





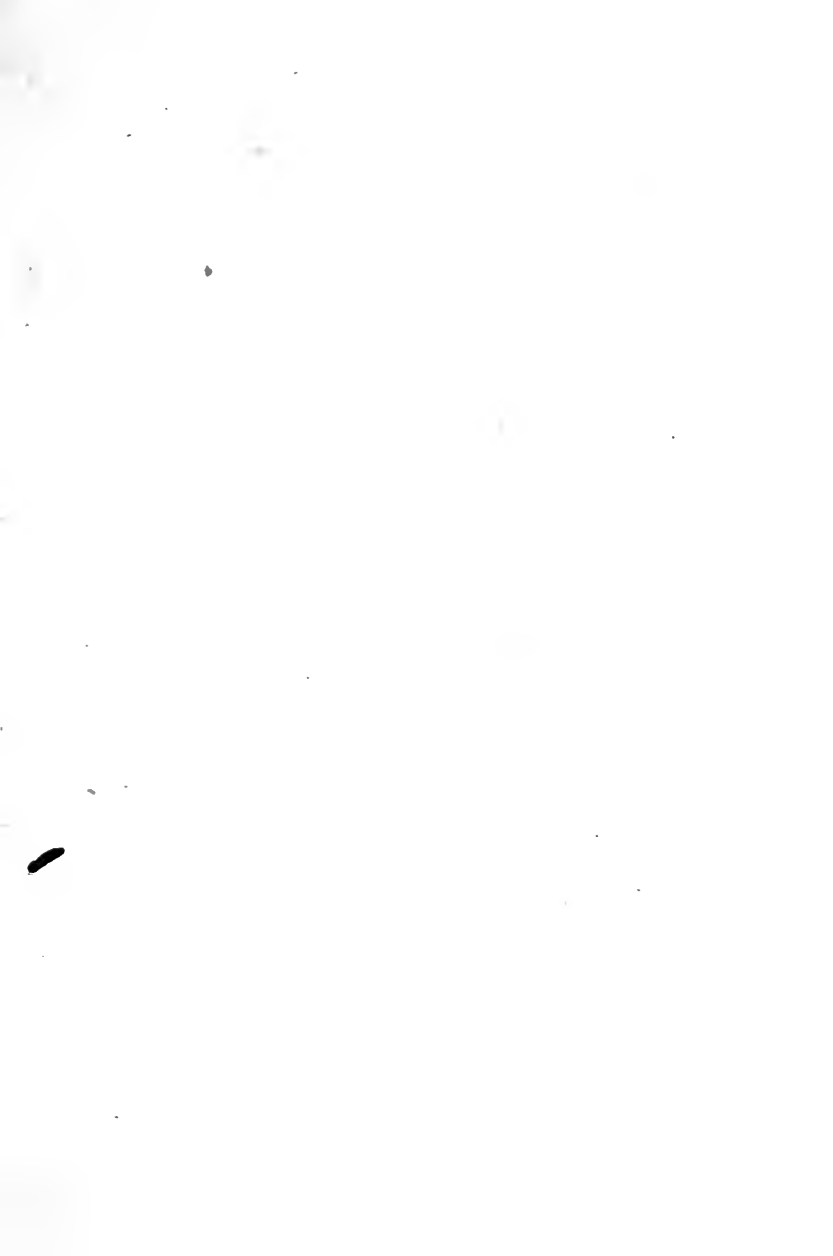


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PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY

TWENTY-SIXTH GENERAL ASSEMBLY,

CONVENED JANUARY 4, 1869.

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VOLUME IV.

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SPRINGFIELD:  
ILLINOIS JOURNAL PRINTING OFFICE.  
1869.



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# PRIVATE LAWS.

## TOWNS—INCORPORATED.

[Continued from Volume III.]

AN ACT to incorporate the town of Minooka.

En force March  
27, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Minooka, in the county of Grundy, and state of Illinois, be and the same are hereby incorporated and constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Minooka;" and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its officers shall be managed.

Name and style.

§ 2. All that district of country embraced within the following boundaries, to-wit: The whole of section one (1), in township thirty-four (34) north, range eight (8) east of the third principal meridian, in Grundy county, Illinois is hereby declared to be within the boundaries of the said town of Minooka.

Boundaries

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or without the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal of said town, for the use and benefit of the same, and to improve and protect such property, and to do all the other acts and things in relation thereto that natural persons might do.

General corporate powers.

Government  
vested in board  
trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town, and who shall be elected, annually, on the first Monday of April of each year, and who shall hold their offices for the term of one year and until their successors are elected and qualified, unless sooner removed by death, resignation, or otherwise, as provided by this act or the ordinances of said town.

Qualifications  
of members.

The persons elected as trustees shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided within said town three months next preceding their election.

Elections.

§ 5. Ten days' previous notice shall be given of all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town or by publication in some newspaper published therein. The first election after the passage of this act shall be called by the town clerk of the town of Aux Sable, and shall be held on the first Monday in April, in the year of our Lord one thousand eight hundred and sixty nine, or as soon thereafter as practicable. All subsequent elections shall be called by the president of the board of trustees of the town of Minooka. Said notice shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour at which they shall close. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for opening the polls, appoint, by acclamation, three of their number to act as judges of such election; and the said judges shall appoint two clerks of such election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot, and all who, by the laws of this state, are entitled to vote for state and county officers and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections under this act shall be tried and determined by the police magistrate of said town, in such manner as may be provided by ordinance.

Time and place  
of first election.

Oath of office.

§ 6. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state and that they will, to the best of their abilities, faithfully discharge the duties of their offices. They shall hold at least one regular meeting every three months, and shall, at the first meeting after their election, appoint one of their number president. A majority of said trustees 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 may be by ordinance provided. Said board may make such rules and regulations, as to them may seem proper; they shall have power to fill vacancies in the board of trustees, occasioned by death, resignation or removed or otherwise, by appointment; they may punish their members for disorderly conduct, and, by vote of four-fifths of the board, may expel any member; they shall also have power to remove from office, by four-fifths vote of all the members, any subordinate officer of said town, who holds his office by appointment of the board of trustees of said town.

Rules for government.

§ 7. They shall have power and it shall be their duty, to appoint a clerk, town constable, treasurer, assessor, collector, and one or more street commissioners, and such other officers, (if any,) as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require them, before entering upon the duties of their respective offices, to give such bonds and security as may be necessary to insure the faithful performance of their duties; they shall also require all persons appointed to office by them, before entering upon the discharge of the duties of their respective offices, to take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will faithfully, and to the best of their ability, discharge the duties of their offices.

Appointment of officers.

§ 8. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or of the United States; they shall also have power to appropriate money, and to provide for the payment of the debts and expenses of the incorporation.

Levy and collection of taxes.

§ 9. They shall have power to make regulations for securing the health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same; and to provide for the punishment of the authors thereof, by fines, penalties or imprisonment in the county jail of Grundy county, or by both such fines and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

Sanitary regulations.

§ 10. They shall have power, and it shall be their duty, to cause all streets, alleys and public roads within said town to be kept in good repair, and, for that purpose, they may require every male resident of said town, over the age

Improvement of streets, alleys and highways.

of twenty-one years and not exceeding fifty years, to labor thereon not exceeding three days in each and every year or to pay, at the time of being notified to work, the sum of one dollar and fifty cents for each day's labor thereby required of him; and if the labor and money performed and received be not sufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor. And the inhabitants of said town shall be exempt from working on any road outside of the same.

Alteration of streets.

§ 11. They shall have power to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley, public grounds and public roads within the limits of said town, and to establish, erect, construct, build and keep in repair, bridges, culverts, sewers, sidewalks, pavements, and cross ways, and to regulate the construction and use of the same and punish the abuse thereof, and to levy and collect, from time to time, a tax on the lot or lots in front of which such sidewalk or sidewalks, pavement or pavements, shall be ordered and proposed to be made or repaired: *Provided*, that every such tax shall be levied on such lots proportionate to the length of their respective fronts: *And provided, further*, that such tax shall not exceed one-half of the actual cost of such making or repairing, and that the other half of the costs of such making or repairing shall be paid out of the general fund of the corporation: *Provided*, that the tax provided for in this section shall not be taken or held to be any part of the tax provided for in section eight of this act.

Wells, cisterns, etc.

§ 12. They shall have power to provide the town with water; to sink and keep in repair public wells, and to erect and keep in repair such public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay, stone-coal, and the measurement of wood, fuel and building-stone, to be used in said town.

Auctioneers, peddlers, etc.

§ 13. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gun powder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, bawdy houses, houses of ill-fame, and all other disorderly houses within said town and one mile from the limits of said town.

Exhibitions.

§ 14. They shall have power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements of every kind, unless gotten up in said town by the citizens of said town; they shall also



have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affrays, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind, within the limits of said town; to prohibit and impose penalties on the authors thereof; any indecent exposure of person or dumb beast to public view or the public use of obscene language or the exposure to public view of any indecent or obscene pictures or publication within the limits of said town.

§ 15. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinances in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fire-works or combustibles within said town. Dogs at large.

§ 16. They shall have power to prevent the incumbering of any street, lane, avenue, road, alley or public ground of said town; to prevent the obstruction of the streets, by the unnecessary detention of railroad trains upon the crossings or by the leaving of any cars upon the crossings of any public street; to regulate the rate of running speed of railroad trains through said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, sheep, hogs or other animals running at large within said town, and to provide for the distraining and impounding of any such animal or animals and the sale thereof, to satisfy costs and charges and penalty or penalties incurred under any ordinance of said town; to prevent racing, within said town, with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; and also to prohibit and punish the abuse of and cruelty to any and all animals within said town. Incumbering of streets, lanes and alleys.

§ 17. The president and trustees of the town of Minooka shall have and exercise complete and exclusive control, as hereinafter provided, over the licensing, selling, bartering, exchanging, giving away or in any manner trafficking in any wine, rum, gin, brandy, whisky, ale, beer, or other intoxicating liquor, within the limits of said town or within one mile thereof; and may, by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any such wine, gin, rum, brandy, whisky, ale, beer, or other intoxicating liquors, within the corporate limits of said town or within one mile thereof and the place or places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same power and authority to provide for prohibition or prevention removal or abatement of any such nui- Sale of liquors.

ance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section nine of this act, in the case of other nuisances: *Provided*, that all fees paid for the granting of licenses shall be paid into the common fund of the incorporation: *And, provided, further*, that *bona fide* druggists shall not be prohibited from selling, in good faith, any intoxicating liquor for purely medicinal, mechanical or sacramental purposes, under such rules and regulations as may be by ordinance prescribed.

Tanneries, etc.

§ 18. They shall have power to direct the location and regulate the construction of tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the construction and management of or to restrain, abate and prohibit, within said town and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal, and [all] other establishments or places where [any] nauseous, offensive or unwholesome business may be carried on.

Vagrants, etc.

§ 19. They shall have power to restrain and prohibit vagrants, mendicants, beggars, prostitutes, and to provide for the arrest and punishment of the same, or of any person or persons found intoxicated in any street, alley or other public place in said town.

Provide for extinguishment of fires.

§ 20. They shall have power to make such regulations for the prevention and extinguishment of fires as they may deem expedient; they shall have power to purchase fire engines, to organize fire, hook, hose, ax and ladder companies, and make rules and regulations for the government of the same.

May enlarge boundaries of the town.

§ 21. They shall have power to enlarge the boundaries of said town, by ordinance: *Provided*, such proposed enlargement shall first be submitted to the decision of the qualified [voters] of said town and also of the legal voters residing in the limits of the proposed enlargement; and the enlargement shall be authorized by a majority of votes cast at such election.

Power to pass ordinances.

§ 22. They shall have power to make all ordinances which may be necessary or proper for carrying into effect the powers and authority conferred on them by the provisions of this act or which may be necessary for the better regulation of the internal police of the said town, not inconsistent with the constitution of this state or of the United States, and to cause the same to be executed; they shall also have power to impose fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment in the county jail for any one offense of more than six months.

§ 23. The president shall preside at all meetings of the board, when present; and in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power to call on all male inhabitants of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five nor more than twenty-five dollars. He shall have power, whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers, and shall have power, and it shall be his duty, to do all other acts and things that may be required of him by the laws and ordinances of said town. Presiding officer

§ 24. At the first election of trustees of the town of Minooka, held under the provisions of this act, and every four years thereafter, there shall be elected by the legal voters of said town a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Grundy. He shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four years and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Grundy might have and exercise in similar cases. Election of police magistrates.

§ 25. Said police magistrate shall be a conservator of the peace of said town of Minooka, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws and ordinances of said town or this act, and shall in such cases possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, A. D. 1854. Whenever there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town, or the president of said board, shall, within twenty days from the occurring of any vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified. Jurisdiction of.

Fees of office.

§ 26. He shall in all cases be entitled to the same fees and emoluments that are by the laws of this state allowed to other justices of the peace for similar services. In case of the absence of said police magistrate or of his inability, any other justice of the peace of the county of Grundy, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the said police magistrate possesses in like cases. The rule of practice and proceedings in all cases arising out of the laws or ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except cases where such rules of practice and proceedings shall be changed or modified by the laws or ordinances or charter of said town, in which case the rule of practice or proceedings shall conform to the rule prescribed by such laws, ordinances or charter.

Appeals allowed

§ 27. In all cases arising under any ordinance of said town or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of the county of Grundy, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town or under this act, if either party wishes to appeal he or they shall give notice, in writing, thereof, to the justice of the peace before whom the case was tried on the day of trial thereof, and shall file the necessary appeal bond with such justice of the peace within twenty days from the day of trial.

Duties of the constable.

§ 28. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe; and shall have power and authority to execute all warrants and other processes issued by the police magistrate of said town or any other justice of the peace of said county of Grundy. He shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to like fees for his services, and shall, in all cases of nonfeasance and misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Rights and privileges.

§ 29. In all cases arising under the laws or ordinances of said town, any constable of the county of Grundy shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblage of any kind within said town, it shall be his duty to make immediate arrest of such person or per-

sous, on view, without warrant; and in all such cases, any constable of the county of Grundy shall have the same power of arrest, without warrant, as the said town constable in such cases would possess; and in all such cases of arrest, without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or, in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

§ 30. Until the board of trustees of said town of Minooka shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the same manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Collection of taxes.

31. All prosecutions under the laws and ordinances of said town of Minooka, for assaults, assault and battery, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and in cases in which the penalty attached by law or ordinance of said town is imprisonment in the county jail of said county of Grundy, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceedings shall be the same as are prescribed in such cases for justices' courts by the laws of this state, except when the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding, in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or of any ordinance of said town.

Actions commenced by complaint.

§ 32. In all other cases for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by action of debt, in the name of the president and trustees of the town of Minooka; and in all such actions of debt, the first process shall be by summons, to

First process a summons.

be issued, served and returned as other summons and actions of debt issued by justice of the peace of said county of Grundy, unless some competent person shall, before the commencement of any such action of debt, file with the justice of the peace before whom such suit is about to be commenced an affidavit, accusing the person or persons about to be sued with some one or more violations, of the same nature, of the laws or ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial, there is danger that the penalty or penalties in such case shall be lost, and specifying the facts on which this belief is founded; in which case, if the said police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinion set forth in such affidavit is correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him, and he shall proceed at once to the trial of such suit, which shall be by action of debt, for the recovery of the penalties or penalty attached to the offense or offenses specified in the affidavit aforesaid; and if the said defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, the police magistrate or justice of the peace before whom such suit is tried shall enter judgment thereon for the amount of the fines assessed and the costs of suit, as in other cases.

Plaintiff may  
recover for  
other offenses.

§ 33. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege and prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town.

Not required  
to file security  
for cost.

§ 34. The president and trustees of said town shall not, in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees, or any other officer of said town, shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town.

Execution to  
follow rendition  
of judgment.

§ 35. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or other justice of the peace rendering such judgment, shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and

collected out of any property of the defendant or defendants, not exempt from execution by the laws of the state of Illinois; but if the constable having such execution shall return thereon that he cannot find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, then the said justice shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall arrest such person or persons, and convey him, her or them to the jail of the county of Grundy, there to remain forty-eight hours; and if the said fines and costs exceed the sum of five dollars, then to remain in said jail twenty-four hours for every five dollars over and above the said five dollars: *Provided, however,* that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of said county of Grundy, to have the same levied upon real property, and shall signify the same to such justice, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing of such transcript, the same force and effect as judgments rendered in said circuit court in civil cases: *Provided,* that if the defendant or defendants shall, in any case arising under the provisions of this act, or under any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such payment.

§ 36. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking any private property for public use; and in the case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain such damages shall be sworn to that effect. They shall proceed to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking, and the proposed use of such property, they shall, within ten days, make out and return their verdict, in writing, signed by each of said jurors, to the police magistrate of said town, assessing to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president

Private property  
for public use

and trustees, or their clerks or attorney, and the owner or owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may, at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict, and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Grundy. When any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate, and entered on his docket, unless set aside or appealed from, it shall be a judgment against the president and trustees of said town of Minooka, in favor of such owner, including therein the amount of damages thereby assessed to him. And in case the sum assessed to any owner exceed one hundred dollars, the said police magistrate shall, on application of the persons entitled thereto, certify to the clerk of the circuit court of Grundy county a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court, in the same manner as other transcripts from justices' dockets, and shall, from the time of such filing, have all the force and effect in favor of the person or persons entitled to such damages as a judgment obtained in said circuit court.

Record of proceedings.

§ 37. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such by-laws and ordinances, in a book to be provided for that purpose; and such book, purporting to be the record book of the corporation of said town of Minooka, shall be received in all courts, without further proof, as evidence of the matter therein contained; and all ordinances, by-laws, acts, resolutions and other things pertaining to and concerning the corporation of the town of Minooka, shall be sufficiently proven in any court of law or equity in the state of Illinois, by the production in such court of the book or books in which the same are recorded, in the manner and form hereinafter provided, to wit: All ordinances, by-laws or rules passed or established by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and signed thereon by the president and clerk of the board of trustees, with their own proper signatures. And said clerk, at the time of making such record, shall attach

Publication of ordinances.



thereto the common seal of the corporation, and shall also note the date of the adoption of said ordinances, by-laws or rules, the time of the taking effect thereof, and also the time, manner and place or places of their publication.

§ 38. In all cases of assault, assault and battery, affrays, riots, routs, disturbing the peace, disturbing public meetings, and unlawful assemblages of any kind, committed within said town of Minooka, after the passage of this act, and before the board of trustees of said town shall have provided by ordinance for the punishment of any such offense, the criminal laws of the state of Illinois applicable to such offense shall be deemed and held to be in full force and effect as to any such offense or offenses.

Criminal laws applicable.

§ 39. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof, and shall take effect and be in force from and after its passage.

Evidence of act

APPROVED March 27, 1869.

AN ACT to incorporate the town of New Athens, St. Clair county, Illinois. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of New Athens, county of Saint Clair, state of Illinois, be and are hereby created a body corporate and politic, by the name and style of "The Town of New Athens;" and, by that name, shall have perpetual succession, and may have a common seal, which they may alter at pleasure.

Name and style.

§ 2. The boundaries of said town shall include all the land described as follows, to-wit: Commencing on Kaskaskia river, west twenty-four (24) chains and forty-nine (49) links off of the northeast corner of the southeast quarter of the northwest quarter of section thirty-three (33), in township two (2) south, of range seven (7) west of third (3) principal meridian; thence east fifty-seven (57) chains, and nine (9) links, to southeast corner of lot number one (1), being part of northeast quarter of section thirty-three (33), in township two (2) south, of range seven (7) west of third (3) principal meridian; thence north twenty (20) degrees, east eight (8) chains and fifty-eight (58) links, to the northeast corner of lot number one (1), in Galbraith's second (2) addition to the town of New Athens; thence north seventy (70) degrees, west five (5) chains and twenty-five (25) links; thence north twenty (20) degrees, east forty-three (43) chains, to the northeast corner of lot number one (1), to the old town of New Athens; thence north

Boundaries.

seventy (70) degrees, west thirty-six (36) chains, to the Kaskaskia river; thence along the Kaskaskia river, to the place of beginning, about seventy-six (76) chains distance. The town is situated in sections twenty-seven (27), twenty-eight (28) and thirty-three (33), all in township two (2) south, of range seven (7) west of third (3) principal meridian, now laid out in town lots. And whenever any tract of land adjoining the incorporated town of New Athens shall hereafter be laid off in town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the incorporated town of New Athens.

General corporate powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity; to purchase, receive and hold property, real and personal, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real and personal, and to improve and own said improvements and property, real and personal, and to do all things in relation thereto as natural persons.

## ARTICLE II.

### OF THE TOWN COUNCIL AND ELECTION.

Election of trustees.

SECTION 1. That there shall, on the first Monday of April, eighteen hundred and sixty-nine (1869), be elected five (5) trustees, who shall constitute the town council, and on every first Monday in the month of April, annually thereafter, who shall hold their office for one year and until their successors are duly elected and qualified. And public notice of the time and place of holding said election shall be given by the town council of said town, by an advertisement published in a newspaper in said town or by posting it up in at least three of the most public places in said town. The first notice of election, to be given by William Baumann, Andrew Hautt, William Schild, Samuel Hill, Albert Dajen, or any three of them, shall prescribe the manner in which the election or elections for organization under the charter shall be conducted: and the town council shall prescribe the manner in which all subsequent elections shall be conducted.

Qualifications of members.

§ 2. No person shall be a member of the town council unless he shall have resided six months prior to the election within the town limits, and shall be at the time a *bona fide* freeholder in said town, and twenty-one years of age, and a citizen of the United States. And the town council shall, at their first meeting, proceed to elect one of their body president.

Office vacated.

§ 3. If any member of the town council shall, during his term of office, remove from the town, his office shall thereby be vacated.

§ 4. A majority of the town council shall constitute a quorum to do business, and a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

Quorum.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the consent of two-thirds of its members elected, expel a member.

Rules of proceedings.

§ 6. All vacancies that shall occur in the town council, by removal, death, resignation, or otherwise, shall be filled by appointment; said appointment to be made by the president.

Vacancies, how filled.

§ 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office, to the best of his skill and ability.

Oath of office.

§ 8. Whenever there shall be a tie in the election of members of the town council the judges of election shall certify the same to the police magistrate, who shall determine the same, by lot, in such a manner as may be prescribed by ordinance; and in case a tie should occur at the first election held under this charter, then the judges of election shall certify the same to the nearest precinct justice, who shall determine the same by lot.

Tie vote, how decided.

§ 9. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the town council, nor make any contract with the said town council.

Not to hold other offices.

§ 10. The town council shall cause to be published a full and complete statement of all money received and expended by the corporation during the preceding year, and on what account received and expended.

Financial statement.

§ 11. There shall be twelve stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance, and may hold adjourned meetings to attend to unfinished business.

Stated meetings.

§ 12. All male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for state officers and who have been actual residents of said town for sixty days previous to the election then being held, shall be entitled to vote for town officers.

Qualification of voters.

### ARTICLE III.

#### OF THE POLICE MAGISTRATE AND TOWN CONSTABLE.

SECTION 1. There shall be elected in the town of New Athens, by the qualified voters thereof, on the first Monday in April, eighteen hundred and sixty-nine, and every four

Election of police magistrate.

years thereafter, a police magistrate, who shall hold his office for four years and until his successor shall be elected and qualified.

Election of constable

§ 2. There shall also be elected, by the qualified voters of said town, on the first Monday in April, eighteen hundred and sixty-nine, and on the first Monday in April, every two years thereafter, a town constable, who shall hold his office for two years and until his successors are elected and qualified.

Eligibility of officers.

§ 3. No person shall be elected to the office of police magistrate or town constable who shall not have been a resident of the town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

Manner of election.

§ 4. The election for police magistrate and town constable shall be conducted and the returns thereof made in the same manner as the elections and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time and shall be conducted by the same judges as the election for members of the town council.

Commission of police magistrates

§ 5. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and shall be conservator of the peace of said town, and shall have power and authority to administer oaths, issue writs and processes, take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and to certify the same as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority in all cases whatsoever with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Duties of town constable.

§ 6. The town constable shall have the same power and authority as other precinct constables, and shall be entitled to the same fees and placed under such bonds for the faithful performance of the duties of his office as may be prescribed by the ordinances of the incorporation hereby created.

Penalty for neglect of duty

§ 7. In case the police magistrate shall at any time be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Saint Clair county, and, on conviction, shall be fined not exceeding two hundred dollars.

## ARTICLE IV.

## OF THE LEGISLATIVE POWERS OF THE COUNCIL.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the town limits, not exceeding one and a half per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinances, not repugnant to the constitution of the United States and of this state.

Levy and collection of tax.

§ 2. The town council shall have the power to appoint a town attorney, clerk, assessor, treasurer, collector, and one or more street commissioners, and such other officers as they may deem necessary to carry into effect the provisions of this act, and to require all officers appointed as aforesaid to give bond, with security, and also subscribe an oath for the faithful performance of the duties of their office, before entering upon the duties thereof.

Appointment of officers.

§ 3. To appropriate money and provide for the payment of the debts and expenses of said town.

Appropriations.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town and execute the same for any distance, not exceeding one mile, from the limits of said town.

Contagious diseases.

§ 5. To make regulations concerning the general health of the inhabitants; to declare what shall be considered a nuisance, and to prevent and remove the same.

General health.

§ 6. To open, alter, widen, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes, alleys and public roads.

Alterations of streets.

§ 7. To provide all needful and necessary buildings for the use of said town.

Needful buildings.

§ 8. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

Markets and market houses.

§ 9. To provide for the extinguishing of fires, and to organize and establish fire companies.

Fire companies.

§ 10. To regulate the storage of gunpowder and other combustible materials.

Combustibles.

§ 11. To license, tax and regulate auctioneers, peddlers, brokers, pawnbrokers, taverns and money changers.

Auctioneers, brokers, etc.

§ 12. The town council shall have power to provide, by ordinance, to license, tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Tippling houses.

§ 13. To license and regulate theatrical and other exhibitions, shows and amusements.

Exhibitions.

§ 14. To provide for taking the enumeration of the inhabitants of said town.

Census.

Compensation  
of officers.

§ 15. To fix the compensation of all town officers, and regulate fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

Regulate the  
police of town.

§ 16. To town council shall have power to regulate the internal police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that the right of trial shall in no case be denied any person charged with a breach of any of the provisions of this act or any ordinance.

Billiards, bow-  
ling, etc.

§ 17. The town council shall have exclusive power, within the town, by ordinance, to license or suppress all billiard tables or tables and bowling alleys.

Pass and enforce  
ordinances.

§ 18. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the power specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state.

Style of ordi-  
nances.

§ 19. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of New Athens.*"

Publication of.

§ 20. All ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies in three of the most public places in said town.

Evidence and  
proof of.

§ 21. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purported to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Jail.

§ 22. The town council shall have power to build or provide, if necessary, a town jail, for the imprisonment of offenders, and may provide, by ordinance, that any person or persons convicted under any ordinance in said town and who fails, neglects or refuses to pay the fines so assessed against him or them, may be either confined in said town jail or made to perform labor on the streets or alleys of said town: *Provided*, that said imprisonment shall not be for a longer duration than thirty days for any one offense. No fine for any breach of ordinance of said town shall exceed one hundred dollars, besides the costs of prosecution, including attorney's fees, to be fixed in amount by the town council.

Public peace

§ 23. The town council shall have power to suppress all riots, assaults and batteries, drunkenness, breaches of the peace, quarreling, racing, open and riotous lewdness, and all other public indecency.

Fasten animals.

§ 24. To prevent the abuse of animals, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, or any public road in said town.

§ 25. To establish and maintain a public pound, and ap- Pounds.  
point a pound master and prescribe his duties.

§ 26. To restrain, regulate or prohibit the running at Running at  
large of horses, cattle, sheep, swine, and other animals, and large of animals  
to authorize the distraining, impounding and sale of the  
same.

#### ARTICLE V.

##### OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings Presiding officer  
of the town council, and shall have the casting vote; and  
in case of his non-attendance at any meeting, the town  
council shall appoint one of their number as chairman, who  
shall preside at that meeting.

§ 2. The president and any two members of the council Special meet-  
may call a special meeting of the town council. ings.

§ 3. The president shall inspect the conduct of all sub- Duties of the  
ordinate officers of said town, and shall cause negligence president.  
and positive violation of duty to be prosecuted and pun-  
ished. He shall, from time to time, communicate to the  
council such information and recommend all such measures  
as in his opinion may tend to the improvement of the  
finances, the police, the health and comfort of the town.

§ 4. He shall have power, whenever he may deem it Exhibit books  
necessary, to require of any of the officers of said town an and papers.  
exhibit of his books and papers.

#### ARTICLE VI.

##### OF THE ASSESSMENT AND DELINQUENT TAX.

SECTION 1. The council shall have power, by ordinance, Provide for  
to provide the mode and manner of assessing the property assessments.  
of said town; and it shall be the duty of the town clerk to  
give ten days' notice, by publication in any one newspaper,  
published in said town, or by posting up three notices in  
three of the most public places in said town, that the as-  
sessment of said town has been returned to him, and on a  
day, to be specified therein, will be acted upon by the town  
council, unless objections may be heard by the town coun-  
cil; and the hearing may be adjourned from day to day.  
The town council shall have the power to alter, confirm or  
annul the assessment. If annulled, all the proceedings  
shall be void. If altered or confirmed, an order shall be  
entered, directing the collection thereof as other assessments  
of said town are collected.

#### ARTICLE VII.

##### MISCELLANEOUS PROVISIONS.

SECTION 1. The inhabitants of the town of New Athens Exempt from  
are hereby exempted from working on any road beyond road labor.

the limits of said town and from paying any tax to procure laborers to work on the same.

Inhabitants to labor on streets.

§ 2. The town council shall have the power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three (3) days in each year; and any person failing to perform such labor, when duly notified by the street commissioners of said town, shall forfeit and pay to said town the sum of one dollar for every day so neglected or refused.

