to all.

SEC. 8. The lands, tenements, and hereditaments to be held in perpetuity by said corporation shall not exceed six hundred and forty acres: *Provided, however,* That, if any donations, grants, devises in lands shall from time to time be made to said corporation, over and above the said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by said corporation, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

Lands held.
Proviso.

SEC. 9. Joseph T. Sanford, A. S. Spaulding, J. M. Russell, S. St. John Mix, L. O. Bryan, William Wilkinson, and Hamilton Norton, are hereby appointed trustees of "The Bloomington Seminary of Learning," to be located in or near the town of Bloomington, in the county of Ogle.

Trustees of Bloomington seminary.

SEC. 10. Cyrus L. Watson, George Haskell, George W. Brinckerhoof, H. W. Potter, Anson Barrume, Daniel S. Haight, Richard Montague, and their successors, are hereby appointed trustees of "The Rockford Seminary of Learning," to be located in or near the town Rockford, in the county of Winnebago.

Trustees of Rockford seminary.

SEC. 11. William M. Adams, William Talcott, L. Pettibone, Ira Hersey, M. T. Ormsby, R. J. Cross, and J. A. Wight, are hereby appointed trustees of "The Rock River Seminary of Learning," to be located in or near the town of Pickatonia, in Winnebago county.

Trustees of Rock river seminary.

SEC. 12. Leonard Goss, Aaron Pierce, Vance L. Davidson, Luther H. Bowen, William Goss, John Bernard, and John Bowen, are hereby appointed trustees of "The Savannah Seminary of Learning," to be located in or near the town of Savannah, in the county of Carroll.

Trustees of Savannah seminary.

SEC. 13. Milton S. Mason, A. D. Bishop, James McBride, Joseph Briggs, Albert Stone, Stephen De Wolf, and David Caswell, are hereby appointed trustees of "The Craig Seminary of Learning," to be located in or near the town of Belvidere, in the county of Boone.

SEC. 14. O. H. Wright, L. W. Streeter, John Clark, Hiram G. Eades, Benjamin Goddard, and Jonathan Corey, are hereby appointed trustees of "The Freeport Seminary of Learning," to be located in or near the town of Freeport, in the county of Stephenson.

SEC. 15. Hiram Handie, Isaac Willits, Joshua Willits, William Drury, James S. Thompson, Mark Willits, and Ephraim Gilmore, are hereby appointed trustees of "The Millersburgh Seminary of Learning," to be located in or near the town of Millersburgh, in the county of Mercer.

SEC. 16. Joseph Conway, John S. Miller, George Davenport, John Spencer, and Renna Wells, are hereby appointed trustees of "The Stephenson Seminary of Learning," to be located in or near the town of Stephenson, in the county of Rock Island.

SEC. 17. Thomas Ford, M. C. Hill, James V. Gale, Daniel H. T. Mop, and Christian B. Artz, are hereby appointed trustees of "The Oregon Seminary of Learning," to be located in or near Oregon city, in the county of Ogle.

SEC. 18. The seminaries of learning mentioned in the nine preceding sections shall adopt the first eight sections of this act, excepting only the trustees, the name of the institution, and its place of location.

SEC. 19. H. Foote, L. Maulthrop, J. M. Johnson, William R. Wheeler, Simeon Towle, W. Earll, David A. Holt, and Joseph D. Brinsmade, are hereby appointed trustees of "The Kishwaukee Seminary," to be located at Kiskwaukee, on Rock river, in Winnebago county.

APPROVED, March 2, 1839.

In force, June 3, 1839.

AN ACT to amend an act, entitled "An act to incorporate the city of Alton."

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judge of the municipal court of the city of Alton shall have power, and is hereby authorized, to issue writs of habeas corpus, writs *ne exeat*, writs of injunction, and writs *certiorari*, within the jurisdiction of said court; and the same proceedings shall be had thereon before said judge and court as may be had in like cases before the circuit judges and circuit courts of this State, respectively.

SEC. 2. The judge of the municipal court of the city of Alton shall hold two terms of said court in each year for the

transaction of civil and criminal business; and shall continue each term of said court until the business before it shall be disposed of. The said terms shall, respectively, commence on the first Mondays of May and November: *Provided*, That the common council of said city shall have power to alter the time of holding said terms of court, by giving four weeks' notice thereof in some newspaper in said city: *And provided*, *further*, That the common council shall so order and arrange the time of holding the terms of the municipal court so that they shall not be held during the regular sitting of the Madison circuit court.