Suits in corporate name.

§ 3. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted and commenced and prosecuted in the name of the town of New Athens.

Appeal taken.

§ 4. Appeals shall be allowed in all cases from decisions arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of St. Clair county; and every such appeal shall be taken in the same manner and will have the same effect as appeals taken from justices of the peace under the laws of this state.

Not to give security for cost.

§ 5. The town council shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of such suits, any security for costs.

Record of proceedings.

§ 6. The town council shall require their clerk, and it shall be his duty, to make and keep a true and faithful record of their proceedings, by-laws and ordinances, and of the times, place and manner of the publication of such ordinances and by-laws, in a book provided for that purpose; and such book, purporting to be the records of the corporation of the town of New Athens, shall be received in all courts, without further proof, as evidence of all such matters therein contained.

Dogs at large.

§ 7. The town council shall have power to prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.

Moneys go into town treasury.

§ 8. All fines, forfeitures and penalties received and collected for the breach of any ordinance, under this act, shall be paid into the treasury of said corporation by the officers or persons receiving the same.

Office vacated.

§ 9. Whenever the police magistrate or town constable shall remove from the town, resign, or die, or his office be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

Railroad crossings, etc.

§ 10. The town council shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the town council shall deem it necessary.



## ARTICLE VIII.

SECTION 1. The citizens of the town of Athens, at an election held on the seventh day of September, A. D. eighteen hundred and sixty-eight, voted for or against issuing bonds for railroad purposes to the amount of not exceeding fifty thousand dollars, and a majority having voted for issuing said bonds, the trustees of the town may issue said bonds, payable in fifteen or twenty years, at the rate of six per centum per annum, payable annually: *Provided, however,* that said bonds are only to be applied as stocks to a railroad running from New Athens to East St. Louis, or connecting with a road at Belleville that runs to that place. Whereas a majority of the citizens of New Athens have voted for issuing fifty thousand dollars, bonds for railroad purposes, bearing interest at the rate of six per centum per annum, payable annually, for the purpose of raising that sum of money; now, therefore, for the purpose of enabling said town to meet the payment of interest upon said bonds, as the same shall fall due, that the town council of the town of New Athens be and they are hereby authorized and required, from year to year, to levy and collect, in like manner, as nearly as may be, as other town taxes are levied and collected, a special tax, for the purpose of paying the interest on said bonds. Said tax shall be levied according to the valuation of property for ordinary taxes of each year, respectively; and in case no valuation for ordinary taxation should be made for any year, then a special valuation shall be made for the purposes of this act. The time at which said special tax shall be collected shall be subject to the control of said town council, and may be made annually or semi-annually, as shall be deemed expedient; but said tax shall always be collected in time to meet the annual payment of interest on said bonds.

Election for  
issuing railroad  
bonds.

§ 2. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof.

Act valid.

§ 3 Any failure to hold the first election under this act at the specified time shall not work a forfeiture, but the said election may be held at any day thereafter, by giving the proper notice of ten days.

Rights not af-  
fected.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 29, 1869.

In force March 31, 1869. AN ACT to incorporate the town of New Canton, in Pike county, Illinois.

SECTION 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 Canton, in the county of Pike, are hereby constituted and declared a body politic and corporate, by the name and style of "The President and Trustees of the Town of New Canton;" and, by that name, shall have perpetual succession; and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatsoever; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other corporate purposes; to sell, lease and convey property, for the use of said town; to protect and improve any such property as the public good may require.

Boundaries. § 2. All that district of country inclosed within the following boundaries, to-wit: One mile square, the centre thereof being the center of the crossing of Main and Mississippi streets, in town corporate plat of the town of New Canton, shall be the boundaries of said town.

Government vested in board of trustees. § 3. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their office under and by virtue of the general law of this state, for the incorporations of towns and cities, shall be deemed to hold their office under and by virtue of this act until the fourth Saturday in December, in the year of our Lord one thousand eight hundred and sixty-nine, and until their successors are elected and qualified; and the said trustees shall be elected annually, by the qualified voters of said town; and no person shall be trustee unless at the time of his election he shall have resided in said town for the space of six months, be twenty-one years of age, be a *bona fide* freeholder within the said town and a citizen of the United States, and upon his removal from said town he shall vacate his office.

Qualification to hold office. § 4. The board of trustees shall determine the qualifications of its own members and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Oath of office. § 5. Each of the trustees shall, before entering upon their duties, take an oath to perform the duties of his office to the best of his knowledge and abilities; and there shall,

at least, be one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

§ 6. The boundaries of said town, as herein defined, shall constitute a district for the election of one town constable, who shall be elected by the qualified voters of said town, and at the same time and place at which the trustees are elected; and the said president shall preside over the board of trustees; shall have the right to give the casting vote in cases of a tie, and shall possess the same qualifications as are required of a trustee by the third section of this act. The constable shall be elected for the term of two years, and if he remove from said town his office shall be vacated.

Boundaries defined.

§ 7. If two or more persons shall receive an equal number of votes for the office of constable, the board shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance.

Tie vote, how decided.

§ 8. On the fourth Saturday in the month of December, A. D. 1869, and on the fourth Saturday of December, each year thereafter, an election shall be held in said town for one town constable for the term of two years, and five trustees, as aforesaid, who shall hold their offices for one year and until their successors are elected and qualified; which first election shall commence at 10 o'clock, in the forenoon, and close at 4 o'clock, in the afternoon of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each person elected a certificate of his election and lay the poll book of such election before the board at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance. Said trustees, so elected, shall choose one of the five president.

Election of constable.

§ 9. All free white inhabitants of said town shall be entitled to vote for town officers, who are qualified to vote for state officers, and shall have resided in said town six months next before any such election.

Qualifications of voters.

§ 10. The president and trustees shall have power and authority to levy and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum per annum, upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance, not repugnant to the constitution of the United States or of this state. The said trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property of said town by the county or town assessor, and cause the same to be collected by the township collector.

Levy and collect taxes.

Provide for assessments.

§ 11. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is by law to extend the tax by existing laws, notice of their intention so to do, (which notice shall be a copy of their records) and also the rate of taxation; and upon the receipt of such notice, the said tax shall be extended and collected and its collections enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing, by ordinance, for the assessment and collection of such taxes and all other tax, charge or assessment authorized by this act.

Appointment of Officers.

§ 12. The said board shall have power to appoint an attorney, clerk, town treasurer, and assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such securities, and take such oaths, as may be judged necessary to insure the faithful performance of their duties; and shall have power to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same; to open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect and maintain and keep in repair bridges; to build and maintain within said corporation a jail or place of imprisonment, and to confine therein all such persons as are by the provisions of this act liable to imprisonment for offenses against the ordinances of said town; to

Indebtedness.

Improvement of streets.

Prohibit sale of liquors.

regulate, by ordinance, to license or prohibit the importation, the manufacture or sale within said corporation, and of storing and keeping for sale any in stores, shops or other buildings or places of doing business within the same, vinous, spirituous, malt or mixed liquors, including ale and beer, in any quantity: *Provided*, that said president and trustees may grant permits for sale of spirituous, vinous, malt or mixed liquors, including ale, for medical, mechanical or sacramental purposes, under such regulations and rules as they may prescribe by ordinance; to provide for the erection of all needful buildings for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town; to have power to fill any vacancy in the board of trustees, occasioned by death, resignation, continued absence from town for three months, or other-

Buildings.

Vacancies.

wise; to fill any vacancy of president, occasioned by death, resignation, removal from office or continued absence from town for three months, or otherwise. Said office shall be filled by an election, to be ordered by the board of trustees; to regulate and prohibit any indecent exposure of person; to prohibit the abuse of animals; to prevent, suppress and prohibit any riot, affray or disturbance of the peace, by loud and unusual noises, or any disorderly conduct in public buildings, churches or other buildings and places, disorderly assemblages, assaults and batteries; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys, and all other gambling establishments, and all lotteries and sale of lottery tickets within the limits of the corporation; to prevent and suppress trafficking and selling and giving away intoxicating liquors, whether spirituous, malt, fermented or otherwise, within one mile from the boundary of the corporation limits; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating-houses, butchers, meat shops, peddlers, brokers, money changers and teamsters, and all other trades and callings exercised within the limits of the corporation; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gambling houses, bawdy houses, and other disorderly houses; to provide for the prevention, extinguishment of fires, and to organize and establish fire companies; to regulate partition fences; and provide for the inspection and weighing of stone coal and hay and for the measurement of wood and fuel, to be used in said town; to regulate the election of town officers, define their duties, and provide for the removal of any person holding office under the ordinances; to provide for the taking of the enumeration of the inhabitants of said town; to fix the fees and compensations of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties; to prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon the square, street, alley, lane or uninclosed lot; to prevent the running at large of horses, cattle, hogs and sheep, and [other] animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any or-

Unusual noises.

Gambling houses.

Prohibit sale of liquors.

Extinguishment of fires.

Partition fences.

Census.

Fasten horses.

Stock at large.

dinance in relation thereto ; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance ; to prevent the firing of squibs, fire-crackers, rockets, guns or other combustibles or fire-arms within the limits of said town.

Style of ordinances.

§ 13. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state and of the United States. The style of the ordinances of the town shall be: "*Be it ordained by the President and Trustees of the Town of New Canton.*" And all ordinances shall, within one month after they are passed, be published in a newspaper published in said town, or if no newspaper is printed in said town, by posting copies of the same in three public places in said town ; and the certificate of the publisher of such newspaper or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Evidence of validity of ordinances.

§ 14. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Presiding officer

§ 15. The president of the board shall preside at all meetings of the board, when present, and in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants, of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia to aid in suppressing the same and in carrying into effect any law or ordinance.

Election of magistrates.

§ 16. At the first regular election of trustees in said town, there shall be elected one police magistrate, who shall be commissioned by the governor and hold his office four years and until his successor shall be elected and qualified. Said police magistrate shall have and exercise all the powers within said town of a justice of the peace, and shall have jurisdiction over all cases brought for the violation of any ordinance of said town ; and all suits for a violation of said ordinance shall be brought before and may be tried by either said police magistrate or any justice of the peace in said town ; and appeals and writs of *certiorari* may be prosecuted from judgment in any such cases for breach of said ordinances, in the same manner as appeals and

writs of *certiorari* are now prosecuted from judgment before justices of the peace in other cases.

§ 17. All owners or occupants in front of or upon whose premises the said trustees shall order or direct sidewalks to be constructed, repaired, re-laid or cleansed, shall make, repair, relay or cleanse such sidewalks, at their own cost and charges, in the manner and within the time prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the said town trustees may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereon, by an order to be embraced in their proceedings, upon such lots, respectively, and collect the same by warrant, the sale of the premises in such manner and within such time as the said town trustees may by ordinance provide; and a suit may also be maintained by said town, in its corporate name, against the owners of such premises for the recovery of such expenses, as for money paid and laid out to his or thier use at his or their request.

Construction of sidewalks, etc.

§ 18. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town, over the age of twenty-one years, to labor on such streets, lanes, alleys, avenues and highways three days in each year; and every person failing or refusing to perform such road labor, after being notified, as may be provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected and refused.

Street labor.

§ 19. The president and trustees shall have power to provide for the punishment of the offenders against the ordinances, in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

§ 20. The inhabitants of said town shall be exempt from the performance of road labor and payment of road tax levied by authority of the commissioners of highways; and the entire jurisdiction and control of the roads, highways and bridges of said town shall be held and exercised by the president and trustees aforesaid.

Exempt from road labor.]

§ 21. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action for debt, before the president of the board or in case of absence or inability to act, before some other justice of the peace of said town; and changes of venue and appeals shall be allowed in cases commenced before the said president of the board of trustees as in any other case before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case which they are parties, by causing their clerk to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered

All writs issued to be in form of debt.

upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bonds.

Duties of the constable.

§ 22. The town constable elected under the provisions of this act shall have power and authority to execute all process issued for any breach of any ordinance of said town, and, for that purpose, his power and authority shall extend over the county of Pike; and shall have the same powers, jurisdiction and authority, within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

Suits vested in corporation.

§ 23. All suits for fines and penalties in and for the violation of any ordinance shall be in the name of the town of New Canton; and said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process and the mode of executing the same.

Ordinances to remain in full force.

§ 24. All ordinances and resolutions passed by the present town authorities shall remain in force until the same shall have been repealed by the corporation hereby created: *Provided*, no contract or agreement shall be affected thereby.

Fines and penalties.

§ 25. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town shall be vested in and prosecuted by the corporation hereby created; and all property, real and personal, heretofore belonging to said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Publication of ordinances.

§ 26. It shall be the duty of the town trustees of said town, immediately after the passage of this act, to cause the same to be published two weeks in succession in a newspaper printed in the town of Pittsfield, in the county of Pike; and thereafter give notice for a public meeting of the legal voters of said town, whose qualifications shall be as prescribed by this act, to be held at the school house in New Canton, on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same: *Provided*, that at any subsequent meeting, like notice being given [as] aforesaid, the same may be adopted and take effect immediately thereafter.

Evidence of act.

§ 27. This act shall be deemed and taken to be a public act, and shall be so considered in all courts and places, and may be read in evidence without further proof.

Certificate of publication of ordinances.

§ 28. A certificate of the clerk of the board of trustees of said town, under the seal of the corporation, of the publication of any ordinance of the same, shall be deemed and regarded, in all courts, as evidence of the publication of such



ordinance according to the requirements of this act, without further proof.

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

APPROVED March 31, 1869.

AN ACT to incorporate the town of Neoga, Cumberland county.

In force March  
9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Neoga, in the county of Cumberland, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The Town of Neoga;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style.

§ 2. The boundaries of said town shall be as follows, to-wit: To include the south half of the northwest quarter of section eight, and the south half of the northeast quarter of section seven, also the southeast quarter of section seven, and the north half of the northeast quarter of section eighteen, also the north half of the northwest quarter of section seventeen, and the southwest quarter of section eight, in township number ten north, of range number seven east of the third principal meridian.

Boundaries of  
corporation.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, to answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property and to do all other such acts and things in relation thereto that natural persons might do: *Provided*, no lands shall be sold by them which has been conveyed to or held by the corporation for streets, alleys, lanes, public grounds or squares.

Corporate pow-  
ers.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state

Powers veste  
in trustees.

for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act until the first Monday of March, in the year of our Lord one thousand eight hundred and seventy, and until their successors are elected and qualified.

Election of officers.

§ 5. On the first Monday of March, in the year of our Lord one thousand eight hundred and seventy, and ever afterward on the first Monday of March, in each and every year, an election shall be held in said town of Neoga, for the election of five trustees, one constable, one treasurer, one assessor, and one collector of said town. The persons so elected shall be citizens of the United States and of this state, and shall have actually resided within said town one year next preceding their election, and shall hold their offices for the term of one year, and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Notice of election.

§ 6. The incumbent board of trustees shall give ten days' previous notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such elections, the hour of the day at which the polls shall be opened, the hour at which they shall be closed. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for the opening of the polls, appoint, by acclamation, three of their number to act as judges of such election. And said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot; and all persons who, by the laws of this state, are entitled to vote for state and county officers and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat. And all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town in such manner as may be provided by ordinance.

Oath of office.

§ 7. The trustees elect, before entering upon the duties of their office, shall take and subscribe an oath to support the constitution of the United States and this state, and that they will, to the best of their ability, faithfully discharge the duties of their office. They shall hold at least one regular meeting every three months, and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent mem-

Stated meetings

bers, in such manner and under such penalties as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper; they shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal, resignation, or continual absence from their regular meetings for the term of three months or otherwise; they may punish their members or other persons for disorderly conduct before the board, while in session, and, by a vote of four-fifths of all their members, they may expel a member, for good cause shown; and they shall have power to remove from office, by a vote of four-fifths of all their members, any subordinate officers of said town, who holds his office by appointment of the board of trustees of said town.

Vacancies, how filled.

Punishment of offenders

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, one or more street commissioners, and such other officers as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require all officers to take an oath that they will support the constitution of the United States and of this state and will faithfully and to the best of their abilities discharge the duties of their offices; to give bond, with sufficient security, to be approved by said board of trustees, well and truly to perform the duties of their respective offices—all such bonds to be given to said incorporation by its corporate name.

Appointment of officers.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding one dollar, annually, upon the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States. They shall have power to appropriate money and provide for the payment of the debts and expenses of the corporation.

Power to levy assess and collect taxes.

§ 10. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the amount of the money borrowed and the indebtedness of the incorporation on account of money loaned shall at no time exceed three per cent. on the assessed valuation of property in said town, and at a rate of interest not exceeding ten per cent., per annum.

May borrow money.

§ 11. Any member of the board of trustees knowingly voting in favor of any misapplication or wrongful conversion of the funds or personal property of the town, shall be personally liable to the town in an action on the case, for the amount so mis-applied or converted, and costs.

Misappropriation of funds

§ 12. They shall have power to make regulations for securing the general health and comfort of the inhabitants of

General Health.

said town, to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof by fines, penalties or imprisonment in the calaboose of said town or the county jail of Cumberland county, or by both such fine and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

Improvement  
of streets, alleys  
and all public  
grounds.

§ 13. They shall have power, and it shall be their duty to cause all streets, alleys and public roads within said town to be kept in good repair; and for that purpose they may require every male resident of said town, over the age of twenty-one and not exceeding fifty years, to labor thereon, not exceeding three days in each and every year or to pay, at the time of being notified to work, the sum of one dollar and fifty cents for every day's labor required of him; and if the money and labor performed and received be not sufficient for that purpose they shall appropriate so much from the general fund of the corporation as may be necessary therefor; and the inhabitants of said town shall be exempted from working on any road outside of the same.

Provide water.

§ 14. They shall have power to provide the town with water; to sink and keep in repair public wells, and erect and keep in repair a calaboose and such other public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay and stone coal and the measurment of wood, to be used in said town.

Auctioneers,  
peddlers, etc.

§ 15. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, houses of ill-fame and other disorderly houses within said town and one mile from the limits of said town.

Shows and  
exhibitions.

§ 16. They shall have power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements of every kind, unless gotten up by the citizens of said town, in said town. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind within the limits of said town; to prohibit and impose penalties on the authors thereof, or any indecent exposure of person or dumb beast to public view; or the public use of indecent or obscene language; or the expo-

Punishment of  
violations.

sure to public view of any indecent or obscene picture or publication within said town.

§ 17. They shall have the power to prevent the running at large of dogs and to provide for the destruction of the same when found at large contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fire-works or combustibles within said town.

§ 18. They shall have power to prevent the incumbering of any street, lane, avenue, road, alley or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules or other animals attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, sheep, hogs or other animals from running at large in said town; and to provide for distraining and impounding any such animal or animals and the sale thereof to satisfy costs and charges and penalty or penalties incurred under any ordinance of said town; to prevent racing within said town with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; and also to prohibit and punish the abuse of any and all animals within said town.

§ 19. The said president and trustees of the town of Neoga shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any manner trafficking in, any spirituous, vinous, and malt liquors of any kind within the limits of said town; and may, by ordinance declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any spirituous, vinous or malt liquor within the corporate limits of said town, and the place or places where the same is carried on or either of them, a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section twelve of this act, in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same in good faith for purely medicinal, mechanical or sacramental purposes, and not for any other purposes: *Provided*, that they shall not impose any fine by authority of this section of more than fifty dollars for any one offense or any penalty in the town calaboose or the county jail more than thirty days for any one offense.

§ 20. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and provide for the arrest and punishment of any person or persons

found intoxicated in any street, alley, lane or other public place in said town.

Prevention and  
extinguishment  
of fires

§ 21. They shall have power to make such regulations for the prevention and extinguishment of fires, and shall have the charge and control of the same. They shall have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

Railroad tracks  
and crossings.

§ 22. They shall have the power to require railroad companies to construct and keep in repair suitable crossings at the intersections of streets, roads and alleys when the board of trustees shall deem it necessary, and to regulate the speed of locomotive engines within the town or any particular part of the town, and to limit the time railroad trains will be allowed to obstruct the passage of any street or crossing in said town; to cause railroad companies to keep open and in repair ditches, drains, sewers or culverts on the sides of their railroad tracks, so that filthy or stagnant pools of water cannot stand along their track to the injury of said town or the health of the inhabitants thereof.

Make and pass  
ordinances.

§ 23. The town council shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred upon them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state or the United States, and to cause the same to be executed. They shall also have power to impose fines and penalties for the breach of any law or ordinance of said town or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars nor shall they impose a penalty of imprisonment in the county jail for any one offense of more than six months.

#### POWERS AND DUTIES OF THE PRESIDENT.

Presiding officer

§ 24. The president shall preside at all meetings of the board, when present, and in case of his absence from any meeting the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town; he shall inspect the official conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of said town to aid in enforcing the laws and ordinances of said town; and any and every such person who

shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars nor more than twenty dollars; he shall have power, and it shall be his duty, to do all other acts and things that may be required of him by the laws and ordinances of said town.

## MAGISTRATES AND CONSTABLES.

§ 25. The present police magistrate of said town of Neoga, holding his office under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold his office, under and by virtue of this act, until the expiration of his term of office. At the first election under this act, for trustees of said town, after the expiration of the term of office of the present police magistrate of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Cumberland; and he shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace; he shall hold his office for the term of four years and until his successor shall be elected and qualified; he shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Cumberland might have and exercise in similar cases.

Powers of the  
police magis-  
trate.

§ 26. Said police magistrate shall be a conservator of the peace for said town of Neoga, and shall have exclusive original jurisdiction, except as hereinafter provided, in all cases arising out of or under the laws and ordinances of said town or this act, and shall in all cases possess and may exercise all the rights, powers and authority now conferred upon police magistrates by the laws of this state. Whenever after the passage of this act there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Jurisdiction of

§ 27. He shall in all cases be entitled to the same fees and emoluments as may be provided by ordinance. In case of the absence of said police magistrate, or his inability, any justice of said county of Cumberland, having an office in said town, shall have the same jurisdiction, powers and authority, under the laws and ordinances of said town, as the said police magistrate possesses in like cases. The rule of practice and proceedings in all cases arising out of the laws and ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except when such rule and proceedings shall be changed or modified by the laws, ordinances or charter of said town;

Fees of office.

in which case the rule of practice or proceedings shall conform to the rule prescribed by such laws, ordinances or charter.

Appeals allowed

§ 28. In all cases arising under any ordinance or this act changes of venue and appeals, when applied for, shall be allowed to the circuit court of Cumberland county, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town or under this act, if either party wishes to appeal he or they shall give notice, in writing, thereof, to the justice of the peace before whom the case was tried, on the day of the trial thereof, and shall file the necessary appeal bond, with security, with such justice of the peace within five days from the day of such trial.

Duties and fees of constable.

§ 29. The town constable of said town shall qualify in such manner as the board of trustees by ordinance prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town or any justice of the peace of said county of Cumberland; he shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to such fees as may be prescribed by ordinance, and shall, in all cases of nonfeasance or misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Arrest, with or without process.

§ 30. In all cases arising under the laws or ordinances of said town, any constable of the county of Cumberland shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said constable would possess. Whenever the constable of said town or any special policeman, duly appointed as such by the trustees of said town, shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind within said town, it shall be their duty to make immediate arrest of such person or persons on view, without warrant; and in all such cases any constable of the county of Cumberland shall have the same power of arresting, without warrant, as the said town constable or special policeman in such cases would possess; and in such cases of arrest without warrant the officer making the arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the police magistrate or justice of the peace



shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

## MISCELLANEOUS PROVISIONS.

§ 31. The board of trustees shall prescribe, by ordinance, the compensation to be received by all officers of said town. Compensation of officers.

§ 32. Until the board of trustees of said town of Neoga shall provide, by ordinance, for enforcing the collection of taxes due said town the same shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10th, 1849, for the collection of other corporation taxes. Taxation.

§ 33. All prosecutions under the laws and ordinances of the town of Neoga, in cases in which the penalty, by the laws or ordinances of said town, is imprisonment, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts. Prosecutions.

§ 34. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees or other officers of said town shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town. Not to file security for cost.

§ 35. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and costs of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon that he cannot find sufficient property of the defendant or defendants not exempt from execution to satisfy such execution, or if the defendant or defendants are transitory, then the said police magistrate or justice of the peace shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall immediately arrest and convey him, her or them to the jail of the county of Cumberland, there to remain forty- Execution to issue on rendition of judgment

eight hours, if the fine and costs amount to five dollars, and twenty-four hours for every additional sum of two dollars: *Provided, however*, that if the president and trustees of said town or their attorney shall require a transcript of the judgment and costs to be certified to the clerk of the said county of Cumberland, to have the same levied upon real property, and shall signify the same to such police magistrate or justice of the peace, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgment rendered in the circuit court of said county in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act, or any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the police magistrate or justice of the peace shall, if he approve such appeal bond, order the return of any property that may have been taken under execution, to satisfy such judgment.

Ordinances to  
be in force until  
repealed.

§ 36. All ordinances and resolutions heretofore passed by the president and trustees of said town of Neoga which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may accrue to them prior to the taking effect of this act, shall be vested in and prosecuted and recovered by the corporation hereby created, and also that the elections, meetings and proceedings of the present trustees be and the same are hereby declared valid, in all respects, any informality or irregularity in the manner of conducting said election and making returns thereof to the contrary notwithstanding.

Record of pro-  
ceedings.

§ 37. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose, and such book, purporting to be the record book of the corporation of the town of Neoga, shall be received in all courts without further proof as evidence of the matters therein contained, and all ordinances, acts, resolutions, by-laws, and other things pertaining to and concerning the present corporation of the town of Neoga, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books

purport to be the record book or books of said corporation ; and all ordinances and by-laws hereafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and shall be signed thereon by the president and clerk of the board of trustees with their proper signatures ; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall also note the date of the adoption and publication, and of the time of taking effect thereof.

§ 38. The president and trustees of said town shall order, on petition of the owners of one-fourth part of the front of the lots included in such order, sidewalks to be built by the owners thereof, in such time and manner and of such material as they may direct ; and in case of failure to do the same, the president and trustees shall cause the same to be done and assess the cost thereof to each lot against the same: *Provided*, that when such order shall be made without a petition of the owners of one-fourth part of the front of the lots included therein, the town shall pay at least twenty-five per cent. of the cost thereof. They shall have power to levy special tax therefor, which shall be collected as other taxes or as they may provide by ordinance.

§ 39. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1869.

AN ACT to incorporate the town of Noble.

in force March  
27, 1869.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of Noble, in the county of Richland, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The Mayor and Trustees of the Town of Noble;" and, by that name and style, shall have perpetual succession ; shall have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation

Name and style.

shall be vested, with power to regulate and manage its affairs.

General corporate powers.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever, and purchase, receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and may do any and all other things in relation thereto as natural persons.

Boundaries of the corporation.

§ 3. The boundaries of said town of Noble shall be as follows, to-wit: To begin at the northwest corner section eight (8); thence south, on the section lines, to the southwest corner of section seventeen (17); thence east, on the section lines, to the southeast corner of section sixteen (16); thence north, on the section lines, to the northeast corner of section nine (9); thence west, on the section lines, [to] the beginning.

## ARTICLE II.

Council.

SECTION 1. There shall be a town council, to consist of a mayor and four trustees, to be chosen annually by the qualified voters of said town.

Eligibility of members.

§ 2. No person shall be a member of the town council who shall not have been for one year previous to his election a *bona fide* resident and freeholder within the limits of said town, and who shall not be a qualified voter at all elections for state and county officers.

Office declared vacant.

§ 3. If any member of the town council shall, during the term of his office, remove from the town or absent himself therefrom for three consecutive months, his office shall thereby be vacated.

Qualifications and returns of members.

§ 4. The town council shall be the judge of the qualifications, elections and returns of its own members: *Provided*, the election of any trustee may be contested in the same manner as is provided by law for contesting the election of supervisors.

Quorum to do business.

§ 5. A majority of the town council shall constitute a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

Rules of proceedings.

§ 6. The town council shall have power to determine the rules of its proceedings and punish its members for disorderly conduct, in such manner as may be provided by or-

dinance, and may, by a vote of two-thirds of all the members elected, expel a member for good and sufficient cause.

§ 7. The town council shall keep a journal of its proceedings. Journal of proceedings. And no member of the town council shall, during the term of his office, be appointed to any office under the authority of the council nor make any contract with said council. And the journal of said council shall, at all proper times, be open to the inspection of the inhabitants of said town or other persons who may be interested therein.

§ 8. All vacancies that shall occur in the town council shall be filled by election; and each and every member of the council shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and faithfully perform all the duties of his office to the best of his skill and ability. When vacancies occur, how filled.

§ 9. In case of a tie in the election of members of the council, the judges of election shall certify the same to the police magistrate, who shall determine the same by lot, in such manner as may be prescribed by ordinance. Tie vote, how determined.

§ 10. There shall be one regular meeting in each month of the year of the town council, at such time and place as may be prescribed by ordinance. Stated meetings.

### ARTICLE III.

SECTION 1. There shall be elected in the town of Noble, by the qualified voters thereof, on the second Tuesday of April, A.D. 1869, and on the second Tuesday of April quadrennially thereafter, one police magistrate and one town constable, who shall hold their offices for four years, except the town constable, and until their successors shall be elected and qualified; and their qualifications shall be the same as are required of electors in town elections; and for the election of said officers the town of Noble is hereby declared an election precinct, and such election shall be conducted by the trustees, as judges and inspectors thereof, as is provided for other elections and the returns thereof made pursuant to the election laws of this state. Time and place of election.