Times of court.
Proviso.

Further proviso.

SEC. 3. In all criminal cases hereafter depending in the said municipal court, the defendant may make application for change of venue, as now provided by law, setting forth in the petition the particular facts on which the application is grounded; and which application and petition shall be sworn to, and shall be addressed to the sound discretion of the court or judge, who shall allow such applications, if the ends of justice shall be thereby promoted.

Change of venue.

SEC. 4. In all cases where it shall become necessary to commit any person or person, by virtue of the criminal laws of the State, for offences committed within the jurisdiction of said municipal court, such person or persons shall be committed to the city jail of the city of Alton; and in all cases of conviction for a criminal offence in said court, and where, by the laws of this State, a part of the punishment is imprisonment in the county jail, said convicted person or persons shall be imprisoned in the city jail of the city of Alton.

Offenders to be placed in city jail.

SEC. 5. Hereafter no lands lying within the corporate limits of the city of Alton, not laid out into town or city lots of less size than ten acres, shall be taxed by said corporation at a higher rate, in proportion to their value, than other lands are taxed lying out of said city, and within the county of Madison.

SEC. 6. There shall be a poll opened at every place of holding an election in the city of Alton, at the August election, in eighteen hundred and thirty-nine; at which election the legal voters of said city may vote for or against abolishing the municipal court of the city of Alton; which votes shall be returned to the common council, and counted as is now provided by law; and if a majority of all the legal votes given at said election are in favor of abolishing said court, then the said court shall be, and the same is hereby, abolished.

Citizens to vote for or against municipal court.

SEC. 7. That in the event that the said court is abolished by the vote of a majority of the citizens of Alton, all suits or matters, both in law and in equity, now pending and undetermined in the said municipal court, shall be heard, tried, or prosecuted to final judgment and execution, in the circuit court of the county of Madison, in the same manner as they would be if the said suits had been originally made returnable or had in the circuit court for the said county of Madison;

Should court be abolished, all business to go into circuit court of Madison county.

- Dockets and papers, how disposed of.** and all records, dockets, and papers belonging to, arising from, or connected with, the said municipal court, shall, by the clerk of the said municipal court, be transferred and delivered over to the clerk of the circuit court for the said county of Madison: *Provided*, That this section shall be construed as a release of errors that might have been taken advantage of in said municipal court: *Provided, further*, That it shall be no ground of error in or to any judgment heretofore rendered in the said municipal court, that it does not appear, by the record or proceedings, that the defendant resided in the county of Madison.
- Proviso.**
- Further proviso.**
- Duty of sheriff of Madison county.** SEC. 8. That it is hereby made the duty of the sheriff of Madison county to make returns of all process of summons, executions, or of whatever name or nature, to the said circuit court of the county of Madison; which said circuit court is hereby invested with the same powers to enforce a compliance with the law in this behalf that it would have had if the process had been originally issued from the said circuit court; and execution, hereafter to be issued upon any judgment rendered in the said municipal court, shall be directed to the sheriff of Madison county.
- Transcript of record.** SEC. 9. That the transcript of any record of the said municipal court, of any judgment rendered thereon, may and shall be furnished by the clerk of the circuit court of said county of Madison; and every such transcript shall [have] the same force and effect, to all intents and purposes that the same would have had if the suit, process, or proceedings, whether in law or equity, had been originally commenced or instituted in said circuit court.
- Proviso.** SEC. 10. That the clerk of the said municipal court, if the same shall be abolished by the votes of a majority of the legal voters of the city of Alton, shall deliver over the records, dockets, and papers, as provided in the seventh section of this act, within six weeks after the first Monday of August, in the year of our Lord, one thousand eight hundred and thirty-nine: *Provided*, Nothing in this act contained shall prevent the clerk of the said municipal court from collecting his fees in the manner now provided by law.
- SEC. 11. This act shall take effect and be in force from and after the first Monday in Junenext; and any thing contained in the act to which this is an amendment, and which is inconsistent with the foregoing amendments, is hereby repealed.

APPROVED, March 2, 1839.

AN ACT to incorporate the town of Decatur.