§ 2. The police magistrate shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation and concurrent jurisdiction in all other cases with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees as other justices of the peace in like cases; and the said police magistrate shall, before entering upon the duties of his office, take and subscribe the same oath of office and execute the same bond and be commissioned in the same manner as police magistrates of the city of Olney are now required to do: *Provided*, that a change of venue may be had in all cases under the ordinances of the town council from the police magis- Jurisdiction of police magistrate.

trate of said town to the nearest justice of the peace or police magistrate in said county having competent jurisdiction thereof, in the manner now provided by law: *Provided*, that in the event of the absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Richland county shall be invested with the powers conferred upon police magistrates by this act, in all cases arising under the ordinances of the town council, until such cause is removed: *Provided*, that in case of death, removal or resignation of said police magistrate, the town trustees shall give notice, not less than ten days nor more than twenty days after such vacancy shall have been declared, setting forth said vacancy, its cause, and that an election will be held to fill the same; which election shall, in all respects, be conducted as a regular election for police magistrates.

Ex officio constable.

§ 3. The town constable shall be, *ex officio*, a constable of Richland county; he shall be entitled to the same fees as other constables, and, in addition thereto, such other compensation as the town council may allow him for special services as policeman or other services; and he shall, before entering upon the duties of his office, execute a bond as other constables are required by law; which bond shall be filed in the office of the county clerk; and he shall hold his office for two years from the date of his election, and shall, in all cases, be subject to the same penalties that other constables of this state are now or hereafter may be subject to for malfeasance in office. It shall be the duty of said town constable to perform such duties as may be required of him by the ordinances of said town council, by serving any process, civil or criminal, issued by the police magistrate of said town, and to arrest, without warrant, any and all persons for the commission of any offense under the laws of this state or the ordinances of said town, on view, and bring him or them forthwith before the police magistrate or any justice of the peace having his office in said town; and he shall inform the police magistrate or justice of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons and proceed therein in all respects the same as if such person or persons had been arrested under a warrant by him duly issued.

#### ARTICLE IV.

Election trustees.

of SECTION 1. On the second Tuesday of April, A. D. 1869, and annually thereafter, there shall be held in said town an election for the mayor and four trustees, members of the town council. Said election shall be conducted, in all respects, conformable to the laws of this state regulating

elections, so far as the said laws pertain to the election of officers of said town, unless otherwise regulated by ordinance, not repugnant to the constitution and laws of this state: *Provided*, the polls of said election, until otherwise regulated by ordinance, shall open at one o'clock P. M. and close at six o'clock P. M. of said day; and all persons who are now or may hereafter be qualified electors at elections under the general election laws of this state and who have resided within the corporate limits of said town thirty days next preceding said elections, may vote at said elections.

## ARTICLE V.

SECTION 1. The town council shall have power to appoint a clerk, treasurer, assessor, street commissioner, and all such other officers as may be necessary, and prescribe their duties and the compensation therefor, and to require of all officers appointed in pursuance of this charter to give bonds, with such penalties and security as may be provided by ordinance, to secure the faithful performance of their respective duties, and also to take and subscribe an oath for the faithful discharge of the duties of their respective offices before they shall enter upon the discharge of the same. Appointment of officers.

§ 2. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said town, not exceeding one per centum upon the assessed value thereof, and may enforce payment of the same by filing a certified statement of the amount of such tax with the clerk of the county court of Richland county; and the said clerk shall include such amount in the tax warrant next assessed by him for the collection of state and county taxes, and the same shall be a lien on the taxable property of said town: and such tax shall be collected in the same manner as is now or hereafter may be provided by law for the collection of state and county taxes. Taxes.

§ 3. To appropriate money, and provide for the payment of the debts and expenses of said town. Appropriations.

§ 4. To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction and spread of contagious diseases, and determine what shall be a nuisance, and provide for the punishment, removal or abatement of the same. General health.

§ 5. To provide the town with water; to sink and keep in repair wells and pumps in the streets or parks, for the benefit or convenience of the inhabitants of the town. Provide water.

§ 6. To open, alter, widen, extend, pave and otherwise improve streets, lanes and alleys, and remove obstructions therefrom; to erect and keep in repair bridges and culverts, and to provide, by ordinance, for the assessing, levying and collecting a special tax on the owner or owners of lots Improvement of streets, lanes and highways.

on any street, lane, avenue or alley or part or parts thereof, according to the respective fronts owned by them thereon, for the purpose of paving, grading, planking and making, in such manner as the council shall direct, sidewalks and crosswalks in such street, lane, avenue or alley, or part or parts thereof, which tax is hereby declared to be a lien on the lands in reference to which it is assessed until paid, and to be a special tax to be collected as other corporation taxes are.

Markets § 7. To erect market houses; to establish market places, and to provide for the regulation of the same.

Improving public grounds. § 8. To provide for inclosing, improving and regulating all public grounds belonging to said town.

Auctioneers, peddlers, etc. § 9. To license, tax and regulate auctioneers, peddlers, hawkers, teamsters, brokers, merchants, grocers, bakers, draymen and pawnbrokers; to license, tax, regulate and suppress theatrical and other exhibitions, ball alleys, billiard tables, lotteries, shows and amusements.

Liquors. § 10. To prohibit the sale of any kind or description of ardent spirits; to suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses: *Provided*, that the town council shall have power to license and regulate the sale of spirituous liquors, ale, beer and porter.

Chimneys, etc. § 11. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies; to regulate the erection and condition of chimneys and flues and for their inspection in the town.

Combustibles. § 12. To regulate the storage of gunpowder, petroleum, tar, pitch and rosin, and other combustible materials.

Census. § 13. To provide for taking the enumeration of the inhabitants of the town.

Regulate election of officers. § 14. To regulate the election of town officers, and to provide for the removal from office any person holding office by virtue of the ordinances of said town.

Compensation of officers. § 15. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered by this act or any ordinance: *Provided*, that members of the town council shall not receive more than one dollar per day for their services.

Regulate police. § 16. To organize and regulate the police of the town; to impose fines and penalties and forfeitures for the breach of any and all ordinances; for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury, as it now or may hereafter exist by the laws of this state, shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance of the town.

Ca. aboose. § 17. The town council shall have power to erect within the town of Noble a town prison or calaboose, for the confinement and punishment of persons guilty of any violation



of the ordinances of the town, and to erect all other needful buildings.

§ 18. To require railroad companies to construct and keep in repair suitable crossings at the intersection of streets, roads and alleys within the limits of the corporation, when the town council shall deem it necessary, and to regulate the speed of locomotives, engines and trains within the town limits. Railroad crossings, etc.

§ 19. The town council shall have power to make and enforce all ordinances necessary to preserve good government and order in said town, and punish offenders, by fine or imprisonment, or both, in the town calaboose, or, in lieu of such imprisonment, by work on the streets, lanes or alleys of said town, at the rate of one dollar per day, or, in default of the payment of any fine and costs, to compel the offender to work as aforesaid, at the rate aforesaid, until the fine and costs are paid: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state. Enforcing ordinances.

§ 20. All ordinances passed by the town council shall, within five days after they shall have been passed, be published in some newspaper published in the town, or if no newspaper be published in said town in such way as shall be provided by ordinance, and they shall not be in force until they have been so published at least ten days. Publication of ordinances.

§ 21. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Noble.*" Style of ordinances.

§ 22. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Evidence of.

#### ARTICLE VI.

SECTION 1. The mayor shall preside at all meetings of the town council, and shall have the casting vote in case of a tie. He shall be, *ex officio*, a member of the board of supervisors of the county of Richland, and shall have the same powers of any supervisor of said county and receive like compensation for his services. In case of his absence from any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting. The mayor or any two members of the council may call special meetings of the town council. Presiding officer of council.

§ 2. The mayor shall be active and vigilant in enforcing the law and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the corporation, and cause negligence and violations of positive duty to be prosecuted and punished, and he is hereby authorized to call on any male inhabitant of said Active and vigilant in the performance of duties.

own, over the age of eighteen years, to assist in enforcing the laws and ordinances of said town; and any person who shall disobey such order shall forfeit and pay a fine not exceeding twenty dollars and the costs of prosecution.

Inspection of books.

§ 3. He shall have power to require any officer of said town to exhibit his books and paper, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VII.

Private property taken for improvement of streets, alleys, etc.

SECTION 1. Whenever it shall be necessary to take private property for opening, widening, extending or altering any street, lane or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same, before opening, widening, extending or altering the street, lane or alley; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town.

Petitions for opening streets.

§ 2. When all the owners of property on a street, lane or alley proposed to be opened, extended or altered shall petition therefor, the town council shall provide for the opening or alteration of the same; but no compensation shall be allowed to those persons petitioning for the same for their property so taken.

Estimate value of land taken.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening, widening, extending or altering of any street, lane or alley, shall first be sworn or affirmed to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror; and the police magistrate shall keep a record of the same, as in other cases: *Provided*, that in the assessment of damages, the jury shall take into consideration the benefits as well as the injuries happening to the owner or owners of property proposed to be taken for the opening, widening, extending or altering a street, lane or alley, by such opening, widening, extending or altering.

#### ARTICLE VIII.

Exempt from road labor beyond the limits.

SECTION 1. The inhabitants of the town of Noble are hereby exempted from working on any road beyond the limits of said town and the payment of any road tax levied by authority of the county commissioners or other authority; and the entire jurisdiction and control of the roads, highways, bridges, streets, lanes and alleys in said town shall be held and exercised by the town council.

Manner of requiring and performing road labor.

§ 2. The town council shall have power to require every male inhabitant of said town, of the age of twenty-one years and under fifty, to labor on the roads, streets, lanes

and alleys, not exceeding five days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay for each day that he fails or refuses to work a sum not exceeding one dollar and fifty cents nor less than one dollar.

§ 3. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the year preceding, and, on what account expended—said statement to be posted up in a conspicuous place at the polls on the morning of the annual election.

Annual statement of the receipts and expenditures.

§ 4. All ordinances and resolutions heretofore passed by the president and trustees of the town of Noble, which are in conformity with the provisions of this act, shall remain in force until repealed or otherwise modified by the town council hereby created.

Ordinances to remain in force.

§ 5. All suits, actions and prosecutions commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town council of the town of Noble, and all actions, fines, penalties, forfeitures and rights which have accrued to the former president and trustees of the town of Noble shall be vested in and prosecuted by the corporation hereby created.

Actions vested in corporation.

§ 6. All property, real and personal, heretofore belonging to the president and trustees of the town of Noble, for the use of said town or for their benefit, shall be and the same is hereby declared to be vested in the corporation hereby created.

All property vested in corporation.

§ 7. The president and trustees of the town of Noble shall, immediately after the passage of this act, take measures to promulgate this law within the corporate limits of the town of Noble, as herein defined, and issue their proclamation for the election of officers at the time specified by this act, and cause the same to be published, by posting up notices in six of the most public places in said town for ten days prior to the day of the election of said officers.

Promulgate act

§ 8. Appeals and writs of certiorari may be prosecuted, in all cases, from decisions and judgments of the police magistrate, in the same manner as decisions and judgments of justices of the peace.

Appeals allowed

§ 9. Whenever the police magistrate or town constable shall remove from the town, resign or die or his office shall otherwise be vacated, the town council shall immediately proceed to fill such vacancy by an election.

Vacate office of police magistrate

§ 10. It shall be the duty of the treasurer to receive all moneys due the corporation, giving his receipt therefor, and to pay out the same, on the warrant of the town council, signed by the mayor and countersigned by the clerk. He shall keep, in a suitable book, provided by the town

Duties of the treasurer.

council, a fair account of all such receipts and payments, and shall report the same to each regular meeting of the town council.

Duties of the town clerk.

§ 11. It shall be the duty of the town clerk to keep, in a well bound book, to be provided by the town council, a record of the proceedings of the town council and a true account of the fiscal affairs of the town; to file and carefully keep all books, maps, records and papers relating to his office and the corporation, and to furnish transcripts, duly attested, therefrom, when required; to draft and countersign all warrants for the payment of money; to issue all licenses and permits authorized by the town council, and to give due notice of all elections, contracts and lettings, and all other matters requiring public notice or publication, when ordered by the town council; and to perform such other duties as may be required of him by the town council.

Officers to give bonds and security.

§ 12. The mayor, treasurer, town assessor, street commissioner, and such other officers as the town council may, from time to time, direct, shall each, before entering upon his official duties, file with the town clerk his bond, in such amount and with such security as the town council may direct, conditioned for the faithful performance of all his duties under this act and the rules, regulations, by-laws and ordinances of the town council, who may, at any time, for proper cause, order a new bond, with additional security and increased penalty.

Competent witnesses.

§ 13. No inhabitant or officer of said corporation shall, for that reason, be disqualified as a witness or juror in any suit or proceeding wherein the corporation may be a party or may be interested

Authority to serve or execute process.

§ 14. All actions for fines, penalties or forfeitures, accruing for breach of any ordinance of said town shall be in debt. The ordinary process shall be by summons; but in cases where the party complaining shall state, under oath, that he has good reason to believe that the party accused is about to abscond or depart without the limits of the county or has so departed or absconded, then the police magistrate may issue his warrant to bring the party forthwith before him to answer such complaint, and the party accused shall remain in the custody of the officer until the suit is disposed of and the fine and costs, if any be imposed on him or her, be paid or otherwise discharged according to law: *Provided*, the party accused may enter in a recognizance, with good security, as is now provided by law; and, in default of such bail, the officer may commit the accused to the calaboose or town prison, for safe keeping, while the cause is not being tried. The recognizance shall be filed in the office of the police magistrate, and in case of forfeiture shall be transmitted by him to the town clerk.

Fines paid to town treasurer

§ 15. All moneys arising from fines, forfeitures penalties, licenses, taxes and assessments, shall be paid to the

treasurer for the sole and exclusive use and benefit of the inhabitants of the said town of Noble, to be appropriated and expended by the town council in such manner as by ordinance may be prescribed.

§ 16. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Evidence of act.

§ 17. All acts or parts of acts contrary to or inconsistent with the provisions of this charter are hereby repealed. Conflicting acts repealed.

§ 18. This act to take effect from and after its passage. This act shall be submitted to a vote of the legal voters of said town, at an election to be held on the first Tuesday in April, A. D. 1869. The tickets shall be indorsed "For the act" or "Against the act;" and if a majority of the votes shall be in favor of this act it shall become a law, but not otherwise. Notice of such election shall be posted up in three of the most public places in said town, by the clerk, at least five days before said election. The president and trustees of the town of Noble shall be judges and inspectors of said election. Act submitted to the people.

APPROVED March 27, 1869.

AN ACT to incorporate the town of North Utica.

In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of North Utica, in the county of LaSalle, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of North Utica;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may alter and change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style.

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the centre of section eight (8), township 33 north, range 2 east of the third principal meridian; thence running one mile east, to the center of section nine (9); thence one mile south to the center of section sixteen (16); thence one mile west to the center of section seventeen (17); thence one mile north to the place of beginning. Boundaries of town.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold Corporate powers.

property, real and personal, within the corporate limits of said town, as shall be necessary for municipal purposes; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Powers vested  
in trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of business of said town; and the persons who are now trustees of said town, holding their office under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their office under and by virtue of this act until the first Monday of May, A. D. 1870, and until their successors are elected and qualified.

Election  
of trustees.

§ 5. On the first Monday of May, in the year 1870, and ever after on the first Monday of May, in each and every year, an election shall be held in said town of North Utica, for the election of five trustees of said town. The persons so elected shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided within said town six months next preceding their election; and shall hold their office for the term of one year and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Notice of elec-  
tion.

§ 6. The incumbent board of trustees shall give ten days' notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices in at least three public places in said town. Said notice shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour of the day at which they shall be closed. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for opening the polls, appoint, by acclamation, three of their number to act as judges of such election; and the said judges shall appoint two clerks of such election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks for state and county purposes. All such elections shall be by ballot; and all persons who by the laws of this state are entitled to vote for state and county officers and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections under this act shall be tried and determined by the police magistrate of said town, in such manner as may be provided by ordinance.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state and that they will, to the best of their abilities, faithfully discharge the duties of their offices. They shall hold at least one regular meeting every three months, and shall, at their first meeting, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as may be by ordinance provided. Such board may make such rules and regulations as to them may seem proper. They shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal or resignation or continual absence from their regular meetings for the term of three months, or otherwise. They may punish their members for disorderly conduct, and, by a vote of three-fifths of all their members, they may expel a member from the board; and they shall have power to remove from office, by a vote of three-fifths of all their members, any subordinate officer of said town, who holds his office by appointment by the board of trustees of said town.

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, a police constable, treasurer, assessor and collector, and one or more street commissioners, and such other officers, if any, as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require them, before entering upon the duties of their respective offices, to give such bonds and security as may be necessary to insure the faithful performance of their duties. They shall also require all persons appointed to office by them, before entering upon the discharge of the duties of their respective offices, to take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will faithfully and to the best of their ability discharge the duties of their offices.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States. They shall also have power to appropriate money and provide for the payment of the debts and expenses of the incorporation; to restrain, regulate or prohibit the running at large of any cattle, horses, sheep, swine, goats, and other animals, and to authorize the distraining and impounding and sale of the same; and to

Oath of office.

Appointment of officers.

Levy and collection of taxes.

Appropriations.

Running at large of horses, cattle, etc.

prohibit any indecent exhibition of horses or other animals; to prevent the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance; to prevent horse-racing or immoderate driving within the limits of said town of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street or alley or any public road in said town; to establish and maintain a public pound, and appoint a pound master, and prescribe his duties; to license, regulate and prohibit all exhibitions of common showmen, shows of all kinds, caravans and circuses and exhibitions and amusements; to suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, batteries, or shooting, within the limits of said town; to abate and remove nuisances and punish the author thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof: *Provided*, they they shall not have the power of declaring the burning and manufacture of hydraulic cement a nuisance; to restrain and prohibit all description of gambling and fraudulent device, and to license or suppress and prohibit billiards, billiard-tables, ball-alleys and other gaming establishments; to suppress and prohibit disorderly houses and groceries, and houses of ill-fame, tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses; to license or suppress and prohibit the sale of spirituous or malt liquors: *Provided*, that no license shall be granted to sell any spirituous or malt liquors for a less sum than fifty dollars; and the proceeds of said license shall be appropriated to the use of said town; to regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance; to fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance. The board of trustees shall have power, by ordinance, to regulate the internal police of the town; to declare what shall be considered misdemeanors, and to impose fines and forfeitures for the breach of any ordinance, and provide for the recovery and appropriation of such fines and the enforcement of such penalties. The trustees shall have power to make and enforce all necessary by-laws for the construction, laying out, extending, widening and vacating of all streets in said town; to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax of not more than 6 days nor less than 3 days against every able-bodied male inhabitant of said town over the age of 21 and under 50 years of age, to be collected and expended in such manner as they

Fast driving.

Public pound.

Nuisances.

Gaming houses.

License sale of liquors.

Regulate police.

Alteration of streets.



may determine and direct. The said trustees shall also have power to borrow any sum of money, not exceeding two thousand dollars, for the purpose of improving the streets and buildings and improving the bridges of said town, and for such purpose, may issue bonds of said town, in sums of fifty, one hundred or five hundred dollars each.

§ 10. The present police magistrate of said town of North Utica, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February twenty-seventh, 1854, shall be deemed to hold his office under and by virtue of this act until the expiration of his term of office, and thereafter until his successor is elected and qualified. At the first election under this act for trustees for said town, after the expiration of the term of office of the present police magistrate, there shall be a police magistrate elected for said town, and every four years thereafter; and in case of the death, resignation from office or removal from town of the present or any subsequent police magistrate, the trustees of said town may call a special election for the purpose of electing a police magistrate to fill the vacancy, who shall serve out the unexpired term of his predecessor; and for such special election notice shall be given and the election conducted in the same manner as is provided in this act for the annual election of trustees. The police magistrate of the town of North Utica, and county of LaSalle, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mentioned and described in section seventeen of chapter forty-nine, entitled "Justices of the Peace and Constables," of the Revised Statutes, in which the amount claimed to be due does not exceed one hundred dollars. All prosecutions under the laws and ordinances of said town of North Utica, for assaults, assaults and battery, affrays, riots, routs, disturbing the peace of the inhabitants, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and cases in which the penalty attached by the laws or ordinances of said town is imprisonment in the county jail of said county of LaSalle, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner as is prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts, and in all such cases the rule of practice and proceedings shall be the same as are prescribed in such cases for justices' courts by the laws of this state, except where the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding, in which case practice or proceeding shall conform to the rules prescribed by the laws or ordinances of said town. In all actions of debt or offenses committed against the laws or

Term of office  
police magis-  
trate.

Jurisdiction of.

Arrest without  
warrant.

ordinances of said town, it shall be lawful for the plaintiff, in the same suit, to allege, prove and recover any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town, and be appropriated to the use of said town. The president and trustees of said town shall not, in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give security therein for costs. The president or trustees or any other officer of said town shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town.

Additions to  
the town.

§ 11. If any person shall hereafter proceed to lay out and perfect any addition to said town, then in such case such addition shall be considered a part of such town, and be subject to all its rules and regulations made by virtue of this charter. And the trustees of said town shall have the same powers over the streets and alleys of said town as are or may hereafter be conferred upon the city council of the city of Ottawa, LaSalle county, by legislative enactment, but notices required by said legislative enactments, shall be legal and sufficient in the town of North Utica, if they are written and posted in three public places of said town; and, for the purpose of carrying into effect the above mentioned powers of the trustees of the town of North Utica, conferred as aforesaid, over streets and alleys, the clerk of the board of trustees of said town shall have the same powers that are conferred upon and be required to perform similar duties within said town as are or may hereafter be required of the city clerk of the aforesaid city by the legislative enactments above mentioned: *Provided*, that nothing in this act contained shall in any event be construed to effect in any way or manner any right or privilege which James Clark, or James Clark and Son, or their successors, now have or may hereafter have to carry on the manufacture of cement in said town, or in any way or manner to interfere with their present or future use of the streets of said town for the purpose of running their cars to or from any quarry, mill, kiln or depot, within the limits of said town, in the proper exercise of their said business.

§ 12. This act shall take effect and be in force from and after its passage.

APPROVED March 25, 1869.

AN ACT to incorporate the town of Odell, Livingston county.

In force Feb. 1,  
1869.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Odell, in the county of Livingston, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Odell;" and by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style.

§ 2. The boundaries of said town shall include within their limits the following tract of land, to-wit: The east half of the north-east quarter and the north-east quarter of the south-east quarter of section nine (9), and the south-east quarter of the south-east quarter of section four (4), and the south half of the south-west quarter and the south-west quarter of the south-east quarter of section three (3), and the north-west quarter and the north half of the south-west quarter, and the west half of the north-east quarter, and the north-west quarter of the south-east quarter of section ten (10), all in township twenty-nine (29) north, in range six (6) east, of the third (3d) principal meridian. And the town council of said town shall have power to annex to said town any tract or tracts of and adjoining said town of Odell which may have been laid off into town lots and duly recorded, as required by law.

Boundaries

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for cemetery purposes and for other purposes, for the use and benefit of the inhabitants of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

General corporate powers.

ARTICLE II.

SECTION 1. There shall be a town council, to consist of a president and five trustees, to be chosen, annually, on the fourth Monday in February, by the qualified voters in said town.

Town council.

§ 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

Office vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Returns of elections.

- Quorum. § 4. A majority of the town council 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 fines and penalties as may be prescribed by ordinance.
- Rules of proceedings. § 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members elected, expel a member.
- Journal of proceedings. § 6. The town council shall keep a journal of its proceedings, which shall be open to the inspection of any inhabitant of said town; and the yeas and nays when demanded by any member present shall be entered upon the journal.
- Vacancies, how filled. § 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint.
- Oath of office. § 8. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform all the duties of his office, to the best of his ability.
- Tie vote, how decided. § 9. Whenever there shall be a tie in the election of the members of the town council, the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.
- Stated meetings. § 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance.

## ARTICLE III.

Annual election of president and trustees. SECTION 1. On the fourth Monday in February next an election shall be held in said town, for the president and five members of the town council, and forever thereafter, on the fourth Monday in February of each year, there shall be an election held for said officers. The first election shall be held and conducted and returns thereof made as may be provided by ordinance by the present president and trustees of the town of Odell, and all succeeding elections as may be provided by ordinance of the town council by this act created.

Qualification of voters. § 2. All persons who may be entitled to vote for state officers and who shall have been actual residents of said town for sixty days next preceding said election, shall be entitled to vote for said officers.

## ARTICLE IV.

Taxation. SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, both

real and personal, within the limits of the town, not exceeding one per centum, per annum, upon the assessed value thereof, and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, commissioner of streets, and such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter bonds, with such penalties and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers, appointed as aforesaid, before entering upon the discharge of their respective official duties, to take an oath in the same manner as is provided in section 8 of article II, of this act.

Appointment  
of officers.

§ 3. To appropriate money and provide for the payment of the debts and expenses of the town.

Appropriations.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town, and enforce the same within five miles thereof.

Contagious dis-  
eases.

§ 5. To establish hospitals and make regulations for the government of the same.

To establish  
hospitals.

§ 6. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance and to prevent and remove the same.

General health.

§ 7. To provide the town with water, to sink and keep in repair wells, cisterns and pumps in the streets, for the convenience of the inhabitants.

Wells, cisterns,  
etc.

§ 8. To lay out, open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair public squares, streets, avenues, lanes and alleys, and to establish a building line thereon.

Open streets, etc

§ 9. To establish, erect and keep in repair bridges.

Bridges.

§ 10. To provide for lighting the streets and erecting lamp posts.

Lighting streets

§ 11. To establish, support and regulate night watchmen.

Night-watches.

§ 12. To erect market houses; to establish markets and market places, and provide for the government and regulation thereof.

Markets.

§ 13. To provide for the erection of all needful buildings for the use of said town.

Buildings.

§ 14. To provide for the inclosing, improving and regulating all public grounds belonging to the town.

Public grounds.

§ 15. To license, tax and regulate auctioneers, merchants, retailers, taverns, hawkers and peddlers: *Provided*, that no fees shall be charged for any such license or other tax imposed on account of such occupation when the person having or receiving the same is a resident of said town and assessed therein.

Auctioneers,  
peddlers, etc.

- Vehicles. § 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and fix the rate to be charged for the carriage of persons and for the wagonage, cartage or drayage of property.
- Porters and portorage. § 17. To license and regulate porters, and fix the rate of portorage.
- Exhibitions. § 18. To license, tax, regulate and suppress theatrical and other shows and amusements.
- Tippling houses § 19. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses within said town and within five miles thereof, but not to license any house or place for any of the above purposes or uses.
- Incumbering of streets, lanes and alleys. § 20. To prevent the incumbering of the streets, squares and alleys of said town; to plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit the running at large of horses, cattle, sheep, hogs and other animals, and provide for distraining and impounding the same; to provide for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to regulate or prevent the running at large of dogs and bitches, and to provide for the killing of the same when running at large contrary to ordinance; and to prevent the firing of squibs, rockets, guns or other combustibles or fire-arms within the limits of said town.
- Dogs at large. § 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Extinguishment of fires. § 22. To regulate the fixing of chimneys and the flues thereof.
- Chimneys and flues. § 23. To regulate the storage of gunpowder, tar, pitch, rosin, spirits wine and other combustible materials, and also ashes.
- Combustibles. § 24. To regulate and order parapet walls and partition fences.
- Parapet walls and fences. § 25. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.
- Inspection of lumber. § 26. To provide for the inspection and measurement and weighing of hay, stone coal, charcoal, fire wood and other fuel, to be used or sold in said town.
- Inspection of hay, coal, etc. § 27. To regulate the inspection of butter, lard, fresh meats and other provisions.
- Inspection of produce. § 28. To provide for taking enumerations of the inhabitants of the town.
- Census. § 29. To regulate the election of town officers, and provide for removing from office any person holding office created by this act or by town ordinance.
- Elections.

§ 30. To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any town ordinance.

§ 31. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Police.

§ 32. To suppress, restrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races, and all other means of gambling within said town and within three miles thereof. Billiard tables and ten pin alleys.

§ 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state. Power to pass ordinances.

§ 34. The style of the ordinances shall be "*Be it Ordained by the Town of Odell.*" Style of ordinances.

§ 35. All ordinances passed by the town council shall, within thirty days after they shall have been passed, be published in some newspaper published in said town or posted in three of the most public places in said town, and shall not be in force until they shall have been published or posted, as aforesaid; and the certificate of the clerk of said town, or a certified copy of said certificate, shall be held in all courts and places a sufficient evidence of such publication. Publication of ordinances.

§ 36. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Evidence of validity of ordinances.

§ 37. The town council shall have power, by ordinance, to authorize the police magistrate or other justice of the peace, upon complaint made in writing, under oath, that any ordinance of said town has been violated, to issue his warrant or capias for the arrest of any person or persons so charged with such violation and bring him, her or them to immediate trial, giving to such person or persons the benefit of council and process to compel the attendance of witnesses. Duties of police magistrate.

#### ARTICLE V.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and in case of his absence at any meeting, the council shall appoint one of their members chairman, *pro tem.* Presiding officer

§ 2. The president or any two members of the council may call special meetings of the town council. Special meeting

Enforcement of laws.

§ 3. The president shall be the chief of police, and shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of the subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, communicate to the council such information and recommend such measures as in his opinion may tend to the improvement of the finance, police, health, security and ornament of the town.

Inhabitants to aid in enforcing the laws.

§ 4. He is hereby authorized to call on all or any male inhabitants of said town, over the ages of eighteen years, to aid in enforcing the laws and ordinances thereof, or in preserving the public peace; and any person who shall not obey such call shall forfeit to such town a fine not exceeding ten dollars.

Books open for inspection.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books or papers, or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

## ARTICLE VI.

Private property taken for opening streets.

SECTION 1. Whenever it shall be necessary to take the property of any person, corporation or body politic, for the purpose of opening, altering, widening, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make a just compensation to the owner of such property, and shall pay or tender the same before taking such property; and in case the amount of such compensation cannot be agreed upon, the police magistrate of the town shall cause the same to be ascertained by a jury of three disinterested persons, who are freeholders of the town, in such manner as the council, by ordinance, shall direct.