In force,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following are hereby declared to be the boundaries of the town of Decatur, in the county of Macon; one square mile laid out by lines running due north and south, east and west; and the centre of the old public square in said town of Decatur to be the centre of said square mile; and the inhabitants and residents of said town, and all within said boundaries, shall be, and are hereby, constituted a body politic and corporate, by the name and style of "The president and trustees of the town of Decatur;" and, by that name, they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters and actions whatsoever; may grant, purchase, receive, and hold property, real and personal, within the said town, and no other, (burial grounds excepted,) and may lease and dispose of the same for the benefit of the said town; and may do all other acts, and exercise such other rights, powers, and duties, as shall be conferred upon said trustees by this act: *Provided,* The said corporation shall not purchase or hold more real estate than is necessary for use and convenience of said town.

Boundaries of town.

Name & style.

Powers.

Proviso.

SEC. 2. The corporate rights, powers, and duties of said town shall be vested in seven trustees, to be chosen and appointed as hereinafter directed, who shall form a board for the transaction of business.

Powers vested in seven trustees.

SEC. 3. On the first Monday of May next, and on the first Monday of May annually thereafter, an election shall be held at the court-house in said town for the seven members to compose the board of trustees of said town.

Annual election.

SEC. 4. Any person may be elected a trustee, or may vote for the election of trustees of said town, who has resided three months within the limits of said corporation next preceding the election, and who is qualified to vote for a Representative in the General Assembly of this State.

Qualifications to vote or hold office.

SEC. 5. The board of trustees shall appoint their president and all other officers of their Board, and shall be judges of the qualifications, elections, and returns of their own members. A majority shall constitute a quorum, but a smaller number may adjourn from time to time; may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rules of proceedings, punish their members for disorderly conduct, and, by the concurrence of two-thirds of the whole number elected, expel a member. They shall fix upon the time and place of holding their meetings: *Provided* at least one meeting of their board shall be held every two months.

Officers.

Quorum.

Proviso.

SEC. 6. The board of trustees shall have power, by ordinance, to levy and collect taxes upon all real estate within the

Powers of trustees.

town and limits of said corporation, not exceeding one per centum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to establish night-watches; erect lamps, in the streets, and lighting of the same; to erect and keep in repair bridges; to license and regulate auctions, taverns, groceries, and pedlers, theatrical and other shows and amusements; to restrain and prohibit gaming-houses, bawdy-houses, and other disorderly houses; to prevent the running and indecent exhibition of horses within the bounds of said town; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays, within the limits of said corporation; and to provide that such punishment may be inflicted for any offence against the laws or ordinances of said corporation as is or may be provided by law for like offences against the laws of the State: *Provided*, That no person shall be deprived of the right of trial by jury in any case where such person would be entitled to a trial by jury for a like offence against the laws of the State; to prevent the shooting of fire-arms within the limits of said corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes, alleys, drains and sewers; and to keep the same free from incumbrance; to establish and regulate a fire department; to dig wells and erect pumps in the streets; to regulate the police of the town; to regulate the election of town officers, and fix their compensation; and from time to time to pass such ordinances, to carry into effect the ordinances [provisions] of this act and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof.

Jurisdiction of justice of peace.
Appeal.

SEC. 7. That in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, any justice of the peace within the said corporation shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of *certiorari* allowed, from any such decision, in the same manner as now is or may hereafter be provided by law for appealing from judgments of justices of the peace.

Tax for school houses.

SEC. 8. The board of trustees shall have power to levy a tax for the erection of school-houses and the support of common schools within said corporation; and to raise money, on the credit of town, for the purpose of commencing and prosecuting works of public improvement: *Provided, however*, That the same shall be submitted to the vote of the inhabitants of said town, and approved by two-thirds thereof.

Proviso.

Special tax.

SEC. 9. That, upon the application of the resident owners of two-thirds of the real estate belonging to residents on any street, or part of a street, it shall be lawful for the board of trustees to levy and collect a special tax on all the lots on such street or parts of a street, according to their respective

fronts, for the purpose of grading or paving the side-walks on said street or part of a street.

SEC. 10. All ordinances shall be published and posted in three of the most public places in the said town, within ten days after passage; and, if there be a newspaper in the town, it shall be published therein within said ten days. Ordinances to be published.