Petition for opening streets.

§ 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered, shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall in such case be allowed for such property so taken.

Benefits and damages.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading or otherwise improving any public square, street, lane or alley, or any other improvement in this article named, except sidewalks and private drains, shall first be sworn to that effect, and shall return to the police magistrate their inquest or assessment, in writing, signed by such jurors or a majority of them: *Provided, always,* that in such assessment the jury shall take into consideration



the benefits as well as injury happening to the owners of property taken for or affected by such improvement.

§ 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleaned and repaired, and to regulate the same, and to lay out public squares, and to grade, improve, protect and ornament any public square, street, or alley, now or hereafter laid out.

Grading, paving and macadamizing.

§ 5. The expenses of any improvement mentioned in this article may be assessed upon the real estate of any natural division of said town affected thereby, with the costs of proceedings therein, in proportion, as near as may be, to the benefits resulting thereto, in such manner as the town council may, by ordinance, direct.

Assessments for costs.

§ 6. Whenever the inhabitants of said town, in special town meeting assembled, upon the call of said council or of ten legal voters of said town, shall, by a majority present, vote in favor of any improvement therein and of appropriating therefor any sum, not exceeding in any one year one fourth of one per centum of all the taxable property of said town, the council shall be authorized to levy a special tax therefor, not exceeding the sum voted, upon all the taxable property of said town, and collect, hold and expend the same, in such manner as the council may direct.

Expenses paid by special assessments.

§ 7. All owners or occupants upon whose premises the town council shall order or direct any private drains, connecting with any main drains, to be constructed, repaired, relaid or cleaned, shall make, repair, relay or cleanse, at their own cost and charges, such private drains, and in the manner and within the time prescribed by ordinance or otherwise; and upon their failure to do so, the council may cause the same to be done, and assess the expenses thereof upon the lots, respectively, and collect the same as the other assessments and taxes are collected. A suit may also be maintained against the owner or occupants of such premises for recovery of such expenses as for money paid to his use at his request.

Construction of private drains.

§ 8. All real estate within the limits of said town and all personal property belonging to persons residing therein shall be subject to taxation, and taxes may be levied and collected upon the same, for the use and benefit of said town, in such time and manner as the council shall by ordinance provide.

All personal property subject to taxation.

§ 9. The town council may, by ordinance, direct that the assessment of the county or township assessor of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the corpora-

Assessments of county taken for town.

tion shall certify to the clerk of the county court all persons and property taxable therein, with the taxes and assessments levied thereon, in which case they shall, by the county clerk, be entered on the tax books of county or township, and be collected with the county and state taxes; and the same fees shall be paid by said town for actual services herein as may be provided by the revenue laws of the state for similar services.

#### ARTICLE VII.

Inhabitants to labor on streets.

SECTION 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every male inhabitant of said town, over the age of twenty-one years, to labor on the streets, alleys and public squares, not exceeding three days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay to said town the sum of one dollar and fifty cents for each day so neglected or refused.

Ex. mot. from road labor.

§ 2. The inhabitants of the town of Odell are hereby exempted from working on any road beyond the limits of said town and from paying any tax assessed by the commissioners of highways of the township of Odell.

Punishment of offenders.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail, not exceeding thirty days for any one offense; and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and costs which may be recorded or adjudged against them, it shall be competent for the magistrate or other court before whom the same shall be tried, to direct that such offenders shall be committed to the county jail until such fines, forfeitures and cost shall be paid or otherwise discharged by due process of law.

Financial statement.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Ordinances to remain in full force.

§ 5. All ordinances and resolutions passed by the present president and board of trustees of the town of Odell shall remain in full force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.

Suits in corporate name.

§ 6. All actions, suits and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Odell.

§ 7. All actions, fines, penalties and forfeitures, which have accrued to the president and trustees of the town of Odell, shall be vested in and prosecuted by the corporation hereby created. Fines and penalties.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Odell, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created. Vested property

§ 9. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Odell, nor divest them of any rights which have accrued to them prior to the passage of this act. Former acts valid.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act to the county or circuit court of Livingston county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of the corporation, directing such appeal or approving the same, shall be sufficient evidence of authority to sign said bond. Appeals allowed

§ 11. The president and trustees of the town of Odell shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town. Promulgate act.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof. Evidence of act.

§ 13. The town marshal or constable or any police officer authorized to execute writs or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Livingston; and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases. Jurisdiction of town marshal and constable.

§ 14. The town council may, at any time hereafter, provide, by ordinance, for future elections by the inhabitants of said town of such officers as they may deem it advisable to have so elected. Provide for future elections.

§ 15. All fines and penalties, recoverable by indictment or action, for any offenses committed within the limits of this town and which are now required by law to be paid in to the county treasurer or to the school commissioner All the fines and penalties paid to treasurer

of said county, shall hereafter be paid to the town treasurer, for the use of said town.

Conveyance of  
lands. § 16. Deeds or conveyances of lands to be made under and by virtue of any ordinance or resolution or assessment of taxes of said town of Odell, shall be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and, when executed and acknowledged as aforesaid, they shall be deemed and taken in all courts and places as *prima facie* evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proved, in order to establish the title to the purchase; and such deed or conveyance shall be evidence, as aforesaid, without any proof of any proceeding prior to the issuing thereof.

Prohibit sa.e  
of liquors. § 17. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Odell, to sell, traffic exchange, barter or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky, or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's stomach bitters, Plantation bitters, Roback's bitters, Red Jacket bitters, Swain's Bourbon bitters, or any other bitters, of whatsoever name or kind, containing intoxicating liquors. And no person shall be permitted to bring into town or keep about his, her or their premises, saloon, cellar, dwelling house, out house, or in any other place in said town or within three miles thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein, in any way whatever; and any person violating any of the provisions of this section of this chapter shall, upon conviction, forfeit and pay into the treasury of this corporation, for the use of the inhabitants of said town, not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered, as may be provided by town ordinance, before the police magistrate or other justice of the peace in said town; and in case any offender shall refuse or fail to pay such fine or fines and costs, as may be adjudged or assessed against him, her or them by said police magistrate or other justice of the peace, then such offender or offenders shall forthwith be committed to the county jail until such fine or fines and costs shall be paid, unless discharged by due course of law.

Fine for neglect  
to testify. § 18. The town council may, by ordinance, provide that whenever any person shall be summoned to appear and testify in any cause being tried before the police magistrate or other justice of the peace of said town for the violation of any ordinance of said town, and who shall fail or refuse to appear and testify, such person may be fined by said court for such failure or refusal, in any sum not exceeding ten dollars, to be recovered as other fines for contempt of court.

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

APPROVED February 1, 1869.

AN ACT to incorporate the town of Palatine.

in force April  
25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Palatine, in the county of Cook, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the town of Palatine;" and by that name and style, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds or other purposes, for the use of the inhabitants of said town, and may sell, lease or dispose of property, real and personal, for the use of the inhabitants of said town, and improve and protect such property and do all things in relation thereto as natural persons.

General corporate powers.

§ 3. That all those tracts of land embraced within the following boundaries, to wit: Commencing at the centre of section twenty-three (23), township forty-two (42), range ten (10), east; thence north, to the centre of section fourteen (14); thence west, to the centre of section fifteen (15); thence south to the centre of section twenty-two (22); thence east, to the centre of section twenty-three (23), to the place of beginning, be and the same is hereby declared to be within the limits or boundaries of said town of Palatine.

Boundaries.

§ 4. That Israel Smith, Joel Wood, Labon Putnam, Henry C. Battermann and Timothy Dean, be constituted, appointed and incorporated the first board of trustees of said town, one of whom shall be elected president by the said board; and said members shall hold their office, respectively, until their successors are elected and qualified. And on the third Monday in March, 1869, and on that day of each year thereafter, an election shall be held by the inhabitants of said town, for a board of five trustees, who

Election for president and trustees.

shall hold their office for one year and until their successors are elected and qualified. Public notice, signed by the president of said board, or in case of his absence, signed by the clerk of said board, printed or written, shall be posted up in three public places in said town, stating the time and place of holding such election, at least ten days prior to the holding of the same. No person shall be elected and qualified a member of said board of trustees who, at the time of such election, shall not have arrived at the age of twenty-one years, and been a resident of said town six months preceding such election, and, at the time thereof, been a good and faithful freholder in said town. All free male inhabitants, over the age of twenty-one years, shall be entitled to vote at any election of town officers: *Provided*, they have resided in said town three months next preceding the election in which they offer their vote. And all vacancies which may occur in said board, by absence from the town three months, death, resignation or otherwise, may be filled by the said board, on recommendation of the president: *Provided*, that in all cases of a tie vote of said board, on all questions whatsoever pending before them, the president shall give the casting vote.

Qualification of trustees.

Vacancy, how filled.

Judges of election.

§ 5. The trustees shall be judges of elections, qualification and returns of the president and of their own members, and of the clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their own members for disorderly conduct, and, by a vote of three-fourths of the whole number elected, expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient.

§ 5. The president and trustees of said town shall have power:

Improvement of streets and alleys.

*First*—To cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and, to this end, they shall require every male inhabitant of said town, over the age of twenty-one years, and under the age of fifty, to labor on the same, not exceeding three days in each year; and, if such labor be insufficient for that [purpose], to appropriate so much of the general funds of the corporation as they shall deem necessary therefor, and to provide for all needful drainage.

Opening streets and alleys.

*Second*—To open, alter, vacate, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or public roads, within the limits of said town.

Construction of sidewalks.

*Third*.—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a

tax, from time to time, upon the lot or lots in front of which said sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts.

*Fourth*—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum, upon the assessed value thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state, or it may be collected as provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, A. D. 1849, for collecting corporate taxes. Levy and collect taxes.

*Fifth*—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same; and to prohibit any indecent exhibition of horses or other animals. Stock at large.

*Sixth*—To prevent and regulate the running at large of dogs, and to provide for the destruction of the same when at large contrary to any ordinance. Dogs

*Seventh*—To establish and maintain a public pound, appoint a poundmaster and prescribe his duties. Public pounds.

*Eighth*—To prevent any immoderate riding or driving within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town. Horse-racing and fast driving.

*Ninth*—To restrain and prohibit all descriptions of gambling and fraudulent device; and to suppress and prohibit billiard tables, ball-alleys and other gaming establishments: *Provided*, they may have power to license those and other places of amusement. Gambling and other devices.

*Tenth*—To suppress and prohibit disorderly houses or groceries and houses of ill-fame. Prevent riotous conduct.

*Eleventh*—To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, and auction and peddlars. Exhibitions.

*Twelfth*—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or shooting within the limits of said town. Riots, affrays, noises, etc.

*Thirteenth*—To make regulations to prevent the introduction of contagious diseases into town, and execute the same for any distance not exceeding two miles from the limits thereof. Prevent contagious diseases

*Fourteenth*—To abate and remove nuisances, and punish the authors, and define and declare what shall be Abate nuisance

deemed nuisances in said town and for two miles distance from said town limits, and authorize and direct the abatement of the same.

- Gunpowder, etc. *Fifteenth.*—To regulate the storage of gunpowder and other combustible materials.
- Extinguishment of fires. *Sixteenth.*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Provide water. *Seventeenth.*—To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.
- Public grounds. *Eighteenth.*—To provide for inclosing, improving and regulating all public grounds belonging to said town.
- Buildings. *Nineteenth.*—To provide for erecting all needful buildings for the use of said town.
- General health. *Twentieth.*—To make all necessary regulations to secure the general health of the inhabitants thereof.
- Prohibit sale of liquor. *Twenty-first.*—To license, regulate, suppress or prohibit the selling, bartering, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, or strong beer, or other intoxicating liquors, within the limits of said town, and to prevent giving away the same by any trader, dealer, shop or tavern keeper, to be used as a beverage.
- Indebtedness. *Twenty-second.*—To appropriate, and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.
- To pass all ordinances. *Twenty-third.*—To make all ordinances which shall be necessary and proper for carrying into execution the provisions specified in this act or which they may deem expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense.
- Street commissioner and board of health. § 7. That the president and trustees of said town shall have power to appoint street commissioner, board of health and all other officers not provided for in this act that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful discharge of their duties.
- Record of proceedings. § 8. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, of the time and place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose. And all ordinances, before taking effect, shall be published at least ten days in a newspaper



published in said town or by posting up copies of the same in three of the most public places in said town. The book, purporting to be the record of the corporation of the town of Palatine, or a certified transcript therefrom, shall be received in all courts, without further proof, as evidence of all such matter therein contained.

§ 9. Any fine, penalty or forfeiture incurred under this act, or any by-laws or ordinances made in pursuance of this act, or of any act that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the corporate name; and the several fines, forfeitures or penalties for breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation for a warrant by some credible person; but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. It shall be lawful to declare, for debt, generally, for such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-law under which the same are claimed, and to give the special matter in evidence, under the declaration; and the justice shall proceed to hear and determine the case as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit, which may be levied upon any of the personal property of the defendant or defendants, not exempt from execution. If the constable shall return upon such execution "no property found," or not sufficient to satisfy the same, then the justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the county, to remain ninety-six hours, and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every one dollar over and above said five dollars and costs: *Provided*, if said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property and signify the same in writing, to him, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof, and all the proceedings, according to law, to such clerk, which shall be filed and recorded as in other cases, and such judgment shall have the same force and effect as judgments rendered in the circuit courts: *Provided*, an appeal may be granted within five days after the rendition of judgment with the same force and effect, rights and privileges to all parties as in other cases.

Fines and forfeitures, how recovered.

Execution to follow rendition of judgment.

Not to give security for cost.

§ 10. The president and trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of any such suit, any security for cost.

Fines and penalties paid to treasurer.

§ 11. All fines, forfeitures and penalties received or collected for the breach of any ordinance passed under the provisions of this act, and all moneys received for licenses, shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same.

Exempt from road labor.

§ 12. The inhabitants of said town are hereby exempt from working on any road beyond the limits of the corporation and from paying any tax upon property within its limits to procure labor to work upon any such road.

Election of justice and constable.

§ 12. There shall be elected, by the voters of the town, one police justice and one constable, who shall reside and keep their office in said town. The powers, duties, jurisdiction and liabilities of said justices and constables shall be the same as other justices of the peace and constables. They shall give bonds, and be commissioned and qualified as now required by law. The said justices shall also have power to hear and determine all plaints and causes instituted before him for the violation of any of the by-laws and ordinances of the said town. And all fines which may be collected by said officers, or any other officer, for offenses or misdemeanors which may be committed within the corporate limits of said town, shall be payable to the town treasurer. The election for said justice and constable shall be held on the third Monday in March, eighteen hundred and sixty-nine (1869), and shall hold their offices, respectively, for the term of four years and until their successors are elected and qualified: *Provided*, that, in case of vacancy, the president shall have power to call an election to fill such vacancy, by giving ten days' notice of the time and place of holding such election.

Election.

Proof of act.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof, and be in force from and after its passage.

APPROVED March 25, 1869.

In force April 15, 1869.

AN ACT to incorporate the town of Patoka, Marion county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Patoka, in the county of Marion, are hereby constituted a body politic and corporate, by the name of "The President and Trustees of the Town of*

Name and style.

Patoka;" and, by that name, shall have perpetual succession, make and use a common seal, and alter it at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

§ 2. The corporate limits shall include all lands and lots within the following boundaries: Commencing at the south-east corner of section twenty-eight, (28), in township four north, of range one east of the third principal meridian, and running south one-quarter of a mile; thence west one mile; thence north one mile; thence east one mile; thence south three-quarters of a mile, to the place of beginning.

§ 3. Whenever any tract of land adjoining the town of Patoka shall be laid off into town lots and recorded according to law, the same shall be annexed to and form a part of the town of Patoka.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, real, beyond the limits of said town, for burial grounds, for the use of the inhabitants of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

## ARTICLE II.

SECTION 1. There shall be a town council, to consist of a president and four trustees, to be chosen annually by the qualified voters of said town.

§ 2. No person shall be a member of the town council unless he shall be at the time of, and shall have been six months immediately preceding, his election, a resident of the town, and shall be at the time of his election twenty-one years of age, and a citizen of the United States.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 4. The town council shall judge of the qualifications, of elections and returns of its own members, and shall determine all contested elections.

§ 5. A majority of the town council 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 fines and penalties as may be prescribed by ordinance.

Rules of proceedings.

§ 6. The town council shall have power to determine the rules of its proceedings and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance.

Journal of proceedings.

§ 7. The town council shall keep a journal of its proceedings and from time to time publish the same.

No member appointed to office.

§ 8. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the council.

Vacancies, how filled.

§ 9. All vacancies that occur in the town council shall be filled by election.

Oath of office.

§ 10. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and this state, and that he will well and truly perform the duties of his office to the best of his ability.

Tie vote, how decided.

§ 11. Whenever there shall be a tie in the election of members of the town council, the judges of election shall certify the same to the police justice, who shall determine the same by lot, in such manner as may be prescribed by ordinance.

Stated meetings

§ 12. There shall be four stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance.

### ARTICLE III.

Election of justices of peace and constable.

SECTION 1. There shall be elected in the town of Patoka, by the qualified voters thereof, on the first Monday of April, 1869, and on the first Monday of April, biennially, forever thereafter, a police justice and a town constable, who shall hold their offices for four years, and until their successors shall be elected and qualified.

Eligibility of officers.

§ 2. No person shall be eligible to the office of police justice, or to the office of town constable, who shall not have been a resident of the town for six months next preceding his election, or who shall be under twenty-one years of age, or who shall not be a citizen of the United States.

Declared an election precinct.

§ 3. For the election of police justice and town constable, the town of Patoka is hereby declared an election precinct; and such election shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time, and shall be conducted by the same judges, as the election for members of the town council.

Justices commissioned by the governor.

§ 4. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond, and take and subscribe the same oath of office as other justices of the peace, and, as such,

shall be a conservator of the peace for the said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, (in all sums not exceeding one hundred dollars) power and authority, in all cases whatever, with other justices of the peace, arising under the laws of this state; and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

§ 5. The town constable shall have such power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created. Duties of town constable.

§ 6. In case the police justice shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of oppression, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Marion county, and, on conviction, shall be fined in a sum not exceeding two hundred dollars, and removed from office. Penalty for neglect of duty.

#### ARTICLE IV.

SECTION 1. On the first Monday of April next, an election shall be held in said town for the president and four members of the town council; and forever thereafter, on the first Monday of April of each year, there shall be an election held for said officers. The first election shall be held, conducted, and returns thereof made, as may be provided by ordinance by the present president and trustees of the town of Patoka, who are the following persons: President, John H. Gray; town council, James Williams, J. W. Kessner, E. M. Beach, Noah Johnston; and all succeeding elections as may be provided by ordinance of the town council by this act created. Election of town council.

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town thirty days next preceding said election, shall be entitled to vote for said officers. Qualification of electors.

#### ARTICLE V.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half ( $\frac{1}{2}$ ) per centum per annum upon the assessed value thereof, and may enforce the payment of the same in any Power to levy and collect taxes.

manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

- Appointment of officers. § 2. The town council shall have power to appoint a clerk, treasurer, assessor and supervisor of streets, and all such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter, bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient.
- Oath of office. § 3. Also to require all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.
- Appropriations. § 4. To appropriate money, and to provide for the payment of the debts and expenses of the town.
- General health. § 5. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be a nuisance, and to prevent and remove the same.
- Provide water. § 6. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.
- Street improvements. § 7. To open, alter, abolish, extend, grade, pave or otherwise improve and keep in repair streets and alleys.
- Bridges. § 8. To erect and keep in repair bridges.
- Markets and market houses. § 9. To erect market houses, to establish markets and market places, and to provide for the government and regulation thereof.
- Public grounds. § 10. To provide for inclosing, improving and regulating all public grounds belonging to the town.
- Auctioneers, peddlers, etc. § 11. To license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers.
- Exhibitions. § 12. To license, tax and regulate and suppress theatrical and other exhibitions, shows and amusements.
- Tippling houses § 13. To prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses.
- Sale of liquors. § 14. The town council shall have power to license or suppress liquor saloons and beer houses, subject to a majority vote of the legal voters at each April election.
- Chimneys, etc. § 15. To regulate the fixing of chimneys and the flues thereof.
- Combustibles. § 16. To regulate the storage of tar, pitch, rosin, gunpowder and other combustible materials.
- Census. § 17. To provide for taking enumeration of the inhabitants of the town.
- Election of officers. § 18. To regulate the election of town officers.
- Compensation. § 19. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance: *Provided*, that in no case shall any member of the town council receive more than four (4) dollars for one year's service, excepting

the president, who shall in no case receive more than eight (8) dollars for one year's service.

§ 20. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, for the recovery and appropriation of such fines and forfeitures and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act, or any ordinance. Regulate the police of town.

§ 21. The town council shall have power, within the limits of the town, by ordinance, to prohibit and suppress billiard tables and lotteries. Billiards, etc.

§ 22. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all of the powers specified in this act, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state. Enforce ordinances.

§ 23. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Putoka.*" Style of ordinances.

§ 24. All ordinances passed by the town council shall, within one month after they shall have passed, be published as provided by ordinance, and shall not be in force until they shall have been published as aforesaid. Publication of ordinances.

§ 25. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Ordinances shall be evidence.

## ARTICLE VI.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting. Presiding officer of council.

§ 2. The president or any two members of the council may call special meetings of the town council. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay to said town a fine not exceeding ten (10) dollars. Active and vigilant in enforcing laws.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit Exhibit of books and papers.

of his books and papers; and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VII.

Taking private property for public use.

SECTION 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner of such property, and pay or tender the same, before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

Petition for opening streets.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering the same; but no compensation shall be allowed to such owners for their property so taken.

Benefits and damages estimated.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police justice their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages the jury shall take into consideration the benefits as well as injury happening to the owner of property proposed to be taken for opening or altering a street or alley, by such opening or alteration.

May levy and assess for improvements.

§ 4. The town council shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, or any part of any street or alley, according to the respective fronts owned by them, for the purpose of paving or grading the sidewalks of said streets or alleys: *Provided*, that in no case shall owners of lots be taxed more than one-half the value of said pavement or sidewalk.

#### ARTICLE VIII.

Exempt from road labor outside town limits.

SECTION 1. That the inhabitants of Patoka shall only be compelled to work three days in each year outside of the corporate limits, upon any road, for three years from the adoption of this charter, and forever thereafter be exempt.

Inhabitants to labor on streets.

§ 2. The town council shall have power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of the town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding two days in each year; and any person failing to perform such labor, when duly notified by the supervisor of said town, shall forfeit and



pay the sum of one dollar to said town for each and every day so neglected or refused.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail not exceeding thirty days for any one offense, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Financial statement.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Patoka shall remain in force until the same shall have been repealed by the town council hereby created.

Ordinances to continue in force until repealed.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Patoka.

Suits instituted in corporate name.

§ 7. The president and trustees of the town of Patoka shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the town of Patoka, and issue their proclamation for the election of officers, and cause the same to be published two weeks in succession, prior to the day of election of such officers.

Promulgation of act.

§ 8. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Marion county; and every such appeal shall be taken and granted in the same manner and with the like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

Appeals allowed

§ 9. Whenever the police justice or the town constable shall remove from the town, die or resign, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

Office vacated.

§ 10. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

Evidence and proof of act.

§ 11. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Conflicting acts repealed.

§ 12. The town constable or any other officers authorized to execute writs or other processes issued by the police justice shall have power to execute the same anywhere within the limits of Marion county, and shall be entitled to the same fees as other constables are in like cases.

Power to execute process.

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

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV, of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

In force April 15, 1869. AN ACT to incorporate the town of Payson, in the county Adams and state of Illinois.

#### ARTICLE I.

SECTION 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 Payson, in the county of Adams, and state of Illinois, are hereby constituted and declared a body corporate and politic, by the name and style of "The Town of Payson;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, within and beyond the limits of said town, for burial grounds and other corporate purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property, as the public good may require.

Boundaries. § 2. The boundaries of said town shall be as follows, viz: Commencing at the S. E. corner of the N. W. quarter of section seventeen, in township 3 S., 7 W., three south, seven west of the fourth principal meridian, running due north one mile and one fourth; thence due west ( $1\frac{1}{4}$ ) one and one-fourth mile; thence south ( $1\frac{1}{4}$ ) one and one-fourth mile; thence east ( $1\frac{1}{4}$ ) one and one-fourth miles, to the place of commencing: *Provided, nevertheless,* the president and trustees of said town may, at any time, by ordinance, extend the boundaries of said corporation on the north of said town, not exceeding one-half mile; on the south, not exceeding one-half mile; and on the west, not exceeding one half mile.

#### ARTICLE II.

Government vested in board trustees. SECTION 1. The government of said town shall be vested in five trustees, to be elected annually by the qualified voters of said town. And no person shall be a trustee of

said [town] who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding an election, and is not a citizen of the United States. And the said trustees shall, at their first meeting, proceed to elect one of their number president, and shall have power to fill all vacancies in said board, which may be occasioned by death, resignation or removal: *Provided*, the vacancy shall not exceed three months.

§ 2. The board of trustees shall determine the qualifications of its own members and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with a concurrence of three-fifths, expel a member.

Qualifications  
of members.

§ 3. Each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. And there shall be at least one regular meeting of said trustees in every three months, at such time and place as may be prescribed by ordinance.

Oath of office.

### ARTICLE III.

SECTION 1. There shall be elected in the town of Payson, by the qualified voters thereof, on the second Tuesday in April, 1869, and on the second Tuesday of April every two years forever thereafter, a police magistrate and a town constable, who shall hold their respective offices for two years and until their successors shall be elected and qualified.

Annual election  
police magis-  
trate.

§ 2. No person shall be eligible to the office of police magistrate or to the office of town constable who shall not have been a resident of the town two years next preceding his election, or who shall not be a citizen of the United States.

Eligibility of  
police magis-  
trate.

§ 3. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and as such shall give bond and take and subscribe the same oath of office as other justices of the peace, and as such shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions and acknowledgments of deeds, mortgages and other instruments of writing and certify the same as other justices of the peace, and he shall have exclusive and original jurisdiction of all cases arising under the ordinances of the corporation and concurrent jurisdiction, power and authority arising in all cases what-

Justice com-  
missioned  
by  
governor.

soever with other justices of the peace under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted, in all cases, from the police magistrate of the town to the nearest justice of the peace, who is hereby invested in such cases with all the authority of the police magistrate, and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Adams county be invested with all the powers conferred upon the police magistrate by the provisions of this act.

Jurisdiction of constables.

§ 4. The town constable shall have the same power and authority, rights, privileges and qualifications; shall have the same jurisdiction and be entitled to the same fees and be liable to the [same] penalties as constables now are or may hereafter be under the laws of this state, and shall be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by ordinance of the corporation hereby created.

Police magistrates.

Penalty for neglect of duty.

§ 5. In case the police magistrate shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of corruption, of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Adams county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars and removed from office.

#### ARTICLE IV.

Election of officers.

SECTION 1. On the second Tuesday in April, 1869, an election shall be held in said town of Payson, for five trustees, a police magistrate and town constable; and on the second Tuesday in April of each year, forever thereafter, an election shall be held for the election of said trustees, who shall hold their offices for one year and until their successors are elected and qualified; and forever thereafter, on the second Tuesday in April, every two years, an election shall be held for the election of a police magistrate and town constable, who shall hold their offices for two years and until their successors are elected and qualified; which first election shall commence at ten o'clock, A. M., and close at four o'clock, P. M. of said day; and, for the purposes of said first election, William A. Thompson, George Sinock, William P. Baker, William Morris, Joshua Tibbetts, are hereby constituted corporate trustees for said town.

First election

§ 2. It shall be the duty of the trustees hereby constituted, or any two of them, to give at least ten days' notice

of the time and place of holding said first election, by posting up notices in at least three of the most public places in said town; to be judges of said first election; to appoint their own clerks, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election, certify the votes for police magistrate and town constable to the clerk of the county court of Adams county, and lay the poll books of such election before the board at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

§ 3. A failure to hold said first election on the second Tuesday in April, 1869, shall not work a forfeiture of this charter, but said first election may be held on any day after the second Tuesday in April, in the year, 1869, by giving ten days' notice and conducting the same, as prescribed in section two of article four of this charter.

Failure to hold first election not to work a forfeiture.

§ 4. If two or more persons shall receive an equal number of votes for police magistrate or town constable the board shall proceed to determine the same, by lot; and when there shall be a tie in the election of members of the board of trustees the judges of election shall certify the same to the police magistrate, who shall determine the same, by lot, in such manner as may be prescribed by ordinance; and all contested elections shall be determined as prescribed by ordinance.

Tie vote, how determined.

§ 5. All persons who are entitled to vote for state officers under the laws of this state and have resided in said town three months preceding an election, shall be entitled to vote for all officers to be elected under the provisions of this act.

Qualifications of electors.

#### ARTICLE V.

SECTION 1. The board of trustees shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum upon the assessed value thereof, and may enforce the payment of the same, in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; and the board of trustees is hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, also for the sale of real estate for the taxes due thereon, in such manner as may be prescribed by ordinance: *Provided*, said ordinances are not inconsistent with the constitution of the United States or of this state.

Levy and collect tax.

§ 2. The board of trustees shall have power to appoint a clerk, treasurer, assessor, commissioner of streets, pound master, town weigher, and all [the] other officers, as may be necessary, and prescribe their duties, and to require of all officers appointed in pursuance of this charter.

Appointment of officers.

bonds, with such penalties and securities for the faithful performance of their duties as may be deemed expedient; also, to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

Appropriation for expenses. § 3. To appropriate money and provide for the payment of the expenses of the corporation.

General health. § 4. To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into the town; to make quarantine laws for that purpose and enforce the same within two miles of said town.

Wells, cisterns. § 5. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Power to improve streets. § 6. To open, alter, extend, grade, open or otherwise improve and keep in repair streets and sidewalks, and remove obstructions therefrom, and to construct and keep in repair bridges.

Auctioneers, peddlers, etc. § 7. To license, tax and regulate auctioneers, hawkers, teamsters, brokers, draymen, peddlers, pawnbrokers and money changers.

Exhibitions. § 8. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Inspection of forage and fuel. § 9. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood and other fuel, to be sold or used in the town.

Liquors. § 10. To prohibit the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider or other intoxicating liquors within the limits of said town: *Provided*, that they may provide for the sale of the same for purely medicinal, mechanical or sacramental purposes, and suppress tippling houses, dram shops, gambling houses: *Provided*, the trustees shall have power to license and regulate the sale of spirituous liquors, in case a majority of the legal voters of said town shall, at any regular election for town officers, vote in favor of the same: *And provided*, that no license, for any purpose, shall be granted to extend beyond the period when the successors to the board granting the same shall be elected and qualified.

Provide for extinguishment of fires. § 11. To provide for the extinguishment and prevention of fires; to organize and regulate fire companies.

§ 12. To regulate the fixing of chimneys and the flues thereof.

Combustibles. § 13. To regulate the storage of tar, pitch, rosin, gunpowder and other combustible materials.

Dogs at large. § 14. To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to any ordinance, also, to tax the same.

- § 15. To restrain, regulate and prohibit the running at large of cattle, horses, mules, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses and other animals. Running at large of animals
- § 16. To regulate and prohibit any indecent exposure of person. Indecencies.
- § 17. To prevent horse-racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, public square, vacant lot or public road in said town. Fast driving.
- § 18. To establish and maintain a public pound, appoint a pound master and prescribe his duties. Public pound.
- § 19. To define and declare what shall be deemed nuisances; to punish the authors thereof; to authorize and direct the summary abatement of nuisances and the removal of the same two miles from the boundaries of the town. Nuisance.
- § 20. To suppress and prohibit disorderly houses or groceries and houses of ill-fame. Suppress disorderly houses.
- § 21. To restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys and all other gambling establishments, and all lotteries and sale of lottery tickets. Gambling and fraudulent devices.
- § 22. To prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud or unusual noises, or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, firecrackers, torpedoes, rockets, guns or any other combustible or explosive substance or fire-arms within the limits of said town. Disorderly conduct.
- § 23. To erect market houses; to establish markets and market places and provide for the regulation thereof; and to prohibit the sale of diseased or tainted meats and vegetables, and to provide for the punishment thereof by ordinance. Markets and market houses.
- § 24. To borrow money on the credit of the town: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the interest on the aggregate of all sums borrowed and outstanding ever exceed one-fourth of the town revenue arising from taxes assessed on real property within the limits of said corporation, and unless a majority of the legal voters of said town shall vote for the same. May borrow money.
- § 25. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance. Election of officers.
- § 26. To provide for taking enumeration of the inhabitants of the town. Enumeration of inhabitants.

Fees of office.

§ 27. To fix the compensation of town officers ; to regulate the fees of jurors, witnesses and others for services rendered under this act or by ordinance: *Provided*, that in no case shall any member of the board of trustees receive any compensation for their services, but shall be exempt from road labor or serving on juries.

Calaboose.

§ 28. The board of trustees shall have power to erect in the town of Payson. a calaboose, for the confinement and punishment of persons guilty of violation of the ordinances of the corporation hereby created and for the purpose of confining persons under arrest for the violation of ordinances of the corporation when trial is delayed ; and it shall be the duty of the president of the board to be active and vigilant in enforcing the laws and ordinances of the town ; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished ; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof ; and any person who shall not obey such call shall forfeit and pay to said town a fine of not less than five nor exceeding fifty dollars.

Citizens to aid in enforcing the laws.

Railroad tracks, bridges, etc.

§ 29. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, when the board shall deem necessary ; and to regulate the speed of locomotive engines within the town limits.

Enforcing ordinances, etc.

§ 30. The board of trustees shall have power to make and enforce all ordinances necessary to preserve good order, government and harmony in said town, and punish offenders, by fine or imprisonment in the town calaboose, or both, or by work on the streets of said town, at the rate of one dollar per day, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered of them : *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state.

Publication of ordinances.

§ 31. All ordinances passed by the board of trustees shall, within one month after they shall have been passed, be published in some newspaper in the town of Payson, or in some other way, to be provided by ordinance, in case no newspaper is published in said town, and shall not be in force until they shall have been published, as aforesaid, for the period of ten days.

Style of ordinances.

§ 32. The style of the ordinances of the town shall be, "*Be it ordained by the President and Board of Trustees of the town of Payson.*"

Evidence and proof of.

§ 33. All ordinances passed by the board shall, within one month after they are passed, be published in some newspaper published in the town, if there be any ; if not, by written copies being posted up in three several public places



in said town; and all ordinances of the town may be proven by a copy thereof certified to by the clerk, and the corporate seal of the town attached, by authority of the corporation, and the same shall be received in evidence in all courts and places without further proof.

§ 34. All ordinances of the town passed and made in conformity to this act may be amended or repealed at any regular meeting of the board: *Provided*, that said amendment or notice of repeal shall have been duly presented, in writing, at a regular meeting of the board, at least one month previous to final action. May change ordinances.

#### ARTICLE VI.

SECTION 1. The president shall preside at all meetings of the board, and shall have the casting vote, and no other. In any case of his non-attendance at any meeting of the board, the board shall appoint one of their number chairman, who shall preside at that meeting. President to have casting vote, only.

§ 2. The president or any two members of the board may call special meetings of the board. Special meetings.

§ 3. He shall have power, when he shall deem necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act. Exhibit of accounts.

#### ARTICLE VII.

SECTION 1. Whenever it shall be necessary to take private property for opening or altering any street or alley, the corporation shall make just compensation to the owner or owners of said property, and pay or tender the same, before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. Private property taken for public use.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the board of trustees shall provide for the opening of the same; but no compensation shall be allowed for their property so taken. Petitions for opening streets.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering any street or alley shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages they, the jury, shall take into consideration the benefits as well as the injury happening to such property, or to the owners thereof, by [reason] of such opening or altering. Damages and benefits.

Special tax.

§ 4. The board of trustees shall have power, by ordinance, to levy and collect a special tax on the owners of lots, for the purpose of improving the streets and sidewalks of said town, said tax not exceeding one-half of one per cent. in any one year.

## ARTICLE VIII.

Exempt from road labor outside town limits.

SECTION 1. The inhabitants of Payson are hereby exempted from working on any road beyond the limits of the town and from paying any tax to procure laborers to work the same.

Inhabitants to labor on streets.

§ 2. The board of trustees shall have power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days' labor in one year; and any person failing to perform such labor, when duly notified by the commissioner of streets of said town, shall forfeit and pay the sum of one dollar and fifty cents to said town for each day so neglected and refused: *Provided*, the person notified to perform labor on said streets and alleys shall be allowed to procure a substitute equally able as himself or commute by paying to the street commissioner, within twelve hours of the time of notice, the sum of one dollar and fifty cents per day for each day assessed.

Statement of money received and expended.

§ 3. The board of trustees shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Old ordinances in full force.

§ 4. All ordinances and resolutions passed by the preceding board of trustees of the town of Payson shall remain in force until the same shall have been repealed by the board of trustees.

Appeal taken to circuit court.

§ 5. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Adams county; and every appeal shall be taken and granted in the same manner and with like effect as appeals taken from and granted by justices of the peace to the circuit court in similar cases: *Provided*, that when the town shall appeal a bond filed by the clerk of the board, in the name of the town, shall be deemed sufficient to obtain an appeal.

Suits vested in corporation.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Payson.

Office vacated.

§ 7. Whenever the police magistrate or town constable shall remove from town, resign or die or his office shall

otherwise be vacated, the board of trustees shall provide for filling such vacancy by election.

§ 8. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state without further proof. Evidence of act.

§ 9. The present existing board of trustees: William A. Thompson, George Sinnock, William P. Baker, William Morris, Joshua Tibbets, shall call a special election for the purpose, by giving at least ten days' notice, in the usual manner, submitting the question of the adoption or rejection of this act to a vote of the qualified electors of said town. The form of votes shall be "For the charter" or "Against the charter." And if a majority of the votes so cast shall be for the charter, then this act shall become a law, otherwise it shall be void and of no effect. Election for adoption of the charter.

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV, of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

AN ACT to incorporate the town of Pecatonica.

In force when adopted by legal voters

SECTION 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 Pecatonica, in the county of Winnebago, and state of Illinois, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Pecatonica;" and, by that name, shall have perpetual succession, and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

Name and style.

§ 2. The said town shall consist of the following territory, to-wit: All of the west half of section twenty-eight (28), and the east half of section twenty-nine (29), in township twenty-seven (27) north, of range ten (10) east of the fourth principal meridian, south of the south bank of the Pecatonica river; and whenever any tract of land adjoin-

Boundaries

ing said town is laid off into town lots and recorded, the same shall be attached to and form a part of said town.

Government  
vested in board  
of trustees.

§ 3. The government of said town shall be vested in a president and four trustees, the said president and trustees to be elected, annually, by the qualified voters of said town, and no person shall be president or trustee, unless at the time of his election he shall have resided in said town for the space of one year, twenty-one years of age, and a citizen of the United States, and upon his removal from said town, he shall vacate his office.

Qualifications  
of members.

§ 4. The board of trustees shall determine the qualification of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Oath of office.

§ 5. The president and each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and abilities. And there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

Election, time  
and place of.

§ 6. On the first Monday of April next, an election shall be held at the hotel kept by L. Sackett, by the legal voters residing in said town, to vote for or against this act of incorporation; and if a majority shall vote in favor of it, then the corporate rights, franchises and powers granted by this act shall go into effect; if against it, then the same shall go into effect whenever, at any subsequent election, called by any five legal voters of said town, on one week's notice, posted up in four of the most public places in said town, a majority shall vote in its favor. Voting at such election shall be by ballot, to be written or printed "For incorporation" or "Against incorporation;" at which election the electors in attendance shall choose three judges of election, which judges so chosen shall appoint a clerk of election. The judges and clerk, so chosen, are hereby authorized and empowered to retain the poll books and records of such election until this act of incorporation shall be adopted, as above provided, when they shall be delivered to the trustees, when they shall have been duly elected, to be by them filed in the office of the clerk of the said board of trustees. Such election to be conducted as elections for state and county officers are conducted: *Provided*, that the polls may be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon of the same day. If this act of incorporation is adopted at such election, the judges and clerk thereof shall call an

election for a president and trustees, a police magistrate, and constable, and all other officers not otherwise provided for by this act. And should this act be adopted at a subsequent election, called for that purpose, the judges and clerk of such election, chosen in the same manner, shall call an election for the election of officers, giving ten days' notice, by posting notices thereof in four of the most public places in said town. All subsequent elections shall be held and returns made as may be prescribed by ordinance.

§ 7. All male inhabitants of said town shall be entitled to vote for town officers, who are qualified to vote for state and county officers, and who shall have resided in said town one month before any such election.

Qualifications  
of voters.

§ 8. The president and board of trustees shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum, per annum, upon the assessed value thereof, and may assess and enforce collection of the same by any ordinance, not repugnant to the constitution of the United States or of this state; or the trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the township assessor of the town of Lysander, and cause the same to be collected in the same manner and by the same officers as the state and county taxes are collected.

Levy and col-  
lect taxes.

§ 9. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the officer whose duty it is by law to extend the tax by existing laws, notice of their intention so to do, (which notice shall be a copy of their records,) and also the rate of taxation, and upon receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed for similar services under the revenue laws of the state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance.

Assessments,  
governed by the  
state law.

§ 10. The said board shall have power to appoint all officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, not hereinbefore required to be elected by ballot; to require all officers to give such bonds, with such security and take such oaths, as may be judged necessary to insure a faithful performance of their respective duties, and shall have power to appropriate money and provide for the payment of the debts and expenses of the town.

Appointmen-  
of officers.

Appropriations.

- General health.** To make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same.
- Improvement of streets.** To open, abolish, alter, widen, establish, grade, or otherwise improve and keep in repair, streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges.
- Public buildings.** To provide for the erection of the needful buildings, for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town.
- Auctioneers, peddlers, etc.** To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money-changers, and license the sale of spirituous and malt liquors.
- Exhibitions.** To license, tax and regulate theatrical and other exhibitions, billiard rooms, shows, and other amusements.
- Tippling houses.** To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses.
- Extinguishment of fires.** To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Hay, coal, etc.** To regulate partition fences, and provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel, to be used in said town.
- Census.** To provide for taking the enumeration of the inhabitants of said town.
- Election of officers.** To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.
- Officers' fees.** To fix the fees and compensation of all town officers, jurors, witnesses and others, for services under this act or any ordinance.
- Fines, forfeitures, etc.** To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.
- Incumbering streets.** To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, alley or any uninclosed lots; to prevent the running at large of horses, cattle, hogs, sheep or other animals, and to provide for restraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto.
- Dogs at large.** To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

To prevent the firing of squibs, rockets, guns or other combustibles or fire arms within the limits of said town.

§ 11. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state or the United States. The style of the ordinances of the town shall be: "*Be it ordained by the President and Trustees of the town of Peca-tonica.*" And all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or if no newspaper is printed in said town, by posting copies of the same in four public places in said town; and the certificate of the publishers of such newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Make and pass ordinances.

§ 12. All ordinances may be proven by the seal of the town, and when printed in book or pamphlet form and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places, without further proof.

Evidence of validity of ordinances.

§ 13. The president of the board shall preside at all meetings of the board, when present; and in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, to call out the militia, to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall fail or refuse to obey such call shall forfeit and pay to said corporation the sum of five dollars.

Presiding officer

§ 14. Upon the application of the owners of two-thirds of the real estate upon any street or in any block or blocks or half blocks, it shall be lawful for the boards of trustees to pass an ordinance requiring the owners of lots bounding upon such street or situate in such block, blocks or half blocks, to construct a sidewalk in front of their respective lots, in such manner and of such material, and within such time as shall be specified in such ordinance; and the said board shall provide in such ordinance for the payment to the owners of such real estate, upon completion of such walk, of any sum not exceeding one-fourth of the cost thereof, to be estimated and specified in such ordinance: *Provided*, that the owners of real estate shall in all cases be required to bear at least three-fourths of the expense of constructing sidewalks in front of their premises: *And provided, fur-*

Construction of sidewalks, &c.

*ther*, that if any person shall fail to construct a sidewalk in front of his premises, in the manner and within the time specified in such ordinance, the trustees shall order the collecting officer of said corporation to collect from said delinquent a sum of money equal to the whole cost of such sidewalk, to be estimated or specified in such ordinance.

Manner of requiring and performing road labor

§ 15. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in said town in repair, to require every male inhabitant of said town, over twenty-one years of age and not over fifty years of age, to labor on the streets, lanes, alleys, avenues and highways of said town, not less than two nor more than three days in each year; and any person failing to perform such road labor, after being notified, as may be provided by ordinance, shall forfeit and pay to the corporation two dollars for each day so failing to work.

Punishment of offenders.

§ 16. The president and trustees shall have power to provide for the punishment of the offenders against any ordinance, in the county jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recorded against them.

Exempt from road labor.

§ 17. The inhabitants of said town shall be exempt from the performance of road labor and the payment of any road tax levied by the commissioners of highways of the town of Lysander, nor shall the said commissioners of highways have power to levy any road tax upon property within the limits of said town of Pecatonica; and the entire jurisdiction and control of the roads, highways, streets, alleys, lanes, avenues and bridges shall be held and exercised by the president and trustees, as aforesaid: *Provided*, that it shall be the duty of the corporation to keep the road extending north from the Pecatonica bridge, one-half mile from the north line of said town, excepting the said bridge.

Suits in form of action of debt

§ 18. All suits for the recovery of penalties for the breach of any ordinance of said town, shall be in the form of an action of debt, before the police magistrate or any other justice of the peace residing within the limits of said town; and changes of venue and appeals shall be allowed in cases commenced before the said police magistrate, as in other cases before other justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their security to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Jurisdiction of police magistrates.

§ 19. The police magistrate shall have concurrent jurisdiction with other justices of the peace of said county, and shall, in like manner, be commissioned by the governor. He shall enter into good and sufficient security, to be ap-



proved by the president and board of trustees, in the same amount of penalty as is now by law required by other justices of the peace; and the town constable elected under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and, for that purpose, his power and authority shall extend over the county of Winnebago, and shall have the same power, jurisdiction and authority within the limits of the corporation as other constables under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

§ 20. All suits for fines and penalties, in and for the violation of any ordinance, shall be in the name of the town of Peatonica; and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and every subsequent process, and the mode of executing the same. Suits vested in corporation.

§ 21. This is declared to be a public act, to take effect and be in force from and after its adoption by the voters of the said town.

APPROVED March 4, 1869.

AN ACT to incorporate the town of Peotone.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Peotone, in the county of Will, and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "The Town of Peotone;"* and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The boundaries and limits of said town shall be established as follows: Commencing at the center of section 24, which point shall be and is hereby established as the center of such town, and extending to and including all lots and lands within a square area of one-half mile from said center. The above is hereby declared to be within the boundaries of said town of Peotone, containing an area of one mile square. Boundaries.

§ 3. Whenever any tract of land adjoining the town of Peotone shall have been laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Peotone. Additional territory annexed.

§ 4. Inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of General corporate powers.

law and equity, in all actions whatever; to purchase, receive and hold property, real and personal, beyond the town, for burying grounds or for other public purposes, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real and personal, for the benefits of the town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

**Officers.** § 5. The officers of said town shall consist of five trustees, a treasurer, police justice, police constable, street commissioner and pound master.

**Eligibility of trustees.** § 6. No person shall be a trustee of said town unless, at the time of his election, he shall have resided six months within the limits of said town, and shall be, at the time of his election, 21 years of age, and a citizen of the United States.

**Organization.** § 7. At the first meeting of the board of trustees, they shall organize by appointing from among their number, a president and clerk.

**Oath of office.** § 8. The president and each trustee, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and abilities.

**Presiding officer.** § 9. The president shall preside at all meetings of the board of trustees, and shall have a casting vote, and no other. In case of non attendance of the president at any meeting, the board of trustees shall appoint one of their members as chairman, who shall preside at that meeting.

**Journal of proceedings.** § 10. It shall be the duty of the clerk of the board of trustees to keep a journal of their proceedings at each and every meeting; to post all notices, and to keep a regular account of all moneys received and disbursed for the use of the town, in such a manner as will at all times show a true condition of the same to any person who may desire to inspect such accounts.

**Quorum.** § 11. A majority of the members of the board of trustees shall constitute a quorum, but a less number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

**Rules of proceedings.** § 12. The president and trustees shall have power to determine the rules of their proceedings, punish members for disorderly conduct, and, with the concurrence of four of their members elected, expel a member.

**Election of trustees.** § 13. On the third Monday of March, in each year, an election shall be held in the town of Peotone for the election of five trustees and a treasurer, who shall hold their office for the term of one year and until their successors are duly elected, and to elect a police justice, who shall hold his office for the term of four years and until his successor is duly elected and qualified: *Provided*, nothing in this section

shall disqualify the present police justice from serving until the expiration of the term for which he was elected.

§ 14. Whenever a vacancy is caused in the board, by death, resignation or removal, of any of the trustees, it shall be the duty of the president and trustees to call a special election to fill such vacancy, giving notice as is required for annual elections.

When vacancies occur, how filled.

§ 15. All corporation elections, within the corporate limits of said town shall be held and managed the same as the state elections are held and managed—the board of trustees to act as board of election: *Provided*, that the polls shall be opened from two P. M. to six P. M.—the clerk of the board of trustees giving not less than ten days' notice, by posting not less than three written or printed notices in three of the most public places in said town.

Mode and manner of election.

§ 16. The president and trustees shall have power to levy taxes on all property, real or personal, within the limits of said town, not exceeding one per cent., per annum, assessed value thereof; the same to be collected in the manner prescribed by the statutes of Illinois.

Levy and collection of tax.

§ 17. The president and trustees shall have power to appoint a treasurer, street commissioner, police constable and pound master.

Appointment of officers.

§ 18. The president and trustees shall have power to require of all officers appointed in pursuance of this charter bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers, appointed as aforesaid, to take an oath for the faithful fulfillment of their duties.

Officers to give bonds and security.

§ 19. The president and trustees shall have power and authority to borrow money on the credit of the town: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent., per annum, nor shall the interest on the aggregate of all sums borrowed and outstanding ever exceed one-fifth of the revenue arising from taxes assessed on the taxable property within the limits of the corporation.

May borrow money.

§ 20. To appropriate money and provide for the payment of debts and expenses of the town.

Appropriations.

§ 21. To make regulations to prevent the introduction of contagious diseases into the town.

Contagious diseases.

§ 22. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be a nuisance, and to prevent and remove the same.

General health.

§ 23. To provide the town with water; to sink and keep in repair public wells, and provide pumps and other conveniences for the same for the use of the inhabitants.

Wells, cisterns, etc.

§ 24. To open, alter, widen, extend, establish, grade or otherwise improve or keep in repair streets, avenues, lanes or alleys.

Open streets etc

- Buildings. § 25. To provide for the erection of all needful buildings for the use of said town.
- Exhibitions. § 26. To license, tax and regulate all theatrical and other exhibitions, shows, gift enterprises, lotteries and amusements.
- Tippling houses § 27. To tax, restrain, license, prohibit or suppress tippling houses, dram shops, and gaming houses, also houses of ill-fame.
- Auctioneers, peddlers, etc. § 28. To license and regulate auctioneers, hawkers, peddlers and pawn brokers.
- Extinguishment of fires. § 29. To provide for the prevention and extinguishment of fires and to organize and establish a fire company.
- Compensation of officers. § 30. To fix the compensation of all officers of the corporation.
- Regulate police. § 31. To regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and enforcement of such penalties.
- Pass and enforce ordinances. § 32. The president and trustees shall have power to make all ordinances which shall be necessary and proper, and for carrying into execution the powers specified in this act: *Provided*, such ordinances are not inconsistent with the constitution of the United States or of this state.
- Style of ordinances. § 33. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Peotone.*"
- Publication of ordinances. § 34. All ordinances passed by the board of trustees shall be published within one month after they shall have been passed, by posting not less than three notices in three of the most public places in said town; but no ordinance shall take effect until it has been published ten days in the manner prescribed in this section.
- Evidence and proof. § 35. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence, in all courts and places, without further proof.
- Special meetings § 36. The president or any two members of the board may call a special meeting of the board of trustees.
- Private property taken for improvement of streets, alleys, etc. § 37. Whenever it shall be necessary to take private property for the opening, widening or altering of any street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of said compensation cannot be agreed on, the president and trustees shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

§ 38. When the owners of all the property on any street, lane, avenue and alley proposed to be opened, widened or altered, shall petition therefor, the board of trustees may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Petitions for opening streets.

§ 39. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Compensation for property taken.

§ 40. The inhabitants of the town of Peotone shall be exempt from working on any road beyond the limits of the corporation or from paying any road tax outside the corporation.

Exempt from road labor.

§ 41. The president and trustees shall have power, for the purpose of opening, grading or keeping in repair any streets, lanes, avenues or alleys, to require of every male inhabitant in said town, over twenty-one years of age, who are not exempt by law, to labor on said streets, lanes, avenues or alleys not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar for each day so neglected or refused.

Inhabitants to labor on streets.

§ 42. The board of trustees shall have power to provide for the punishment of offenders by imprisonment in the county or corporation jail or lock up, in all cases when such offenders shall fail or refuse to pay the fines and penalties which may be recovered against them.

Punishment of offenders.

§ 43. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinances passed in pursuance thereof, to the circuit court of Will county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

Appeals allowed

§ 44. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

Evidence of act.

§ 45. The police constable or any other officer authorized to execute writs or other process issued by the police magistrate, shall have power to execute the same anywhere within the limits of Will county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

Jurisdiction of police constable

- § 46. All fines, penalties and forfeitures inflicted by or recovered before the police magistrate of said town of Peotone, for the violation of any of the ordinances, shall be paid into the treasury of said town; and it shall be the duty of said magistrate to account for and pay over, immediately, all such fines, penalties and forfeitures as may be collected by him, to the treasurer of said town.
- § 47. The president and trustees shall have power to license, regulate, restrain or suppress the sale, barter or giving away or otherwise disposing of any spirituous or vinous or malt liquors, within the limits of said corporation; and all moneys received for such licenses, forfeitures, penalties or fines, shall be paid into the corporation treasury, for the benefit of said town.
- § 48. No license for the sale of spirituous, vinous or malt liquors, within the limits of said corporation, shall be granted for a longer period than one year.
- § 49. The town of Peotone shall not be required to give security for costs in any prosecutions or suits arising under the charter or ordinances of said town.
- § 50. The president and trustees shall have power to provide for the establishment and erection of a pound within said corporation, and make all necessary regulations therefor.
- § 51. The president and trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state: *Provided*, they shall not impose any fines for the violation of any ordinances exceeding one hundred dollars.
- § 52. All officers of the town, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, commit for examination, and if necessary detain such persons in custody over night, in the lock-up or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the president and trustees may prescribe.
- § 53. Nothing in this act contained shall be so construed as to deprive the president and trustees of the town of Peotone of any power or authority conferred upon the same by the general act incorporating towns and cities and the various acts amendatory thereto; but the president and trustees shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority have been expressly modified or repealed by this act.
- § 54. This act shall take effect from and after its passage.

APPROVED March 25, 1869.

AN ACT entitled "An act to incorporate the village of Plainfield, Will county, Illinois." In force March 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the village of Plainfield, in the county of Will, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Village of Plainfield;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested and by whom its affairs shall be managed. Name and style.

§ 2. The inhabitants of said village, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatever, and purchase, receive and hold property, real and personal, within and beyond the limits of said village, for burial grounds and for other purposes, for the use of the inhabitants of said village, and may sell, lease or dispose of property, real and personal, for the benefit of said village, and improve and protect such property, and do all things in relation thereto as natural persons. Corporate powers.

§ 3. That all those tracts of land embraced within the following boundaries, to-wit: Commencing at the southeast corner of the north-east quarter of section (16); thence east one-half mile; thence north one mile; thence west to within one rod of the DuPage river; thence southwest, along said river, within one rod of its eastern bank, to the half section line of section sixteen (16); thence east to place of beginning. Boundaries of town.

§ 4. On the Monday before the first Tuesday in April of each year, the inhabitants of said village shall elect four (4) trustees and one president of the board of trustees, and clerk of said board, and one treasurer, and two justices of the peace (to be styled police justices), and two constables, who shall hold their offices for one year and until their successors are elected and qualified, except the justices of the peace and constables, who shall, after the next quadrennial election for justices of the peace and constables, hold their office for four years; which said justices of the peace and constables shall qualify in the same manner and have the same jurisdiction and be subject to the same liabilities as other justices of the peace and constables. Election of trustees.

§ 5. E. Corbin, Ira Vanolinda, and Daniel Robertson, or any two of them, shall be judges of the first election under this act; after which the president of the board of trustees, the treasurer and clerk of the board, shall be judges of the election. Said election to be conducted in accordance with the election laws of this state, except that Judges of elections.

Notice of election. no registration shall be necessary. Ten days' public notice of the time and place of holding any election of trustees shall be given by the judges of election, by advertisement in any weekly newspaper published in said village, or by posting notices in three of the most public places in said village.

Qualification to hold office. § 6. No person shall be elected as president of the board of trustees or trustee of said village who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the corporate limits of said village; and at all such elections every person who shall be qualified to vote for state and county officers and shall have a residence within the limits of said corporation for six months previous to such election, not being there for the purpose of education or other temporary object, may enjoy the rights of an elector.

Election returns § 7. The trustees shall be judges of election, qualifications and returns of the president and of their own members and of clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalty as they may provide, and punish the members for disorderly conduct, and, by a vote of three-fourths of the whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancies in the board of trustees, president, clerk or treasurer, occasioned by death, resignation, removal or continued absence from the village for three months: *Provided*, they shall not appoint one of their number to any such office; and the president shall in no case be entitled to a vote except in case of a tie.

Powers of the trustees. § 8. The president and trustees of said village shall have power:

Improvement of streets, lanes and highways. *First*—To cause all the streets, alleys and public roads within the limits of said village to be kept in good repair, and, to this end, may require every able-bodied male resident of said village, over the age of twenty-one and under the age of fifty years, to labor on the same not exceeding three days in each and every year; and, if such labor be insufficient for that purpose, to appropriate so much of the general funds of the corporation as they shall deem necessary therefor.

*Second*—To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or public roads, within the limits of said village.

Construction sidewalks. *Third*—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said village, and to levy and collect a



tax, from time to time, upon the lot or lots in front of which said sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair—the amount of taxes to be levied for sidewalks not to exceed fifty per cent. (50) of the actual cost of said sidewalk: *Provided*, such tax shall be on such lots proportional to the length of their respective fronts; and until such president and trustees shall provide, by ordinance, for the levying and collecting said tax, they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution that such tax shall be levied, and the number of the lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court; it shall then be collected in the manner provided in the ninth section of an act entitled “An act to incorporate towns and cities,” approved February the 10th, 1849, for the collection of other corporate taxes.

*Fourth*—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one half per cent., per annum, upon the assessed value thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide by ordinance for enforcing the payment thereof, the said property shall be assessed and the tax collected in the manner provided by the ninth section of the act aforesaid; and the clerk of the board shall certify to the county [clerk] previous to the annual meeting of the board of supervisors the rate of all taxes levied by said board.

Levy and collect taxes.

*Fifth*—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses or other animals.

Running at large of horse and cattle.

*Sixth*—To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.

Dogs at large.

*Seventh*—To prevent horse-racing or any immoderate riding or driving, within the limits of said village, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said village.