SEC. 11. That when any real estate in said town shall have been sold by the authority of the corporation for non-payment of any tax that may have been levied upon the same, the same shall be subject to redemption by the owner or owners thereof, his, her, or their agent or agents, within one year after the same shall have been sold, on paying to the treasurer of the board of trustees of said town, for the use of the purchaser or purchasers, double the amount of tax for which the same shall have been sold, together with costs for selling the same; and if not redeemed by the owner or owners, then the same shall be subject to redemption by any judgment creditor, his, her, or their agent, within fifteen months after the same shall have been sold, on paying as above specified; but should the said lots, or parts of lots, or real estate so sold for the non-payment of taxes as aforesaid, not be redeemed within the time specified, then, and in that event, it shall be the duty of the president of the board of trustees of said town to execute a deed, with special warranty, signed by the president, and countersigned by the clerk thereof. Redemption of land sold for taxes.
Special deed.

SEC. 12. It shall be the duty of the board of trustees to cause to be paid to the owner or owners of lots or real estate all moneys which may have been paid to the treasurer over and above the amount of the taxes for which they were sold, and the cost of selling the same.

SEC. 13. The officers of said board of trustees, in addition to their president, who shall be a member of their own body, shall consist of one clerk, one treasurer, one assessor, and collector of taxes, and such other officers as they may deem necessary for the good of said town. Additional officers.

SEC. 14. That the board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine, and to prescribe the manner of selling property when the tax levied upon it is not paid: *Provided, however,* That no sale of any town lots or other real estate shall be made until public notice of the time and place shall be given, by advertisement, in a newspaper published in said town, or by posting up written notices in three of the most public places in said town, at least twenty days previous thereto. Proviso.

SEC. 15. That the board of trustees shall have power to appoint a town constable or constables, and authorize him or them to execute all writs, process, and precepts, which may be issued against any person for the violation of the laws or Town constables.

Fines and forfeitures.

ordinances of the corporation, and to arrest, on view, all persons who may violate such laws or ordinances; to collect all fines and forfeitures which may be assessed or recovered for the use of the corporation; and to require bond and security of said constable or constables, in such sum as they may think proper; said constable or constables to hold their offices during the pleasure of the board of trustees, and shall have and possess the same powers, and perform the same duties in other respects, within the limits of said corporation, as the constables within the different districts of the county possess.

Roads to be kept in good repair.

SEC. 16. That the board of trustees, for the purpose of keeping the streets and alleys in said town and incorporated limits, and the public roads passing from and through said town, in good repair, and to this end they are authorized to require every male resident of said town and incorporated limits, over the age of twenty-one years, to labor in said streets, alleys, and roads, at least four days in each year; and any person who shall be notified by the street commissioner, or other authorized person, so assessed as herein provided, and shall fail or neglect to perform the same, shall forfeit and pay the sum of one dollar for each day's labor neglected to be performed; and the street commissioner in said town is hereby authorized to prosecute such delinquent person, in the name of "The president and trustees of the town of Decatur," before any justice of the peace in said town; and said street commissioner shall be a competent witness against said delinquent; and in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

Judgment delinquent.

SEC. 17. That it shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, on complaint being made to him, on oath, of the violation of any law or ordinance of the corporation, to issue his warrant, directed to the town constable, or any other authorized officer, to apprehend the offender or offenders, and bring him or them forthwith before him; and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be provided in said law or ordinance: *Provided*, Such fine shall not exceed fifty dollars: *And provided, further*, That no person shall be imprisoned under the provisions of this act for a longer period than twenty-four hours for every five dollars of any fine assessed, or forfeiture or penalty recovered.

Proviso.
Further proviso.

Fees of justice and constable

SEC. 18. That justices of the peace and constables who are required to render service under this act shall be entitled to the same fees, and collect them in the same manner, as now is or hereafter may be provided by law.

SEC. 19. That there shall be an election held on the second Monday in April next, to be managed by the present officers of said town, for the purpose of deciding whether they will accept of the provisions of this act; and if a majority of said citizens shall vote for its acceptance, then it shall be in full force and effect; but if a majority of said citizens shall vote against its acceptance, then this act to be null and void.

APPROVED, March 2, 1839:

AN ACT to incorporate the Amity Academy in Bond county, and the Lebanon Female Academy in St. Clair county. In force, Mar. 2, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Hunter, William Young, Duncan Johnson, L. D. Plant, Noah Leverton, James Johnson, B. T. Kavenaugh, McKendree Fox, and William Mills, and their successors be, and they are hereby, created a body politic and corporate, to be styled and known by the name of "The trustees of the Amity Academy," and by that style and name, to remain and have perpetual succession. The said academy shall be and remain at or near the town of Amity, in the county of Bond, and State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present the abovenamed individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion: *Provided,* That not less than four constitute a quorum to do business.

SEC. 2. The object of said corporation shall be the promotion of the general interest of education.

SEC. 3. John Thomas, William W. Roman, James Riggan, Benjamin Hypes, James W. Sunderland, Benjamin T. Kavenaugh, William Brown, Lyman Adams, William Baker, Thomas W. Gray, E. G. Potter, and Annis Merrill, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of "The Lebanon Female Academy," and, by that name, shall be styled and known, and have perpetual succession. The said academy, designed for the education of females, shall be and remain at or near Lebanon, in the county of St. Clair, and State of Illinois. The trustees shall not exceed thirteen, one of whom shall be elected president of the board by said trustees. For the present the abovenamed individuals shall constitute the board of trustees, and they may fill the remaining vacancies at their discretion. A majority of the actual number of trustees shall be a quorum to do business: *Provided,* That not less than four constitute a quorum.

Powers.

SEC. 4. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to grant and receive by their corporate names; and to do all other acts as natural persons may; to accept, acquire, purchase, or sell property, real and personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporations, in such manner as shall seem to the trustees best adapted to promote the objects before mentioned; to have common seals, and to alter or change the same; to make such by-laws for their regulations as are not inconsistent with the constitution and laws of the United States or of this State; and to confer, on such persons as may be considered worthy, such academical or honorary degrees as are usually conferred by similar institutions.

SEC. 5. The trustees of said corporations shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said academies; to fix the rate of tuition, and other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, to displace or remove them; to erect necessary buildings; to purchase books, chemical, philosophical, and other apparatus, and other suitable means of instruction; and to make rules for the general regulation of the conduct of the students.

Trustees may fill all vacancies.

SEC. 6. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board from death, removal, resignation, or any other cause. A majority of the trustees for the time being shall be a quorum to do business.

Treasurer.

SEC. 7. It shall be the duty of said trustees to appoint one of their members treasurer to the board, who shall, when required by the board to do so, give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

Open to all.

SEC. 8. The said institutions shall be open to all denominations of Christians, and the profession of any particular religious faith shall not be required of those who become students. All persons, however, may be suspended, or expelled from said institutions, by the trustees thereof, whose habits are idle or vicious, or whose moral characters are bad.

Expulsion of students.

SEC. 9. The lands, tenements, hereditaments, to be held in perpetuity, by virtue of this act, by said corporations, shall not exceed six hundred and forty acres: *Provided, however,* That, if any donation, grants, devises in lands, shall from time to time be made to either of said corporations, over and

Proviso.

above the said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of ten years from the date of any such donation, grant, or devise; at the end of which time, if the said land shall not have been sold by the corporation receiving the same, then in that case the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of such grantor or devisor of the same. When lands to revert.

SEC. 10. There shall also be attached to the said academies a department in which shall be taught branches that are usually taught in common schools, which shall constitute the common schools of the district in which said academies, or either of them, may be situated; and the trustees of said academies shall receive from the school commissioners of the county in which they may be situated the amount of money, in the same proportion, and apply the same to such tuition in the manner as other common schools are paid and kept: Common schools.
Provided, That the teachers or instructors of said department shall be selected by the trustees and under the by-laws of said corporation: *And provided, further*, That a majority of two-thirds of the voters of said school district shall give their written assent to the adoption of said seminary as a common school; which assent may be at any time withdrawn, and all connection with the common school dissolved, the trustees' (of schools in the township) certificate being necessary to the fact of two-thirds of the voters being petitioners as above provided for. Common school money.
Teachers, how elected.
Proviso.

SEC. 11. So much of the tenth section as requires that said common school shall constitute the common school of the district shall not apply to the Amity Academy; but in all cases children attending said school (at Amity) shall have all the benefit of the common school funds as children attending other common schools.

APPROVED, March 2, 1839.