Fast driving.

*Eighth*—To establish and maintain a public pound and appoint a poundmaster and prescribe his duties.

Public pound.

*Ninth*—To restrain and prohibit all description of gambling and fraudulent device, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments.

Gambling, etc.

*Tenth*—To suppress and prohibit disorderly houses or groceries and houses of ill-fame.

Suppress disorderly houses

- Exhibitions. *Eleventh*—To license, regulate, suppress and prohibit retail peddlers, and all exhibitions of common showmen, shows of every kind, caravans, circuses, exhibitions and amusements and auctions.
- Riots, affrays and tumults. *Twelfth*—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or shooting within the limits of said village.
- Contagious disease. *Thirteenth*—To make regulations to prevent the introduction of contagious diseases into the village, and execute the same for any distance, not exceeding two miles from the limits thereof.
- Abate nuisances. *Fourteenth*—To abate and remove nuisances, and punish the authors thereof, and define and declare what shall be deemed nuisances in said village or for any distance, not exceeding two miles, from the limits thereof, and authorize and direct the summary abatement of the same.
- Combustibles. *Fifteenth*—To regulate the storage of gunpowder and other combustible materials.
- Fire department. *Sixteenth*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.  
*Seventeenth*—To provide the village with water, for the extinguishment of fires and for the convenience of the inhabitants.
- Public grounds. *Eighteenth*—To provide for inclosing, improving and regulating all public grounds and other grounds belonging to said village.
- Needful buildings. *Nineteenth*—To provide for erecting of all needful buildings for the use of said village.
- General health. *Twentieth*—To make all necessary regulations to secure the general health of the inhabitants thereof.
- Prohibit sale of ardent spirits. *Twenty-first*—To regulate, suppress and to prohibit the selling, bartering, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale or strong beer, or other intoxicating liquor, within the limits of said village, and to prevent giving away the same by any trader, dealer, shop or tavern-keeper, to be used as a beverage, any statute law of this state to the contrary notwithstanding.
- Indebtedness. *Twenty-second*—To appropriate and provide for the payment of any debt or expenses of the village, and to fix the compensation of village officers.
- Power to pass ordinances. *Twenty-third*—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said village, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinances or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or

affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense.

§ 9. That the president and trustees of said village shall have power to appoint street commissioners, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful performance of their duties.

Appointment  
of officers.

§ 10. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all of their proceedings, by-laws and ordinances, and of the time and place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said village or by posting up copies of the same in three of the most public places of said village. The book, purporting to be the record of the corporation of the village of Plainfield, or a certified transcript therefrom, shall be received in all courts, without further proof, as evidence in all such matters therein contained.

Duties of the  
clerk.

§ 11. Any fine, penalty or forfeiture incurred under this act or any by-law or ordinance made in pursuance of this act, or of any act that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the corporate name; and the several fines, forfeitures or penalties for breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person; but in all cases of assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. It shall be lawful to declare for debt, generally, for such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-law under which the same are claimed, and to give the special matter in evidence under the declaration; and the justice shall proceed to hear and determine the case, as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit, which may be levied upon any of the personal property of the defendant or defendants, exempt from execution. If the constable shall return upon such execution "no property found" or not sufficient to satisfy the same, the justice shall issue a capias against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the county, to remain ninety-six hours; and if the judgment and costs exceeds five dollars then to remain in close custody in said jail twenty-four hours for every one dollar over

All actions and  
suits vested in  
corporation.

Execution may  
issue on rendition  
of judgment

and above said five dollars, and so in proportion to the amount of the judgment and costs: *Provided, however,* if the said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same in writing to him, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to such clerk; which shall be filed and recorded as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided,* that an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties as in other cases.

Not to file security for costs.

§ 12. The president and trustees shall not be required, in suits instituted under this act or ordinance passed by virtue thereof, to file, before the commencement of any suit, any security for costs.

Fines paid to town treasurer.

§ 13. All fines, forfeitures and penalties received or collected for the breach of any ordinances passed under the provisions of this act, and all moneys received for licenses, shall be paid into the city treasury of said corporation by the officer or person receiving the same.

Exempt from road labor outside town limits.

§ 14. The inhabitants of said village are hereby exempted from working on any road beyond the limits of the corporation and from paying any tax upon property within its limits to procure laborers to work upon any such road.

Act evidence.

§ 15. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof, and this act shall be in force from and after its passage.

APPROVED March 9, 1869.

in force March 15, 1869. AN ACT to incorporate the town of Pleasant Hill, Pike county, and state of Illinois.

Name and style.

SECTION 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 Pleasant Hill, Pike county, 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 Pleasant Hill;" and, by that name, shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

§ 2. The boundary of said corporation shall be as follows, to-wit: Commencing at the north-east corner of out lot number seven, Smith's addition to Pleasant Hill; thence north, on the east line of said out lot, to the line between sections sixteen and twenty-one; thence west on said line, to the south-west corner of the south-east of the south-east of the south-west of section sixteen; thence north to the north-east corner of point lot eleven north-east of the south-west of said section sixteen, the land now owned by George W. Bybee; thence west, to the line between sections sixteen and seventeen; thence south on said line, to a point opposite the southern limits of Smith's addition to Pleasant Hill, back to the place of beginning.

Boundaries.

§ 3. Whenever any tract of land adjoining of Pleasant Hill shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of said corporation

Additional territory annexed.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatever; to purchase, receive and hold property, real and personal, in said town; to purchase, receive and hold property, real and personal, beyond the corporation limits, for burial grounds and other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

Corporate powers.

§ 5. That there shall, on the first Monday of March next, be elected five trustees, and on every first Monday of March thereafter, who shall hold their office for one year and until their successors are elected and qualified to act; and public notice of the time and place of holding all future elections, after the aforesaid first Monday of March next, shall be given by the president and trustees, by putting up notices in four of the public places in said town at least five days before such election. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town six months next preceding his election, and who is not at the time thereof a freeholder within the limits of said corporation and paid a state and county tax. All male citizens, over the age of twenty-one years, who have resided within the limits of said corporation three 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 number president, and shall have power to fill all vacancies that may be occasioned in said board, by death, resignation or otherwise; and the persons so appointed shall hold their office until the next regular election after their

Election of trustees.

Appointment  
of officers.

appointment; and said trustees shall have power to appoint a clerk, a treasurer, assessor, a street commissioner, and a town constable, and said officers, so appointed, shall give bond and security in such amount and with such conditions as the trustees may require; and the said town constable shall take an oath of office, before some justice of the peace, that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines and serve all process of the suits of the corporation, and shall execute all writs, process and precepts which may be issued against any person convicted of the violation of any of the laws or ordinances of the town; and shall have and possess the same powers and perform the same duties, in other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform. Said constable shall hold his office for one year and until his successor is elected and qualified.

Election of  
justice of peace.

§ 6. It shall be the duty of the trustees, after their organization, to give notice of and cause an election to be held for a justice of the peace, who shall be elected by the qualified voters within the incorporated limits of the said town of Pleasant Hill. The said justice of the peace shall take the same oath, execute the same bond, be clothed with the same powers, authority and jurisdiction, and be subject to the same liabilities, as other justices of the peace within this state; he shall hold his office for four years and until his successor is elected and qualified.

Rules for gov-  
ernment.

§ 7. 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 their business and concerns of the corporation, as they may deem expedient; and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town and for the management, control, disposition and application of this 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 which are not contrary to the laws and constitution of this state.

Levy and col-  
lection of taxes.

§ 8. The said trustees shall have power to levy and collect a tax, not exceeding one half of one per cent., on all lots and improvements and personal property lying and being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, beer houses, and stores, for the purpose of making and improving the streets and keeping them in repair and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require; and may adopt such modes and means for the assessment and collection of

taxes as they shall from time to time deem expedient, and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of any real estate shall be made until public notice of the time and place of sale shall be given by advertisement in some newspaper or at four of the most public places in said town, by putting up written notices, containing a list of said delinquent real estate, at least thirty days previous to the day of sale.

§ 9. When any lot or real estate shall have been sold for taxes, as aforesaid, the same shall be subject to redemption in the time and on the terms now provided or hereafter to be provided by the revenue laws of this state for the redemption of real estate; but should the real estate so sold for taxes not be redeemed in time and manner provided by law, and if the purchaser, or other persons for him, shall have paid all taxes with which such real estate or lots shall have been charged, up to the time when the right of redemption shall expire, then, and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed thereof, signed by the president and countersigned by the clerk of the board of trustees.

Lands sold for taxes may be redeemed.

§ 10. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax of not more than five and not less than two days labor, against every able-bodied male inhabitant of said town, over the age of twenty-one years and under the age of fifty years, to be collected and expended in such manner as they shall determine and direct.

Improvement of streets, alleys and highways.

§ 11. The trustees shall have power to tax, restrain, prohibit and suppress tipping houses, dram shops and gaming houses, bawdy houses and other disorderly houses; to suppress and restrain billiard tables and the sale of intoxicating liquors.

Tipping houses

§ 12. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud and unusual noises or for disturbing persons assembled at religious or other meetings in said town, for which purpose said trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect, and to impose fines, which shall be recovered before any justice of the peace in said town.

Public peace

§ 13. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view, or on complaint being made to him, upon oath, of

Duties of the justice of peace

the violation of any law or ordinance of said town, to issue his warrant, directed to the town constable or any authorized person, to apprehend the offender or offenders and bring him or them before him forthwith; and after hearing the evidence, if it shall appear that tho accused has been guilty of any violation of any law or ordinance of the corporation, to impose such fines or imprisonment as is provided by the laws of this state for the punishment of similar offenses.

Appeal taken.

§ 14. In all cases arising under the provisions of this act, appeals may be taken and writs certiorari allowed, as is now or may hereafter be provided by law.

All the fines and penalties paid to treasurer

§ 15. All fines or moneys collected for licenses granted under the provisions of this act, shall be paid into the town treasury, for the use of the inhabitants of said town.

Record of all ordinances.

§ 16. The trustees shall keep a well-bound book, in which shall be recorded, in a fair and legible hand, all by-laws and ordinances of said corporation; and no by-laws or ordinances shall be in force until the same shall have been advertised, by posting up copies of the same in at least three of the most public places in said town ten days previous to the time the same is to go into effect; which record or book shall be evidence of authority of said by-laws or ordinances that have been legally enacted.

Construction of sidewalks.

§ 17. The trustees shall have power to make pavements or sidewalks in said town, as to them may seem needful: *Provided, always,* that the lot in front of which any sidewalk is made shall be taxed to pay at least one half of the expense of making such sidewalk.

Nuisances.

§ 18. The said trustees shall have power to declare what shall be considered to be a nuisance, within the limits of the corporation, and to provide for the abatement or removal thereof.

Not to affect district school.

§ 19. Nothing contained in this chapter shall be so construed or taken, to interfere with the district school in said town; but that the school directors shall still continue to exercise the powers and duties now conferred by law.

§ 20. This act shall take effect and be in force from and after its passage.

APPROVED March 15, 1869.

In force April 15, 1869.

AN ACT to incorporate the town of Princeville, in Peoria county.

#### ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented by the General Assembly,* That the inhabitants and residents upon the tract of land one



mile square, in the county of Peoria, and the state of Illinois, bounded by parallels and meridians, the middle point of which is in the section line between sections thirteen and twenty-four, in township eleven north, range six east of the fourth principal meridian, forty-nine rods west of the eastern extremity of said section line, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Princeville;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change or alter at pleasure.

Name and style.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have the power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, both real and personal, both within and beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, both real and personal, for the use of said town, and to protect and improve any such property, as the public good may require.

Corporate powers.

§ 3. The boundary of said corporation shall be as defined in section one of this article; and whenever any tract of land adjoining said town is laid off into town lots and recorded, the same may be attached to and form part of the same.

Boundaries of the town.

## ARTICLE II.

SECTION 1. The government of said town shall be vested in a town council which shall consist of a president and four trustees, who shall be chosen, annually, by the qualified voters of said town, and who shall hold their offices for one year and until their successors are elected and qualified.

Powers vested in town council.

§ 2. No person shall be a member of the town council unless he shall be and shall have been for six months immediately preceding his election a resident of the town, and shall be at the time of his election twenty-one years of age, a *bona fide* freeholder in said town and a citizen of the United States and of this state.

Qualification of members.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby become vacant.

Office vacated.

§ 4. The town council shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be prescribed by ordinance.

Returns of election.

§ 5. A majority of the town council 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 fines and penalties as may be prescribed by ordinance; shall have power to determine the

rules of its own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Journal of proceedings. § 6. The town council shall keep a journal of its proceedings, and shall have power to fill all vacancies which may occur therein, by death, resignation or otherwise.

Oath of office. § 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath before any justice of the peace of said county, that he will support the constitution of the United States and of this state, and that he will truly perform the duties of his office, to the best of his knowledge and ability; and there shall be at least one regular meeting of said council in each month, at such time and place as may be prescribed by ordinance.

The vote, how determined. § 8. Whenever a tie shall occur in the election of a member or members of the town council, the judges of election shall certify the same to the justice of the peace of said town hereinafter mentioned, who shall determine the same by lot, in such manner as may be prescribed by ordinance.

#### ARTICLE III.

Election of town council. SECTION 1. On the third Tuesday of April next an election shall be held in the said town of Princeville, for the election of five members of the town council of said town; and forever thereafter, on the third Tuesday of April, of each year, an election shall be held for said officers.

Election of justices of peace § 2. On the third Tuesday of April next, and on the third Tuesday of April biennially, forever thereafter, an election shall be held in the said town of Princeville, for the election of a justice of the peace for said town, who shall hold his office for two years and until his successor is elected and qualified.

Territory declared an election precinct. § 3. For the election of a justice of the peace the said town of Princeville, as herein defined or as may hereafter be extended or limited by ordinance, shall constitute an election precinct. The first election of officers, under the provisions of this act, shall be held on the day above named therefor; and notice thereof shall be signed by at least ten citizens of the said town and posted at least ten days before said election in three public places within the limits of said incorporation; and the qualified voters, as defined in section four of this article, shall then choose three of their number as judges, who shall conduct said election according to the general election laws of the state of Illinois, and decide, by lot, any tie which may occur in said election; and said judges shall keep a record of said election and deliver the same to the clerk of the town council, when he

shall have been duly qualified. All succeeding elections of officers under the provisions of this act shall be held, conducted and returns thereof made as may be provided by ordinance of the town council by this act created.

§ 4. All persons who are entitled to vote for state officers, by the laws of this state, and who shall have been actual residents of the town ninety days next preceding any election held under the provisions of this act, shall be entitled to vote at any such election. Qualifications of electors.

#### ARTICLE IV.

SECTION 1. The town council shall have power and authority to levy, assess and collect a tax or taxes upon all property, real, personal and mixed, within the limits of said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States or of this state. Levy and collect taxes.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, town constable and street commissioner, and all such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and require them to give such bonds, with such security, and take such oaths, as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same, and who shall possess the same qualifications as are required for a member of the town council. Appointment of officers.

§ 3. Also, to appropriate money, and provide for the payment of the debts and expenses of the town. Appropriations.

§ 4. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent and remove or abolish the same. General health.

§ 5. To open, abolish, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair sidewalks, bridges, drains and sewers. Repair streets.

§ 6. To provide the town with water, to sink and keep in repair wells and pumps in the streets, alleys or lanes, for the convenience and good of the inhabitants, and to erect lamps in the streets, and light the same. Provide water.

§ 7. To provide for the erection of all needful public buildings for the use of the town; to establish markets and market places, and for the government and regulation thereof; and to provide for the inclosing, laying off and improving all public grounds, squares and burial grounds belonging to the town. Public buildings

- Protect public buildings. § 8. To provide for the protection and improvement of all public buildings owned by said town, and for the prevention and extinguishment of fires, to organize and establish fire companies.
- Walls, fences. § 9. To regulate partition fences; and provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel, to be used in said town.
- Census. § 10. To provide for taking the enumeration of the inhabitants of said town; to regulate the fixing of chimneys and the flues thereof; and to regulate the storage of tar, pitch, rosin, gun-powder and other combustible materials.
- Merchants and retailers. § 11. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money-changers; but shall have no power to license the sale of intoxicating drinks, contrary to or inconsistent with any law of this state.
- Prohibit sale of liquors. § 12. The president and trustees of said town are vested with full power totally to prevent the sale of ardent spirits and all intoxicating liquors within the limits of said incorporation, except for medicinal, mechanical and sacramental purposes, under such rules as they may prescribe, and by such person or persons as they may direct, and under such penalties and punishments for the violation of any regulation or law upon this subject as they may choose to inflict, not contrary to the constitution of this state; and to restrain, prohibit or suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses within said town, or within two miles of the limits thereof.
- Exhibitions. § 13. To license, tax and regulate theatrical and other exhibitions, shows and amusements; to provide for the trial and punishment of persons who may be engaged in assaults and batteries or affrays within the corporate limits of said town.
- Punishment of offenders.
- Election of officers. § 14. To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office created by ordinance.
- Compensation of officers. § 15. To fix the fees and compensation of town officers, jurors, witnesses and others, for services rendered under the provisions of this act.
- Incumbering streets. § 16. To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals, for the violation of any ordinance in relation thereto.
- Running at large of horses and cattle.

§ 17. To prevent the running at large of dogs, and to provide for the destruction of the same when at large contrary to the provisions of ordinance in such cases made. Dogs at large.

§ 18. To prevent the firing of squibs, rockets, guns, or other fire-works or combustibles, within the limits of said town. Fire-arms.

§ 19. To provide for the punishment of persons who may at any time distract the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or of the town council when in session. Punishment for violations.

§ 20. To regulate the police of the town; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in all cases the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act, or any ordinance made in pursuance thereof. Police.

§ 21. The town council shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all of the powers specified in this act, or as the good of the inhabitants of said town may require, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state. Enforcing ordinances.

§ 22. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Princeville.*" And all ordinances which shall be passed by the town council shall be posted up in three of the most public places in the town or published in a newspaper published in the town, and shall take effect in ten days after such publication; and the certificate of the publishers of said newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication; and no ordinance shall take effect until published or made known as aforesaid. Style of ordinances.

§ 23. All ordinances may be proven by the seal of the town, and, when published or printed in book or pamphlet form, and purporting to be printed or published by authority of the town of Princeville, the same shall be received as evidence in all courts and places, without further proof. Proof of ordinances.

#### ARTICLE V.

SECTION 1. The president shall preside at all meetings of the council, when present; and in case of his absence at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting. Presiding officer

§ 2. The president or any two members of the council may call special meetings of the same. Special meetings.

Active and vigilant in the performance of duties.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town over the age of eighteen years to aid in enforcing the law and ordinances, and in case of a riot to call out the militia to aid in suppressing the same or in carrying into effect any law or ordinance; and any and every person who shall fail or refuse to obey such call shall forfeit and pay to said town the sum of ten dollars.

Exhibit books and papers.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act.

#### ARTICLE VI.

Justice to be commissioned by governor.

SECTION 1. The justice of the peace hereinbefore provided for shall be commissioned by the governor of this state, and shall have and exercise the same power, authority and jurisdiction as is conferred by law upon other justices of the peace of this state, and shall have and possess the same qualifications as is required for a member of the town council by section two of article two hereof, and who shall give bond and qualify, in all respects, as the justices of the peace are required by law to do.

Jurisdiction of justices of peace

§ 2. He shall be a conservator of the peace for said town, and he shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace; and for any willful, corrupt malconduct, oppression or partiality, or palpable omission of duty, in said office, may be indicted in the circuit court of Peoria county, and, upon conviction, shall be fined in a sum not exceeding two hundred dollars; and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of the judgment.

Jurisdiction of constables.

§ 3. The town constable appointed under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town; and, for that purpose, his power and authority shall extend over the county of Peoria, and shall have the same power, jurisdiction and authority, within the limits of said county, as other constables in all cases possess under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

The vote, how determined.

§ 4. If two or more persons shall receive an equal number of votes for the office of justice, the town coun-

cil shall determine the same by lot, in such manner as may be prescribed by ordinance.

§ 5. The said constable shall be authorized to arrest all persons on view, without warrant, who shall violate any of the provisions of this act or any of the ordinances of said town made in pursuance thereof, and take him, her or them before the justice of the peace of said town, to be tried and punished as may be prescribed by ordinance.

Arrest, with or without process

§ 6. In case of the absence or inability or refusal to act of said justice or of said constable, any justice of the peace having an office in said town, or any constable of said county of Peoria, shall have power and authority to hear and determine all cases which may arise under the ordinances of said town, or to execute all process and writs which may be issued, in the same manner and with like effect as the justice and constable of said town herein provided for.

Absence of the justice of the peace and constable.

§ 7. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary or clerk to execute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeals, shall be sufficient evidence of the authority of said secretary to sign said bond.

Appeals may be taken.

## ARTICLE VII.

SECTION 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town, the corporation shall make just compensation to the owner or owners of said property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the same shall be ascertained by six disinterested freeholders of the said town, who shall be summoned by the justice of the peace of said town for that purpose.

Private property may be taken for opening streets.

§ 2. The said jurors, so impaneled to ascertain the damages which will be sustained by the opening or altering of any street or alley by any person or persons so owning property, shall first be sworn to that effect by said justice, and shall return to him their inquest, in writing, signed by each of said jurors, and by him laid before the town council at their first meeting thereafter; and either party may appeal therefrom to the circuit court of Peoria county, in such manner and upon such terms as may be prescribed by ordinance.

Jury to estimate damages..

Assessments  
for benefits.

§ 3. In the assessment of such damages, the jury shall take into consideration the benefits as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley, by such opening or alteration.

#### ARTICLE VIII.

Exempt from  
road labor out-  
side town limits.

SECTION 1. The inhabitants of the town of Princeville are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by authority of the county court or other county authorities; and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the town council by this act provided for.

If habitants to  
labor on streets,  
alleys, etc.

§ 2. The town council, for the purpose of keeping the streets, alleys, lanes, avenues and highways in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys, lanes, avenues or highways, any number of days, not exceeding three in each year; and any person failing to perform such labor, when duly notified by the street commissioner, or other authorized officer of said town, shall forfeit and pay the sum of one dollar and fifty cents to said town for each and every day so neglected and refused.

Misdemeanor,  
fine and penalty  
for.

§ 3. The town council shall have power to provide for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail not exceeding thirty days for any one offense, in all cases where such offenders shall fail or refuse to pay the fine and forfeitures which may be recovered against them.

Suits instituted  
in name of town

§ 4. All suits for fines and penalties in and for the violation of any ordinance shall be in the name of the town of Princeville; and the town council shall have power to regulate, by ordinance, the form and nature of the first and any subsequent process, and the mode of executing the same.

Not required to  
enter security  
for cost.

§ 5. The corporation hereby created shall not be required, in any suit brought for a violation of any ordinance of said town, to file, before the commencement of any such suit, or during the pendency thereof, any security for costs.

May declare  
office vacant.

§ 6. Whenever the justice of the peace herein provided for shall remove from said town, resign or die, or his office shall otherwise become vacated, the town council shall immediately provide for filling such vacancy by election.

Proof of act.

§ 7. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof; and upon its going into effect, all acts and parts of acts coming within the provisions of this



charter or contrary to or inconsistent with its provisions shall be repealed.

§ 8. This act shall take effect and be in force from and after its passage ; and that all acts and parts of acts inconsistent with this charter are hereby repealed. Conflicting acts repealed.

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV, of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

AN ACT to incorporate the town of Rantoul.

CHARTER OF THE CORPORATE TOWN OF RANTOUL.

In force March 30, 1869.

BODY CORPORATE.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Rantoul, in the county of Champaign and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The Town of Rantoul;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style.

BOUNDARIES.

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the center of section thirty-five (35), town twenty-two (22) north, of range nine (9) east of the third principal meridian; running west, on the half section line, to the center of section thirty-four of said town twenty-two (22) north, of range nine (9) east of the third principal meridian; thence running south, on the half section line, to the center of section three (3), town twenty-one (21) north, of range nine (9) east of the third principal meridian; thence running east, on the half section line, to the center of section two (2), town twenty-one (21) north, of range nine (9) east of the third principal meridian; thence running north, on the half section line, to the point of commencing. Boundaries of corporation.

POWERS.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead Corporate powers.

and be impleaded, defend and be defended, to answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property and to do all other such acts and things in relation thereto that natural persons might do: *Provided*, there shall not be any lands sold by them which has been sold, conveyed to or held by the corporation for streets, alleys, lanes, public grounds or squares.

## TRUSTEES.

Powers vested  
in trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act until the first Monday in March, in the year of our Lord one thousand eight hundred and seventy, and until their successors are elected and qualified.

## ELECTIONS.

Election of officers.

§ 5. On the first Monday in March, in the year of our Lord one thousand eight hundred and seventy, and ever afterward on the first Monday in March, in each and every year, an election shall be held in said town of Rantoul, for the election of five trustees, one constable, one treasurer, one assessor, and one collector of said town. The persons so elected shall be citizens of the United States and of this state, and shall have actually resided within said town one year next preceding the election, and shall hold their offices for the term of one year, and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act.

## NOTICE.

Notice of election.

§ 6. The incumbent board of trustees shall give ten days' previous notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such elections, the hour of the day at which the polls shall be opened, the hour at which they shall be

closed. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for the opening of the polls, appoint, by acclamation, three of their number to act as judges of such election. And the said judges shall appoint two clerks of said election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot; and all persons who, by the laws of this state, are entitled to vote for state and county officers and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat. And all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town in such manner as may be provided by ordinance.

Judges and clerk of election

POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

§ 7. The trustees elect, before entering upon the duties of their office, shall take and subscribe an oath to support the constitution of the United States and this state, and that they will, to the best of their ability, faithfully discharge the duties of their office. They shall hold at least one regular meeting in each and every month, and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper; they shall have power to fill, by appointment, vacancies in the board of trustees, occasioned by death, removal, resignation, or continual absence from their regular meetings for the term of three months or otherwise; they may punish their members or other persons for disorderly conduct before the board, while in session, and, by a vote of four-fifths of all their members, they may expel a member, for good cause shown; and they shall have power to remove from office, by a vote of four-fifths of all their members, any subordinate officer of said town, who holds his office by appointment of the board of trustees of said town.

Oath of office.

Vacancies.

Violation, how punished.

OFFICERS.

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, one or more street commissioners, and such other officers as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require all officers, whether elected or appointed, to take an oath that they will support the constitu-

Appointment of officers.

tion of the United States and of this state and will faithfully and to the best of their abilities discharge the duties of their offices; to give bond, with sufficient security, to be approved by said board of trustees, well and truly to perform the duties of their respective offices—all such bonds to be given to said incorporation by its corporate name.

## TAXES.

Power to levy assess and collect taxes.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding one dollar, annually, on the one hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by ordinance or ordinances, not repugnant to the constitution of this state or the United States. They shall have power to appropriate money and provide for the payment of the debts and expenses of the corporation.

## POWER TO BORROW MONEY.

May borrow money.

§ 10. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the amount of the money borrowed and the indebtedness of the incorporation on account of money loaned shall not at any time exceed three per cent. on the assessed valuation of property in said town, and at a rate of interest not exceeding ten per cent., per annum.

## LIABILITY OF TRUSTEES.

Misappropriation of funds

§ 11. Any member of the board of trustees knowingly voting in favor of any misapplication or wrongful conversion of the funds or personal property of the town, shall be personally liable to the town in an action on the case, for the amount so misapplied or converted, and costs.

## HEALTH.

General health.

§ 12. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town, to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof by fines, penalties or imprisonment in the county jail of Champaign county, or by both such fine and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

## THE STREETS AND ALLEYS.

Improvement of streets, alleys and all public grounds.

§ 13. They shall have power, and it shall be their duty to cause all streets, alleys and public roads within said town

to be kept in good repair; and for that purpose they may require every male resident of said town, over the age of twenty-one years, and not exceeding fifty years, to labor thereon, not exceeding three days in each and every year or to pay, at the time of being notified to work, a sum not to exceed one dollar and fifty cents for every day's labor required of him; and if the money and labor performed and received be not sufficient for that purpose they shall appropriate so much from the general fund of the corporation as may be necessary therefor; and the inhabitants of said town shall be exempted from working on any road outside of the same.

§ 14. They shall have power to lay out, open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve, any street, avenue, lane, alley, public grounds and public roads within the limits of said town; and to establish, erect, construct, build and keep in-repair bridges, culverts, sewers, sidewalks, pavements and crossways, and to regulate the construction and use of the same, and to punish the abuse thereof; and to levy and collect, from time to time, a tax on the lot or lots in front of which such sidewalk or sidewalks, pavement or pavements shall be ordered and proposed to be made or repaired.

Alteration of streets.

## SLOUGHS.

§ 15. They shall have the power to drain, or cause to be drained, any slough or pond within the limits of said town, and to tax the land upon which such slough or pond is situated, to defray the expenses of such drainage.

Construction of private drains.

## WATER.

§ 16. They shall have power to provide the town with water; to sink and keep in repair public wells, and erect and keep in repair such public buildings as the necessities of the town may require; and to provide for the inspection and weighing of hay and stone coal and the measurement of wood, to be used in said town.

Provide water.

## SHOWS.

§ 17. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, houses of ill-fame, bawdy houses and other disorderly houses within said town and one mile from the limits of said town,

Auctioneers, peddlers, etc.

## SHOWS, ROUTS, OBSCENITY.

Shows and exhibitions.

§ 18. They shall have power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements of every kind in said town. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind within the limits of said town; to prohibit and impose penalties on the authors thereof, or of any indecent exposure of person or dumb beast to public view; or the public use of indecent or obscene language; or the exposure to public view of any indecent or obscene publication or pictures within said town.

## DOGS.

Running at large of dogs.