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STATE OF ILLINOIS,
Office of Secretary of State.

I, Alexander P. Field, Secretary of State of the State of Illinois, do hereby certify the foregoing to be true and perfect copies of the Enrolled Incorporation Laws deposited in this office.

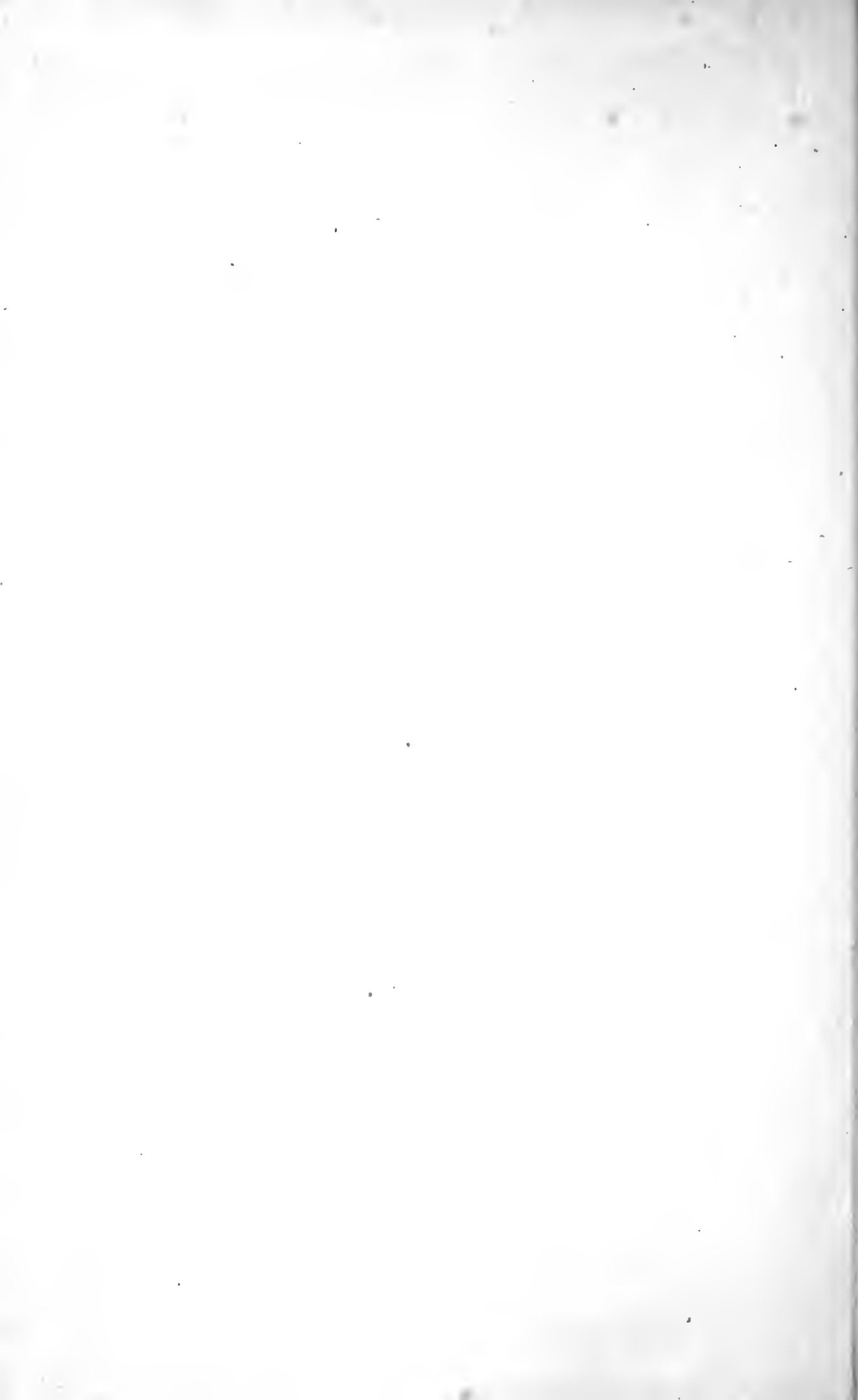
In testimony whereof, I have hereunto subscribed my name, at Vandalia, 14th March, 1839.

A. P. FIELD,
Secretary of State.









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