§ 19. They shall have the power to prevent the running at large of dogs and to provide for the destruction of the same when found running at large contrary to the provisions of any ordinance in such cases made and provided, or they may tax the owner residing within the corporate limits of said town, in any sum not exceeding five dollars for every dog owned or harbored by him in said town; to prevent the firing of squibs, guns, rockets or other fireworks or combustibles within said town.

## ANIMALS.

Incumbering streets.

§ 20. They shall have power to prevent the incumbering of any street, lane, avenue, road, alley or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules or other animals attached to vehicles or saddled and bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to

Running at large of animals

prevent horses, cattle, sheep, hogs or other animals from running at large in said town; and to provide for distraining and impounding any such animal or animals and the sale thereof to satisfy costs and charges and penalty or penalties incurred under any ordinance of said town; and upon sale of said animals, the proceeds shall, after deducting all costs, charges and penalties due said town, be paid into the town treasury and be there held subject to the call of the owner of said animals for the period of one year, but if not reclaimed during said period, said money shall be deemed forfeited to the use of the town; to prevent racing in said town with horses or other animals; to prevent any immoderate riding or driving of horses or other

animals within said town; and also to prohibit and punish the abuse of any and all animals within said town.

## LIQUORS.

§ 21. The said president and trustees of the town of Rantoul shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any manner trafficking in, any spirituous, vinous, and malt liquors within the limits of said town; and may, by ordinance declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any spirituous, vinous or malt liquor within the corporate limits of said town, and the place or places where the same is carried on or either of them, a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section twelve of this act, in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same in good faith for purely medicinal, mechanical or sacramental purposes, and not for any other purposes: *Provided*, that they shall not impose any fine by authority of this section of more than one hundred dollars for any one offense or any penalty in the county jail more than thirty days for any one offense. Sale of liquors.

## VAGRANTS.

§ 22. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and to provide for the arrest and punishment, by fine or imprisonment, of any person or persons found intoxicated in any street, alley, lane or other public place in said town. Vagrants, etc.

## DISTILLERIES.

§ 23. They shall have power to direct the location and regulate the construction and management of blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the construction and management of, or restrain, abate and prohibit, within the said town, and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal and such other substances as may be rendered or tried, and other establishments or places where nauseous, offensive or unwholesome business may be carried on. Breweries, tanneries, etc.

## FIRES.

Prevention and  
extinguishment  
of fires

§ 24. They shall have power to make regulations for the prevention and extinguishment of fires, and shall have the charge and control of the same. They shall also have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

## BOUNDARIES.

May enlarge  
boundaries of  
the town.

§ 25. They shall have power to enlarge the boundaries of said town by ordinance: *Provided*, they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town, and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at said election to make such enlargement.

## ORDINANCES.

Make and pass  
ordinances.

§ 26. They shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state or the United States, and to cause the same to be executed: *Provided*, that it shall require a two-thirds vote of all the trustees of said town to repeal any ordinance which may have become a law in said town. They shall also have power to impose fines and penalties for the breach of any law or ordinance of said town or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars, nor shall they impose imprisonment in the county jail for any one offense of more than six months.

## POWERS AND DUTIES OF THE PRESIDENT.

Presiding officer  
of council.

§ 27. The president shall preside at all meetings of the board, when present, and in case of his absence from any meeting the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town; he shall inspect the official conduct of all subordinate officers, and



cause negligence or willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of the said town to aid in enforcing the laws and ordinances of said town; and any and every such person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars nor more than twenty-five dollars; he shall have power, whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers, and shall have power, and it shall be his duty, to do all other acts and things that may be required of him by the laws and ordinances of said town.

Inhabitants to aid in enforcing the laws.

## MAGISTRATES AND CONSTABLES.

§ 28. At the first election under this act for trustees of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Champaign, and he shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace; he shall hold his office for the term of four years, and until his successor shall be elected and qualified; he shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Champaign might have and exercise in similar cases.

Election of police magistrate.

§ 29. Said police magistrate shall be a conservator of the peace for said town of Rantoul, and shall have exclusive original jurisdiction, except as hereinafter provided, in all cases arising out of or under the laws and ordinances of said town or this act, and shall in all cases possess and may exercise all the rights, powers and authority now conferred upon police magistrates by the laws of this state. Whenever after the passage of this act there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Jurisdiction of police magistrate.

§ 30. He shall in all cases be entitled to the same fees and emoluments that are by laws of this state allowed to other justices of the peace for similar services. In case of the absence of said police magistrate, or his inability, any justice of said county of Champaign, having an office in said town, shall have the same jurisdiction, powers and authority, under the laws and ordinances of said town, as the said police magistrate possesses in like cases. The rule of practice and proceedings in all cases arising out of the laws and ordinances of said town shall conform to the practice and proceedings before other justices of the peace,

Fees of office.

except where such rule and proceedings shall be changed or modified by the laws, ordinances or charter of said town; in which case the rule of practice or proceedings shall conform to the rule presented by such laws, ordinances or charter.

## CHANGE OF VENUE.

Appeals allowed  
Change venue.

§ 31. In all cases arising under any ordinance of said town, or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of said county of Champaign, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town or under this act, if either party wishes to appeal he or they shall give notice, in writing, thereof, to the justice of the peace before whom the case was tried, on the day of the trial thereof, and shall file the necessary appeal bond, with such justice of the peace within five days from the day of such trial.

## TOWN CONSTABLE.

Duties and fees  
of constable.

§ 32. The town constable of said town shall qualify in such manner as the board of trustees may by ordinance prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town or any justice of the peace of said county of Champaign; he shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to like fees for his services, and shall in all cases of nonfeasance, misfeasance or malfeasance in office be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

## POWERS.

Arrest, with  
or without pro-  
cess.

§ 33. In all cases arising under the laws or ordinances of said town, any constable of the county of Champaign shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind within said town, it shall be his duty to make immediate arrest of such person or persons on view, without warrant; and in all such cases any constable of the county of Champaign shall have the same power of arresting with-

out warrant, as the said town constable in such cases would possess; and in all such cases of arrest without warrant the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

## MISCELLANEOUS PROVISIONS—FEES.

§ 34. The board of trustees shall prescribe, by ordinance, the compensation to be received by all officers of said town whose compensation is not provided for in this act. Compensation of officers.

## TAXES.

§ 35. Until the board of trustees of said town of Rantoul shall provide, by ordinance, for enforcing the collection of taxes due said town the same shall be collected in the manner provided by the general laws of the state for the collection of corporation taxes in towns and cities. Enforce payment of taxes.

## PROSECUTIONS.

§ 36. All prosecutions under the laws and ordinances of the town of Rantoul, for assault, assault and batteries, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and in cases in which the penalty, by the laws or ordinances of said town, is imprisonment in the county jail of said county of Champaign, shall be, except cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceedings shall be the same as prescribed in such cases for justices' courts by the laws of this state, except when the laws and ordinances shall prescribe new or different rules of practice or proceeding, in which case the rules of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town. Actions commenced by complaint.

## FORM OF ACTION.

All writs issued  
to be in form of  
debt.

§ 37. In all other cases for violating the laws or ordinances of said town, the penalty or penalties therefor shall be recovered by action of debt, in the name of "the town of Rantoul;" and in all such actions of debt the first process shall be summons, to be issued, served and returned as other summonses in action of debt issued by justices of the peace of said county of Champaign, unless some competent person shall, before the commencement of any such action of debt, file with the police magistrate or justice of the peace before whom such suit is about to be commenced, an affidavit, accusing the person or persons about to be sued with some one or more violations of the laws and ordinances of said town, specifying such offense or offenses and stating that he verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial there is danger that the penalty or penalties in such cases will be lost, and specifying the facts on which such belief is founded; in which case, if the said police magistrate or justice of the peace shall be of the opinion that the affidavit discloses a case of a strong presumption of fraud on the part of the accused, he may issue a warrant against the person or persons accused, causing him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him he shall proceed at once to the trial of such suit, which shall be by action of debt for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid; and if the defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, judgment shall be entered for the amount of fine assessed and the cost of suit, as in other cases.

## FINES.

Action to re-  
cover fines.

§ 38. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover, for any number of offenses of the same nature: *Provided*, that the amount recovered shall not in any case exceed one hundred dollars; all fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons recovering or collecting same, be paid into the treasury of said town.

## SECURITY FOR COSTS.

Not to file security for cost.

§ 39. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before or during

the pendency thereof, be compelled to give any security therein for costs. The president, trustees or other officers of said town shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town.

## EXECUTION.

§ 40. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and costs of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon that he cannot find sufficient property of the defendant or defendants not exempt from execution to satisfy such execution, or if the defendant or defendants are transitory, then the police magistrate or justice of the peace shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall immediately convey him, her or them to [the town lockup or] the jail of the county of Champaign, there to remain forty-eight hours, if the fine and costs amount to five dollars, and twenty-four hours for every additional two dollars: *Provided, however*, if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs, to be certified to the clerk of the said county of Champaign, to have the same levied upon real property, and shall signify the same to such police magistrate or justice of the peace, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of the filing of such transcript, the same force and effect as judgment rendered in the circuit court of said county in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act, or any law or ordinance of said town, as hereinafter provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the police magistrate or justice of the peace shall, if he approve of such appeal bond, order the return of any property that may have been taken under execution, to satisfy such judgment.

Execution to  
issue on rendition  
of judgment

## OPENING STREETS.

§ 41. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the

Private prop-  
erty taken for  
opening streets.

Estimate value  
of land taken.

owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking private property for public use; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall first be sworn to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking, and the proposed use of such property, they shall, within ten days, make out their verdict in writing, signed by each of said jurors, to the police magistrate of said town, assessing to such owner or owners such damages as they think just. The police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their attorney, and owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may, at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict, and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Champaign. When any verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate, and entered on his docket, unless set aside or appealed from, it shall be a judgment against the town of Rantoul, in favor of such owner included therein, for the amount of damages thereby assessed to him; and in case the sum assessed to the owner exceed one hundred dollars, the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Champaign county, a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court, in the same manner as other transcripts from justices' dockets, and shall, from the time of such filing, have the force and effect, in favor of such person or persons entitled to such damages, as a judgment obtained in said circuit court.

FORMER ORDINANCES.

Ordinances to  
be in force until  
repealed.

§ 42. All ordinances or resolutions heretofore passed by the president and trustees of said town of Rantoul, which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the presi-

dent and trustees of said town, or which may accrue to them prior to the taking effect of this act, shall be vested in and prosecuted and recovered by the corporation hereby created.

## PROPERTY.

§ 43. All property belonging to the president and trustees of the town of Rantoul, for the use of the inhabitants of said town, shall, upon the taking effect of this act, be vested in the corporation hereby created, and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which may have accrued to them prior to the passage of this act.

All property  
vested in corpo-  
ration.

## VERDICT.

§ 44. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town, or any justice of the peace of the county of Champaign, the court shall, for good cause shown, have power to set aside the verdict of the jury and grant a new trial of the case: *Provided*, the application for setting aside the verdict shall be made when such verdict is returned into court.

Powers of the  
police magis-  
trate.

## RECORD.

§ 45. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose, and such book, purporting to be the record book of the corporation of the town of Rantoul, shall be received in all courts without further proof as evidence of the matters therein contained, and all ordinances, acts, resolutions, by-laws, and other things pertaining to and concerning the present corporation of the town of Rantoul, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and shall be signed thereon by the president and clerk of the board of trustees with their own proper signatures; and said

Record of pro-  
ceedings.

clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall also note the date of the adoption and of the publication, and the time of taking effect thereof.

## TOWN ATTORNEY.

Appointment of attorney. § 46. The board of trustees shall have power to appoint an attorney to attend to all writs for the breach of ordinances and other interests of the corporation, and shall have power to provide for the taxation of his fees in each suit, not to exceed five dollars, and for the recovery of the same with other costs of suit.

Evidence of act. § 47. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in the state of Illinois, without proof.

§ 48. This act shall take effect and be in force from and after its passage.

APPROVED March 30, 1869.

In force when adopted by legal voters.

AN ACT to incorporate the town of Richmond.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Richmond, in the county of McHenry, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Richmond;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.*

Boundaries of the corporation.

§ 2. The boundaries of said town shall be as follows: Commencing at the north-west corner of section number nine, (9); then east, to the north-east corner of the west half of the north-west quarter of section number ten, (10); then south, across sections number ten (10) and fifteen, (15), to the south-east corner of the west half of the north-west quarter of section number fifteen, (15); then west, to the west line of section sixteen, (16); then north, on section lines, to place of beginning—including all of section number (9), the west half of the north-west quarter, and west half of the south-west quarter, of section number ten, (10), the west half of the north-west quarter of section number (15), and the north half of section number sixteen, (16), all in township number forty-six, (46), range number eight (8) east of the third (3) principal meridian.

General corporate powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to



plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, real, beyond the limits of said town, for burial grounds, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of the said town, and to do all other things in relation thereto as natural persons.

## ARTICLE II.

### OF THE TOWN COUNCIL.

SECTION 1. There shall be a town council, to consist of a president and four trustees, to be chosen annually by the qualified voters of said town. Council.

§ 2. No person shall be a member of the town council unless he shall be at the time of, and shall have been one year immediately preceding, his election, a resident of the town, and shall be at the time of his election twenty-one years of age. Eligibility of members.

§ 3. If any member of the town council shall, during the term of his office, remove from town, his office shall thereby be vacated. Office declared vacant.

§ 4. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections. They shall have power, by a vote of two-thirds of all the members of said council, to expel a member, and make such other rules and regulations for their government as to them may seem meet and proper. Qualifications and returns of members.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from time to time, and may compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum to do business.

§ 6. The town council shall keep a journal of its proceedings, which shall be subject to inspection. Journal of proceedings.

§ 7. All vacancies that shall occur in the town council shall be filled by appointment of the town council. Vacancies, how filled.

§ 8. Each member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office, to the best of his ability. Oath of office.

§ 9. The regular meetings of the town council shall occur once each month, at such time as the town council may appoint. Special meetings may be called by the president and two members of the town council. Stated meetings

## ARTICLE III.

Election of  
police magis-  
trate

SECTION 1. There shall be elected in the town of Richmond, by the qualified voters thereof, on the third Monday of March, A.D. 1869, and on the third Monday of March every four years thereafter, one police magistrate and one town constable, who shall hold their respective offices for four years, and until their successors shall be elected and qualified.

Qualification of  
officeholders.

§ 2. No person shall be eligible to the office of police magistrate or the office of town constable who shall not have been a resident of the town for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not be a citizen of the United States.

Election of  
constable.

§ 3. The election for police magistrate and town constable shall be conducted and the returns thereof made in the same manner as the elections and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same place and shall be conducted by the same judges of election for members of the town council.

Commission of  
police magis-  
trate.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes; to take depositions, to be read in evidence in any courts in the state of Illinois; to take acknowledgments of deeds, mortgages and other instruments of writing, and to certify the same as other justices of the peace; and he shall have exclusive original jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of the state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Jurisdiction of  
constable

§ 5. The town constable shall give bond and enter upon his office in the same manner as other constables, and shall have the same power to serve writs, and within the same jurisdiction, and shall be entitled to receive the same fees as other constables. He shall, besides, perform such other duties as the town council shall from time to time prescribe, for which he shall receive such compensation as the town council shall allow.

Malconduct in  
office.

§ 6. In case the police magistrate shall at any time be guilty of palpable omission of duty, or shall at any time willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of McHenry

county, and, on conviction, shall be fined in any sum not exceeding five hundred dollars, and be removed from office.

#### ARTICLE IV.

##### OF ELECTIONS.

SECTION 1. The first election under this act shall be held on the third Monday of March, A.D. 1869, in said town, for the president and four (4) members of the town council; and forever thereafter, on the third Monday in March of each year, there shall be an election held for said officers.

Annual election of council.

§ 2. The first election shall be held in the basement of the Methodist church in said town of Richmond, and John Sibley, S. P. Patter and William H. Purdy shall be judges of said election, and sworn, by some officer of the state authorized to administer oaths, faithfully and impartially to perform the duties of judges and clerks of such election. Ten days' previous notice of said first election shall be given, by at least one or more of the electors in said town posting up written or printed notices thereof in at least three public places in said town ten days before said election, stating the object and time and place of holding said election; and at all subsequent elections the board of trustees shall give such notice, and shall constitute the board of elections in said town of Richmond.

Election, time and place of.

§ 3. For the election of corporation officers, the town of Richmond, as herein described, is hereby declared an election precinct. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town for sixty days next preceding any election for said town officers, shall be entitled to vote at such election.

Territory declared an election district.

§ 4. No member of the town council shall, during the term of his office, be appointed to any office under the authority of the council.

#### ARTICLE V.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, in said town, (except land used and cultivated for farm and agricultural purposes within the corporate limits, which land shall be exempt from corporation tax,) which is now or hereafter may be subject to taxation for state or county purposes, not exceeding one per centum upon the assessed value thereof; which said taxes shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of corporate taxes.

Not to hold other offices.

§ 2. The town council shall have power to appoint a clerk, treasurer and street commissioner, and all such other

Appointment of officers.

officers as may be necessary, and prescribe their duties, and require of all officers appointed in pursuance of this charter, bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient; also, to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective office, before entering upon the discharge of the same.

General health.

§ 3. To make regulations to secure the general health of of the inhabitants of the town; to prevent the introduction and spread of contagious diseases, and determine what shall be a nuisance, and provide for the punishment, removal and abatement of the same within one mile each way of the corporate limits of said town.

Provide for extinguishment of fires.

§ 4. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Repair streets.

§ 5. To open, alter and abolish, extend, grade, pave or otherwise improve and keep in repair the streets and alleys of said town, and to erect and keep in repair bridges within the limits of the town.

Needful buildings.

§ 6. To provide for the erection of all needful buildings for the use of said town; and to provide for the inclosing, laying off, improving and regulating all the public grounds, squares and burying grounds belonging to the town.

Running at large of horses and cattle.

§ 7. To prevent the running at large of mischievous or diseased animals, and to prevent the indecent exposure of horses and other animals, and to impose penalties upon the owner or owners of such animals, for the violation of any ordinance in relation thereto.

§ 8. To regulate or prohibit the running at large of horses, mules, cattle, sheep, swine, goats or dogs within the limits of the town, and to provide for the destruction of dogs when running at large contrary to ordinance.

Combustibles.

§ 9. To regulate the storage and sale of tar, pitch, gun-powder and other combustible materials, and to prevent the firing of guns and other fire-works or combustibles, within the limits of said town.

Prohibit sale of liquors.

§ 10. To license and regulate, or suppress and prohibit, the selling, bartering, exchanging, traffic and giving away of any wine, beer, rum, gin, brandy, whisky, or other intoxicating liquors; but no license for any purpose shall be granted to extend beyond the period when the successors of the members of the town council granting the same shall be elected and qualified,

Sidewalks.

§ 11. To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts. Whenever the town

council shall desire to collect such tax, a resolution that such tax shall be levied and collected shall be entered upon the records of the town council, together with the number of lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court of McHenry county. Such tax shall then be collected in a manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporate taxes.

§ 12. The town council, for the purpose of keeping the streets, alleys, lanes, avenues and highways within the corporate limits in repair, shall have power to require every able-bodied male inhabitant of said town, over the age of twenty-one years and under fifty, to labor on such streets, lanes, alleys, avenues and highways, not more than three days in each year; and every person refusing or failing to perform such road or street labor, after being notified as provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected or refused. Labor on the streets and alleys.

§ 13. To license, tax and regulate auctioneers, peddlers, shows, amusements and billiard tables. Auctioneers, peddlers, etc.

§ 14. To prohibit, suppress or restrain tippling houses, dram shops, billiard halls, gaming houses, bawdy houses and other disorderly houses, and lotteries. Suppress; disorderly houses.

§ 15. To prohibit, prevent and suppress horse-racing, immoderate driving or riding in the streets, and to prohibit and punish the abuse of animals. Fast driving.

§ 16. To prevent and suppress riots, routs, affrays, noises, disturbances or disorderly assemblies in any public or private place within the corporate limits, and to restrain and punish vagrants, mendicants, beggars and prostitutes. Disorderly conduct.

§ 17. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties, and to provide for the punishment of offenders, by imprisonment in any secure place for a period not exceeding ninety days for any one offense, in all cases when such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recovered against them. Willful violations, how punished.

## ARTICLE VI.

### ORDINANCES, ETC.

SECTION 1. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into effect and executing the power specified in this act, so that such ordinances shall not be repugnant to the constitution of this state and of the United States. The Make and pass ordinances.

Style of ordi-  
nances. style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Richmond.*" All ordinances shall, within one month after they are passed, be published at least once in a newspaper published in said town, or, if no newspaper is printed in said town, by posting copies of said ordinances in three public places in said town; and the certificate of the publisher of said newspaper, or of the clerk of the town council, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Evidence of  
validity of ordi-  
nances. § 2. Ordinances may be proven by the certificate of the clerk of said town council, attested by the seal of said corporation; and when printed or published in book or pamphlet form, and purported to be printed or published by authority of the town council, such ordinances shall be received as evidence in all courts and places, without further proof.

Fines and pen-  
alties. § 3. All suits for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt, specifying under what particular ordinance the said action is brought, before the police magistrate of the town, except when any person shall make oath or affirmation that any ordinance has been violated, when it shall be the duty of the police magistrate to issue a warrant for the apprehension of any such offender or offenders. Changes of venue, appeals and writs of *certiorari* shall be allowed in all cases, by making such affidavits and complying with such requirements as are prescribed in like cases before justices of the peace: *Provided*, that said corporation shall be allowed to appeal in any cause in which they are parties, by causing their clerk to execute a bond, in the name of said town of Richmond, in the form now prescribed by law in other cases, without other security; and an order entered on the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bond.

Right of trial  
by jury. § 4. The right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act, or any ordinance. Persons charged with any offense shall be entitled to a peremptory challenge of four jurors, and no more, and the compensation of two jurors, and no more, in all cases arising under this act or any ordinance.

Moneys paid  
into treasury. § 5. All moneys arising from taxes, fines, licenses, or from any other source whatsoever, under or by virtue of this act or any ordinance, shall go to the treasury of said town, and be subject exclusively to the control and benefit of said corporation.

Suits instituted. § 6. All suits, actions and prosecutions instituted and commenced by the corporation hereby created shall be insti-

tuted, commenced or prosecuted in the name of the town of Richmond.

§ 7. All actions commenced against this corporation shall be commenced against them by the name and style of the town of Richmond; and service of process, to be legal, must be had by copy upon the president of said town council, or, in any case of his absence, upon the clerk thereof.

All actions and suits vested in corporation.

#### ARTICLE VII.

SECTION 1. The town council shall receive no compensation for their services, except they shall be exempt from road labor during the time they are in office.

No compensation.

§ 2. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting. After any ordinance shall have been passed by a majority of the town council, it shall then be submitted to the president for his approval or rejection. If the president approve the same, he shall signify such approval by writing upon the said ordinance the word "Approved," and signing his name thereto, and return the same to the town council, or to its clerk, without unnecessary delay, when the same shall be published as heretofore provided. If the president rejects any ordinance, he shall return it to the town council, within one month after he shall have received the same, with his objections thereto. If, after the president shall have rejected any ordinance, as aforesaid, it shall again be submitted to the town council for its adoption or rejection, and if, upon such submission, it shall receive a vote of two-thirds of the members of the town council, it shall then become a law of said corporation, after due publication, notwithstanding the rejection or disapproval of said president. If the president shall not, within said thirty days, return to the town council, or its clerk, any ordinance rejected by him, the same shall be deemed to have been approved by him, and, after publication, as herein provided, shall be deemed a valid and legal ordinance, binding upon and in the said corporation.

Presiding officer of council.

§ 3. The president is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay, for the use of said town, any sum not exceeding ten dollars, to be recovered in the same manner as other penalties under this act.

Citizens to aid in enforcing the laws.

§ 4. The president shall have power, whenever he may deem it necessary, to require of any officers of said town an exhibit of his books and papers, and shall have power to

Exhibit of accounts.

do all other acts required of him by any ordinance made in pursuance of this act.

### ARTICLE VIII.

#### OF PROCEEDINGS IN SPECIAL CASES.

Private property taken for public use. SECTION 1. Whenever it shall be necessary to take private property for opening or altering any public street, avenue or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

Petitions for opening streets. § 2. Whenever all the owners of property on a street, alley or avenue proposed to be altered or opened shall petition therefor, the town council shall provide for the opening or altering of the same; but no compensation shall be allowed to such owners for their property taken.

Damages and benefits. § 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owner or owners of property proposed to be taken for opening or altering any street, alley or avenue, shall first be sworn to that effect, and shall return to the police magistrate their inquest, signed by each juror: *Provided, always*, in the assessment of such damages the jury shall take into consideration the benefits as well as injury happening to the owner of property proposed to be taken for opening or altering a street, alley or avenue, by such opening or altering.

New inquest. § 4. The police magistrate shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set aside the same, and cause a new inquest to be made.

### ARTICLE IX.

#### MISCELLANEOUS PROVISIONS.

Office vacated. SECTION 1. Whenever the police magistrate or town constable shall remove from town, resign or die, or his office shall otherwise be vacated, the town council shall immediately provide for filling such vacancy by an election; and whenever the office of police justice shall be vacant, actions under this act, or any ordinance in pursuance thereof, may be brought and commenced before any justice of the peace of the town of Richmond, in McHenry county, until such vacancy shall be filled.

Evidence of act. § 2. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity,



without proof, and shall be in force from and after its passage.

§ 3. At the first election provided for in article (IV) of this act, the legal voters of said election precinct, having the qualifications prescribed in such act, shall vote for and against this act of incorporation, with written or printed ballots, or both, on which shall be written or printed, "For incorporation," or "Against incorporation;" which votes shall be canvassed by said board of election, at the same time and place, and in the same manner, and by or according to the same rules, as are provided for in canvassing the votes for said officers; and if it shall appear that a majority of all the votes cast at said election shall be "For incorporation," then this act shall take effect and be in full force, and the officers elected at said election shall be authorized to act as fully and completely as if the question of ratifying this act had not been submitted to a vote of the people, as aforesaid; but if it shall appear that a majority of said votes shall be "Against incorporation," then this act shall be of no force or effect. The notice for said first election shall state the further fact that the voters will vote for or against incorporation. And no new registry of voters shall be required for voting upon said question of adopting this act, nor for the first election of officers, provided for in article four (IV) of this act.

APPROVED March 4, 1869.

Question submitted to legal voters.

AN ACT to incorporate the town of Secor, in the county Woodford. In force April 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Secor, in the county of Woodford, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Secor;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style.

§ 2. The boundaries of said town shall be as follows, to-wit: The north half of the southwest quarter, and the south half of the northwest quarter, all in section five (5), township twenty-six (26) north, of range one (1) east of the third principal meridian, in Woodford county, Illinois, and including all the section of country within the before described limits, whether laid out in town lots or otherwise;

Boundaries of town.

and the full jurisdiction, power and authority of said town shall be extended over and embrace the above described district, being one-half mile square. Whenever any tract of land adjoining the town of Secor shall be laid out in town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Secor; and the full jurisdiction, power and authority of said town shall be extended one mile square in relation to and control and declare anything a public nuisance and remove the same.

General corporate powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Government vested in board of trustees.

§ 4. The corporate powers and duties of said town shall be vested in five (5) trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their office under and by virtue of a previous charter, enacted by the general assembly in the year 1867, shall be deemed to hold their offices under and by virtue of this act until the first Monday in May, in the year of our Lord one thousand eight hundred and sixty-nine, and until their successors are elected and qualified.

Election of trustees.

§ 5. On the first Monday in May, in the year of our Lord one thousand eight hundred and sixty-nine, and ever afterwards on the first Monday in May, in each and every year, an election shall be held in said town of Secor, for the election of five (5) trustees of said town. The persons so elected shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided in said town six months next preceding their election, and shall hold their office for the term of one year, and until their successors are elected and qualified, unless sooner removed by death, resignation, or otherwise, as provided by this act or the ordinances of said town.

Notice of election.

§ 6. The incumbent board of trustees shall give ten days' notice previous of [to] any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some

newspaper published therein. Said notices shall specify the time and place of holding such elections, the hour of the day at which the polls shall be opened, the hour at which they shall be closed. All such elections shall be by ballot, and all persons who, by the laws of this state, are entitled to vote for state and county officers and who shall have been actual residents of said town thirty days next preceding such election, shall be entitled to vote thereat. And said board shall be the sole judges of the election and qualifications of its own members.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state and that they will, to the best of their abilities, faithfully discharge the duties of their offices. They shall hold at least one regular meeting every month, and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees 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 may be by ordinance provided. Said board may make such rules and regulations, as they may think proper; they shall have power to fill all vacancies, by appointment, in the board of trustees, occasioned by death, resignation, removal or continued absence from their regular meetings for the term of two months, or otherwise. And they shall, also, have power to remove from office, by a vote of three-fifths of all their members, any subordinate officer of said town, who holds his office by appointment of the board of trustees of said town. Oath of office.

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, town or corporation attorney, one or more town constables, treasurer, assessor, collector, and one or more street commissioners, and such other officers, as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, whose term of office shall be for one year, and to require them, before entering upon the duties of their respective offices, to give such bonds and security as may be necessary to insure the faithful performance of their duties. They shall, also, require all persons appointed to office by them, before entering upon the duties of their respective offices, to take and subscribe to an oath to support the constitution of the United States and of this state, and that [they] will faithfully, and to the best of their ability, discharge the duties of their offices. Appointment of officers.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all the property, real and personal, within said town, which is subject to taxation for state and county purposes, not to exceed fifty cents, annually, on the one hundred dollars of the assessed valuation thereof; and Levy and collect taxes.

they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States; they shall, also, have power to appropriate money to provide for the payment of the debts and expenses of the incorporation.

General health.

§ 10. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the same, and to provide for the punishment of the authors of the same by fines, penalties or imprisonment in the town or county jail of Woodford county, or by both such fines and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances, and to remove the same one mile beyond the corporate limits of said town.

Inhabitants to labor on streets.

§ 11. They shall have power, and it shall be their duty, to cause all streets, alleys and public roads within said town to be kept in good repair, and, for that purpose, they may require every male resident of said town, over the age of twenty-one years and under the age of fifty years, to labor thereon not exceeding three days in each and every year or pay, at the time of being notified to work, the sum of two dollars for every day's labor required of him; and if the money and labor performed and received be insufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor. And the inhabitants of said town shall be exempt from working on any roads outside of the same. They shall have power, and it is hereby made their duty, to prevent the obstruction of the streets, avenues, lanes and alleys of said town, and, to that end, may regulate the speed of railway trains and cars within the corporate limits of said town; to prohibit the cars or trains from standing upon the crossing within said town, and impose adequate fines and penalties therefor.

Improvement of streets, lanes and highways.

§ 12. They shall have power to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley, public grounds and public roads within the limits of said town, and to establish, erect, construct, build and keep in repair, bridges, culverts, sewers, sidewalks, pavements, and causeways, and to regulate the construction and use of the same, and to punish the abuse thereof; and in all cases of building sidewalks, bridges, culverts, pavements and causeways and repairing the same, it shall be lawful for the said president and trustees to take into account the benefit and advantages, if any, to the lots, real estate and property in front of which such sidewalks, bridges, culverts, sewers, pavements and causeway are to be built or repaired; and the said president and trus-

tees shall appoint two of their members of said board, together with the street commissioners of said town, commissioners of assessments, who shall make a view of the lots, real estate and property in front of which such improvements or repairs are proposed to be made, and who, after such personal view, shall report to the said board the amount, if any, of benefit or advantage to accrue or likely to accrue to said lots, real estate and property from such improvements or repairs; and upon such report being made to said board, by said commissioners of assessment, the said president and trustees shall give personal notice to the owners of such lots, real estate and property of residents of the town and known to said board, and if non-residents of the town and unknown to said board, then by publication in some newspaper published in said town of Secor, if one be published therein, if not, by posting notices in three (?) public places in said town, for at least ten (10) days, that at the time and place to be mentioned in said notice, the question of assessment of benefits and advantages to said lots, real estate and property, describing the same, will be considered by said board. At the time and place so mentioned, the said board shall, after hearing such statements in respect thereto as parties interested therein may make, settle and determine the respective amounts of benefit and advantage accruing to such lots, real estate and property, by reason of said proposed improvements or repairs; and such settlement and determination shall be final. The clerk of said board shall make a full report of said assessment and determination of amount [of] benefits and advantages, describing said lots, real estate and property, and the amounts and benefits thereto respectively, and shall certify a correct copy of such record to the clerk of the county court of said county of Woodford, and file the same in the office of said county clerk, which such respective amounts shall be by him entered on the tax book of said town against said lots, real estate and property, respectively, and collected together with and in the same manner as town, county and state taxes, as now or shall be by law collected; and such taxes shall be valid against said lots, real estate and property. The rest and residue of the expenses of such improvements and repairs shall be collected by a general tax against the property of said town of Secor; but this section shall not be so construed as to deny the power of said town to levy taxes for such improvements and repairs in any other manner, not inconsistent with the constitution of this state or the United States. *And it is further provided*, that the regularity of said proceedings of the said president and trustees, as to said benefit tax, shall be presumed and held, *prima facie*, valid and regular, and any tax title accrued thereon shall not be assailed or questioned until the claimant shall first pay to the proper party or into court the

amount required by law to redeem the property involved, together with all costs.

Provide water.

§ 13. They shall have power to provide the town with water; to sink and keep in repair public wells and cisterns; and to erect and keep in repair such public buildings as the necessity of the town may require; and to provide for the inspection and weighing of hay, stone-coal, grain and produce, and the measurement of wood and fuel, to be used in said town.

Auctioneers,  
brokers, etc.

§ 14. They shall have power to license, tax and regulate auctioneers, eating houses, hawkers, peddlers; and to regulate the fixing of chimneys and flues thereof; also, to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices; to suppress and prohibit gambling houses, bawdy houses, houses of ill-fame, and all other disorderly houses in said town and one mile from the limits of said town.

Exhibitions.

§ 15. They shall have power to license, tax and regulate or suppress and prohibit all exhibitions of common showmen, circuses and exhibitions and amusements of every kind, unless gotten up in said town by the citizens thereof. They shall also have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, riot, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town; to prohibit and impose penalties on the authors thereof, and any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town.

Dogs at large.

§ 16. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found running at large contrary to the provision of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fireworks or combustibles in said town.

Inumbering  
of streets, lanes  
and alleys.

§ 17. They shall have power to prevent the inumbering of any street, lane, avenue, alley, road or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, hogs, sheep or other animals from running at large within said town, and to provide for distraining and impounding any such animal or animals and the sale thereof, to satisfy costs and charges, any penalty or penalties incurred under any ordinance of said town; to prevent racing within said town, with horses or other animals; to prevent any immoderate riding or driving of horses or

other animals within said town; also to prohibit and punish the abuse of all animals within said town, and to provide, by ordinance, for the punishment of the violation of this section.

§ 18. The said president and trustees of the said town of Secor shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away or in any [manner] trafficking in any wine, rum, gin, brandy, whisky, ale or beer or other vinous, spirituous, malt or mixed liquors, within one mile of the limits of said town, and may, by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any such wine, rum, gin, brandy, whisky, ale or beer or other vinous, spirituous, malt or mixed liquors within one mile of the corporate limits of said town, and the place or places where the same is carried on, or either of them, a nuisance, and shall have and exercise the same authority to provide for the prohibition or prevention, removal or abatement of any such nuisance, and for the punishment of the authors thereof, as they have and may exercise by virtue of section ten (10) of this act, in the case of other nuisances: *Provided*, they shall allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes: *Provided, further*, that the same shall not impose any fine by virtue of this section of more than fifty (50) dollars for one offense, or any penalty of imprisonment in the jail of the town or county of more than thirty (30) days for any one offense: *Provided, further*, that the president and trustees of said town shall have power to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees and charges to be charged therefor; but no license shall be granted for more than one year; and no license for the sale of wine, rum, gin, brandy, whisky, ale or beer, or other vinous, spirituous, malt or mixed liquors, at wholesale or retail, by grocery keepers, inn keepers or others, shall be for less than one hundred dollars. License granted under this section shall protect the person or persons to whom granted from prosecution under the state law as well as under ordinances of said town, and no such license shall be assignable. Persons selling as agents or servants shall be equally liable with the principal or master. All moneys arising from said licenses shall be paid into the treasury of said town of Secor.

§ 19. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley or other public place in said town.

§ 20. They shall have power to direct the location and regulate the construction and management of tanneries, Construction of objectionable buildings.

blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the construction and management of or to restrain, abate and prohibit, within said town and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for the rendering of lard, tallow, offal, and such other substances as may be rendered or tried, and other establishments or places where such nauseous, offensive or unwholesome business may be carried on.

Extinguishment  
of fires.

§ 21. They shall have power to make such regulations for the prevention and extinguishment of fires as they may think expedient, and, for that purpose, they shall have power to procure fire engines and such other apparatus as are usually employed for the extinguishment of fires, and shall have charge of the same. They shall, also, have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

Power to make  
all ordinances.

§ 22. They shall have power to make all ordinances which may be necessary and proper for the carrying into effect the powers and authority conferred on them by the provisions of this act or which may be necessary for the better regulation of the internal police of said town, not inconsistent with [the] constitution of this state or of the United States, and to cause the same to be executed; they shall also have power to impose fines and penalties for the breach of any law or ordinance of said town of Secor or of any provisions of this act, and to provide for the enforcement and recovery of any such fines and penalties: *Provided*, that in no case shall any fine for any offense exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment in the jail of the town or county for any one offense of more than six (6) months.

Presiding officer

§ 23. The president shall preside at all meetings of the board, when present; and in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call a special meeting of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such calls shall forfeit and pay to said town the sum of not less than five (5) dollars. He shall have power, whenever he shall deem it necessary, to require of any officer of said town a written exhibit of his books



and papers, and shall have power, and it shall be his duty, to do all other acts and things that may be required by the laws and ordinances of said town.

§ 24. At the annual election of trustees in May, 1869, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Woodford. He shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four (4) years, and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace in the county of Woodford might have and exercise in similar cases.

Election of police magistrate.

§ 25. Said police magistrate shall be conservator of the peace for the said town of Secor, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws and ordinances of said town or this act, and shall in such cases possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, A. D. 1864. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty (20) days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Jurisdiction of.

§ 26. He shall in all cases be entitled to the same fees and emoluments that are by law allowed to other justices of the peace for similar services. In case of [the] absence of said police magistrate or his inability to [act], any other justice [of the peace] of said county of Woodford, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the police magistrates possess in like cases. The rules of practice and proceedings in all cases arising out of the laws or ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except in cases where rules of practice and proceedings shall be prescribed and established by the laws, ordinances and charter of said town; in which case the rules of practice and proceedings shall conform to the rules prescribed by such laws, ordinances or charter, and said ordinances may provide for the forthwith arrest and trial of offenders against the ordinances of said town.

Fees of office.

Appeals allowed § 27. In all cases arising under any ordinance of said town or under this act, changes of venue may be taken, as in cases from one justice of the peace to another are now granted; and appeals to the circuit court of said county of Woodford shall be allowed to any defendant or defendants: *Provided*, notice thereof, in writing, be filed with the said police magistrate or justice of the peace before whom the case was tried on the day of the trial thereof: *And provided, further*, that said defendant or defendants shall file good and sufficient appeal bond with said police magistrate or justice or the clerk of the circuit court, to be approved by the said magistrate or justice or clerk, within five (5) days from the day of trial. The president and trustees shall not be required to file said notice in writing of said appeal, and shall not be required to file an appeal bond; but said notice, in writing, signed by said president and trustees, or the corporation attorney, and filed with said police magistrate or justice of the peace, shall perfect the appeal on the part of the president and trustees; and it shall be the duty of the said police magistrate or justice of the peace to certify his transcript and papers as in other cases of appeal.

Jurisdiction of town constable.

§ 28. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe; and shall have power and authority to execute all warrants and other processes issued by the police magistrate of said town or any other justice of the peace of said county of Woodford. They shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of Illinois, and shall be entitled to like fees for services, and shall, in all cases of nonfeasance and misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Jurisdiction of county constable.

§ 29. In all cases arising under the laws and ordinances of said town or this act, any constable of the county of Woodford shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the town constable would possess. This act does not authorize town constables to appoint deputies. Whenever any town or other constable shall see any person engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblage of any kind within said town, it shall be his duty to make immediate arrest of such person or persons, on view, without warrant; and in all such cases, any constable in the county of Woodford shall have the same power of arresting, without warrant, as the said town constable in such cases would possess; and in all such cases in

arrest, without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or, in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon hear the evidence against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

§ 30. Until the board of trustees of said town of Secor shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the same manner provided in the ninth (9th) section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Enforce collection of taxes.

§ 31. All prosecutions under the laws or ordinances of the town of Secor, [for] assaults, assault and battery, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and in case in which the penalty attached by the laws or ordinances of said town is imprisonment in the jail of the town or county, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner prescribed by the laws of the state for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceedings shall be the same as are prescribed in such cases for justices' courts by the laws of this state, except where the laws and ordinances of said town prescribe new or different rules of practice or proceeding, in which case the rules of practice and proceeding shall conform to the rules prescribed by the laws and ordinances of said town.

Actions commenced by complaint and warrant.

§ 32. In all other cases for violating the laws or ordinances of said town, the penalty or penalties therefor shall be recovered by an action of debt, in the name of the president and trustees of the town of Secor; and in all such actions of debt, the first process shall be by summons, to be issued, served and returned as other summonses in actions of debt are issued by justices of the peace of said county of Woodford, unless some competent person shall, before the commencement of such suit, file with the justice of the peace before whom the suit is about to be commenced an affidavit, accusing the person about to be sued with some one or more violations, of the same nature, of the

Recovered by action of debt.

laws and ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial, there is danger that the penalty or penalties in [such] case shall be lost, and specifying the facts on which such belief is founded; in which case, if the police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinion set forth in such affidavit is correct, he may issue a warrant against the person or persons so accused, [causing] him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him, he shall proceed at once to the trial of such suit, which shall be by action of debt, for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid; and if the defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, the police magistrate or justice of the peace before whom such suit is tried shall enter judgment thereon for the amount of the fines so assessed and the costs of suit, as in other cases.

Actions of debt  
for offenses.

§ 33. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town. The said town shall not be liable for costs, when the defendant or defendants are acquitted, in any case arising under the charter or the ordinances passed thereunder; and this provision shall apply to the circuit and supreme court, where said cases may be taken by appeal or otherwise. No prosecution or conviction for any offense under the laws of this state shall be a bar to prosecution or suit for fines, penalties or forfeitures for any breach of any ordinance of the said town of Secor, nor shall suits or prosecutions under any of the ordinances of said town or this act, for violation thereof, be a bar to suits brought by the people for violation of the state laws, but the remedies provided by the laws of the state and the said corporate authorities shall be cumulative.

Not required  
to file security  
for cost.

§ 34. The president and trustees of said town shall not, in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees, or any other officer in said town, shall be

a competent witness for either party in said suit for the violation of the laws or ordinances of said town.

§ 35. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or other justice of the peace rendering such judgment [shall] forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of the defendant or defendants, not exempt from execution by the laws of Illinois; but if the constable having such execution shall return thereon that he cannot find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, then the said police magistrate or justice shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall arrest such person or persons, and convey him, her or them to the jail of the town or county, there to remain forty-eight (48) hours; and if the said costs and fine exceed the sum of five (5) dollars, then to remain in jail twenty-four (24) hours for every two (2) dollars over and above the said five dollars: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs, to be certified to the clerk of said county of Woodford, to have the same levied on real property, and shall signify the same to such police magistrate or justice, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgments rendered in circuit courts in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act, or under any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such payment.

§ 36. Whenever it shall become necessary to take any private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking private property for any public use; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public

Execution may  
issue on ren-  
dition of judgment

Private prop-  
erty for public use

Benefits and  
damages.

purpose, shall first be sworn to that effect. They shall then proceed to examine the property in question, and after carefully examining both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking, and the proposed use of such property, they shall, within ten days, make out and return their verdict, in writing, signed by each of said jurors, to the police magistrate of said town, assigning to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their clerk and the owner of the property included in such verdict, to be notified of the contents of the same. When any such verdict, whether the amount thereof be in excess of the sum of one hundred dollars, or not, shall be filed with the police magistrate, and entered on his docket, unless appealed from, as herein provided, it shall be a judgment against the president and trustees of the said town of Secor, in favor of such owner included therein, for the amount of damages thereby assessed to him, and the same shall have all the force and effect in favor of the person or persons entitled to such damage as are other judgments obtained in justices' courts, and transcripts from said judgments shall be taken and filed with the clerk of the circuit court of the county of Woodford, in like manner and with like force and effect as other transcript judgments. If either party shall be dissatisfied with the verdict of inquest, they shall be allowed an appeal to the circuit court of the county of Woodford, by filing bond, as herein required, within twenty days from date of notification aforesaid. In case of appeal of any defendant or defendants, under this provision of this charter, the appeal bond shall be in double the amount of present and prospective costs and the reasonable attorney fees of said town, shall [be] conditioned as other appeal bonds are now conditioned by law, and in addition thereto shall be further conditioned to pay the reasonable attorney's fees of the attorney of said town, in case of the dismissal of the appeal or failure to prosecute the same with effect to recover as large a judgment above as that recovered below, before the police justice. And if further appeal shall be prayed from the circuit court of the county of Woodford to the supreme court, the appeal bond shall be like conditioned.

Former act  
valid.

§ 37. The incorporation of the said town of Secor, under a charter heretofore made, is hereby declared valid, and all ordinances enacted by the trustees thereof are declared to be in full force until repealed or amended by the president and trustees of said town, so far as the same are not inconsistent with the constitution of the United States or of this state or the laws thereof.

§ 38. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Secor, shall be vested in the town corporation hereby created, and all suits now pending shall be prosecuted in the name of the corporation, as commenced by the town corporation hereby created. All property belonging to the president and trustees of the town of Secor is hereby vested in the corporation hereby created.

Actions vested  
in corporation.

§ 39. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town or any justice of the peace of the county of Woodford, the court shall, for good cause shown, have power to set aside the verdict of jury and grant a new trial of the case: *Provided*, that the application for setting aside the verdict shall be made when such verdict is returned into court, but only one new trial shall be granted.

Verdict of jury  
set aside.

§ 40. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such by-laws and ordinances, in a book to be provided for that purpose; and such book, purporting to be the record book of the town of Secor, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Secor, shall be sufficiently proven in any court of law and equity in the state Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record books of said corporation; and all ordinances and by-laws, hereafter passed by the board of trustees, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed thereon by the president and clerk of the board of trustees, with their own proper signatures. And said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall also note the adoption and of the publication and of the time of taking effect thereof.

Record of pro-  
ceedings.

Publication of  
ordinances.

§ 41. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof

Evidence of act.

§ 42. This act shall take effect and be in force from and after its passage.

APPROVED April 9, 1869.

1. **Force April 15, 1869.** AN ACT to incorporate the town of Shannon, in the county of Carroll, and state of Illinois.

Name and style.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the inhabitants of the town of Shannon be and they are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Shannon;" and, by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within said town, and to purchase, receive and hold property, both real and personal, without the corporate limits thereof, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town, and to sell, lease, convey and otherwise dispose of said property, and to improve and protect the same.</p>
Boundaries.	<p>§ 2. Said town shall include within its corporate limits all that territory included within the lines bounding the south half of the southwest quarter of section eighteen (18) and the northwest quarter of section nineteen (19), in township number twenty-five (25) north, of range number seven (7) east of the fourth (4) principal meridian, in the county of Carroll, and state of Illinois.</p>
Additional territory annexed.	<p>§ 3. Whenever any tract of land adjoining the town of Shannon shall be laid off into town lots and recorded, according to law, the same shall be annexed to and form a part of the town of Shannon.</p>
Powers vested in trustees.	<p>§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board to transact the business of the town; and the persons who are now trustees of said town, holding their offices under the general laws of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act until the first Monday of May, A. D. 1869, and until their successors are elected and qualified.</p>
Eligibility of trustees.	<p>§ 5. No person shall be a member of the board of trustees unless he shall have been a resident of said town one year immediately preceding his election, and shall be, at the time of his election, twenty-one years of age, and a citizen of the United States, and shall possess a freehold estate in said town.</p>
Election of trustees.	<p>§ 6. On the first Monday of May, 1869, an election shall be held in said town for five trustees of the town of Shannon, and forever thereafter, on the first Monday of May, in each year, there shall be an election held for said officers. The first election shall be held and the returns thereof made</p>



as may be provided by ordinance of the present president and trustees of the town of Shannon, and all succeeding elections as may be provided by ordinance of the board of trustees created by this act; they shall hold their offices one year and until their successors are elected and qualified; and public notice of the time and place of holding such election shall be given by the president and trustees of said town, by an advertisement published in a newspaper of said town, if there be one so published, or by posting up notices in three of the most public places of said town, at least ten days previous to said election.

§ 7. All persons who are entitled to vote for state officers and who shall have been actual residents of said town thirty days preceding said election shall be entitled to vote for said officers. Qualifications of electors.

§ 8. The trustees, before entering upon the duties of their office, shall each take and subscribe an oath, before some officer legally authorized to administer oaths, to support the constitution of the United States and the constitution of the state of Illinois and faithfully to perform the duties of their office to the best of their ability. They shall hold at least one regular meeting every month, and shall, at their first meeting after their election, appoint one of their number president of the board, who shall preside at all meetings of the board, when present, and, in case of his absence at any meeting of the board, shall appoint one of their number chairman, who shall preside at that meeting. Oath of office.

§ 9. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act. He shall not vote, except in case of tie, in which case he shall give the casting vote. President to have casting vote, only.

§ 10. The board of trustees shall be judges of the qualifications, elections and returns of their own members, and shall determine all contested elections. Qualifications of members.

§ 11. A majority of the board of trustees shall constitute a quorum to transact business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Quorum.

§ 12. The board of trustees shall have power to fill all vacancies in the board, occasioned by death, resignation or removal from the town; they shall receive no compensation for their services, except that they shall be exempt from road labor and from serving as jurors during the time they are in office. Vacancies, how filled.

Journal of proceedings.

§ 13. The board of trustees shall keep a journal of its proceedings, which shall always be subject to inspection of citizens of the town.

Appropriation for expenses.

§ 14. The board of trustees of said town shall have power and authority to appropriate money for the payment of the debts and expenses of the town, and to fix the compensations of town officers; to make regulations to secure the health of the inhabitants, and to prevent the introduction of contagious diseases into the town.

Wells, cisterns.

To dig wells and cisterns and erect pumps and keep the same in repair; to provide water for the use of the inhabitants, and to prevent the unnecessary waste of water.

Chimneys, etc.

To regulate the fixing of chimneys and flues, and to provide for the prevention and extinguishment of fires.

Nuisances.

To declare what shall be a nuisance, and to prevent and remove the same.

Improve streets.

To grade or otherwise improve and keep in repair streets, alleys, lanes and highways in said town, and erect and maintain and keep in repair bridges and sidewalks, street crossings and culverts.

Gambling, etc.

To restrain and prohibit all descriptions of gambling and fraudulent device; to license, tax and regulate or entirely prohibit and suppress billiard tables and bowling alleys; to suppress and prohibit gaming establishments, disorderly houses and houses of ill-fame.

Prohibit sale of ardent spirits.

To prohibit the sale of ardent spirits, and suppress tippling houses, dram shops, bawdy houses and other disorderly houses: *Provided*, the president and trustees shall have power to license and regulate the sale of spirituous and malt liquors in said town; but no license for any purpose shall be granted to extend beyond the period when the successors of the members of the board of trustees granting the same shall be elected and qualified; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress; to prevent and suppress the trafficking, selling and giving away of any intoxicating liquors, whether spirituous, malt, fermented or otherwise, within one mile from the boundary of the corporation limits.

Dogs at large.

To prevent and regulate the running at large of dogs, to tax, and to authorize the destruction of the same when at large contrary to ordinance.

To prevent and regulate the playing of ball, flying of kites, firing of guns, squibs, rockets or other fireworks or combustibles within said town.

Fasten horses.

To prevent horseracing or immoderately riding or driving in the streets, and to authorize immoderate riding or driving as aforesaid to be stopped, and to punish and prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise,

while standing or remaining in the streets, squares, lanes or vacant lots.

To prevent the incumbering of the streets, sidewalks, lanes, alleys, squares and public grounds, and to restrain and prohibit persons from riding, driving, leading or standing of any animal on the sidewalks, and to prevent any crossing from being incumbered with horses, vehicles or anything else. Incumbering streets.

To prevent any indecent exhibition, exposure or conduct. Indecencies.

To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to punish any person for being drunk upon the streets, alleys, lanes or squares. Vagrants, etc.

The president and trustees shall have power, also, to restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, geese, turkeys, chickens, and pigeons, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto. Running at large of horses, cattle, etc.

To prevent any person from bringing, depositing or having any unsound carcass or other unwholesome substance, and to compel any such person and the owner of any animals which shall die in said town to remove and bury the same beyond the limits of said town. Offensive matter

They shall have power to tax, license, regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, exhibitions and amusements of every kind. Exhibitions.

To license, tax and regulate auctioneers, hawkers, brokers, draymen, butchers and peddlers. Auctioneers, peddlers, etc.

To provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel sold in said town. Hay, coal, etc.

To provide for taking the enumeration of the inhabitants of said town. Census.

To fix the compensation of town officers, to regulate the fees of jurors and witnesses and others, for services rendered under this act or by ordinance. Compensation of officers.

They shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the board shall deem necessary, and to regulate the speed of locomotives engines within the town limits. Railroad crossings, etc.

To restrain, prohibit and punish, by fine or imprisonment, the cutting or otherwise injuring of shade trees or shrubbery upon any of the public grounds or streets in said town. To declare what shall be malicious mischief, and to punish any person who shall be guilty thereof. To compel parents and guardians of children to keep them out of the streets and squares and away from the railroad and depot Defacing trees.

in said town, and to prohibit and restrain saloons and other places of business from keeping open on the Sabbath day or night time.

Appointment  
of officers.

§ 15. Said board of trustees shall have power to appoint a clerk, town constable, treasurer, assessor, collector, and street commissioner, and all other officers in addition to those elected, as they may judge necessary for carrying into effect the powers conferred upon said corporation by this act; they shall have power, also, to establish and maintain a public pound and to appoint a pound master and prescribe his duties.

Levy and col-  
lect taxes.

§ 16. The president and trustees of said town of Shannon shall have power and authority to levy and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum, per annum, upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance, not repugnant to the constitution of this state or the United States, or the said board may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property of said town by the township assessor, and cause the same to be collected by the township collector.

Assessments,  
governed by the  
state law.

§ 17. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the county clerk or other officer, whose duty it is by law to extend the tax by existing laws, notice of their intentions so to do, (which notice shall be a copy of the records) and also the rate of taxation, and upon the receipt of such notice, the said tax shall be extended and collected and its collections enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing, by ordinance, for the assessment and collection of such taxes and all other tax charged or assessment authorized by this act.

Inhabitants to  
labor on streets.

§ 18. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in said town in repair, are authorized and empowered to require every able bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys, lanes, avenues and highways, not less than three days in each year; and any person liable to perform said road labor and failing to perform the same, when duly notified by the street commissioner or other officer of said town, shall forfeit and pay the sum of one dollar to said town for each and every day so neglected and refused: *Provided*, the person notified to perform labor on said

streets, alleys, lanes, avenues and highways, shall be allowed to procure a substitute equally able as himself, or commute, by paying to the street commissioner, within twenty-four days from the time of notice, the sum of one dollar per day for each day assessed. The inhabitants of said town shall be exempt from working on any road beyond the limits of said town and from paying any tax to procure laborers to work on the same.

§ 19. The said president and trustees shall have power to require all owners or occupants in front of or upon whose premises the said board shall order and direct sidewalks to be constructed, repaired, relaid or cleansed, to make, repair; relay or cleanse such sidewalk, at their own costs and charges, in the manner and within the time prescribed by ordinance, or otherwise; and if not done in the manner and within the time prescribed, the said president and trustees may cause the same to be constructed, repaired, relayed or cleansed, and assess the expenses thereof, by an order to be embraced in their proceedings, upon such lots, respectively, and collect the same by warrant and sale of the premises, in such manner and within such time as the said board may by ordinance prescribe; and a suit may, also, be maintained by said town, in its corporate name, against the owner or owners of such premises, for the recovery of such expenses, as for money paid or laid out to his or their use at his or their request; and if the owner be a non-resident, proceedings may be commenced by attachment, as in other cases of attachment under the laws of this state.

Construction  
sidewalks.

§ 20. The president and trustees of said town shall have power, from time to time, upon the petition of one-half of the owners of the property fronting thereon and lying within twenty rods thereof, or, without such petition, by the unanimous vote of the said board, to cause any street, alley or other highway or section thereof to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to grade, improve, protect and ornament any public square or other public ground now or hereafter laid out: *Provided*, the said property or holders of property fronting thereon shall not be taxed to exceed one-half of the expense of paving, grading or otherwise improving said street, alley or highway.

Petition for  
opening streets.

§ 21. The president and trustees of the town of Shannon shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act. The style of the ordinances shall be "*Be it ordained by the President and Trustees of the Town of Shannon.*" And all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or by posting copies of the same

Power to pass  
ordinances.

in three public places in said town; and the certificate of the publisher of such newspaper or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication; but no ordinance shall take effect until the expiration of ten days after its publication, as aforesaid. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, manner and place of publication of such by-laws and ordinances, in a book to be provided for that purpose; and such book, purporting to be the records of the corporation of the town of Shannon, shall be received in all courts as evidence of all matters therein contained, without further proof.

Fines, forfeitures, etc.

§ 22. They shall have power to regulate the police of the town, to impose penalties, fines and forfeitures, and for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance, so that such ordinances are not repugnant to or inconsistent with the constitution of the United States or of this state.

Calaboose.

§ 23. They shall have power to erect in the town of Shannon a calaboose, for the confinement and punishment of persons guilty of violation of the ordinances of the corporation; and they shall have power to cause to be arrested all persons who shall break any ordinance of said town, and, if necessary, detain such persons over night or during the Sabbath day, or while any such person may be intoxicated, in said calaboose.

Punishment of offenders.

§ 24. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of an assault, assault and battery, affray, rout, riot, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, to prohibit and impose penalties on the authors thereof, and any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town.

Actions vested in corporation.

§ 25. All actions for fines, penalties and forfeitures, accruing for the breach of any ordinance of said town, shall be instituted and prosecuted in the name of the town of Shannon, upon complaint of any person, before the police magistrate of said town—the process to be by warrant, returnable forthwith, the same as provided by the statute law of the state of Illinois, or, without warrant, where the offense comes under the sight of the town constable of said town. The party accused, in all such cases, shall remain in the custody of the officer until such suit is disposed of and

the fines and costs, if any, imposed upon him or them is paid or otherwise disposed of according to law, unless he or they shall enter into a recognizance, with good security, before final judgment in the cause, before the police magistrate, in double the amount of the penalty that may be imposed or inflicted upon him or them, conditioned that he or they will pay the judgment and costs which may be rendered against them or him.

§ 26. In default of such bail, the officer may commit the party accused to the calaboose in the said town of Shannon—if no calaboose in said town, then to the common jail of the county of Carroll, until the case shall be heard. The police magistrate or justice of the peace shall grant but one continuance in favor of the plaintiff, where the adverse [party] is under arrest. The recognizance shall be filed in the office of the police magistrate or justice of the peace, and in case of the forfeiture shall be transmitted by him to the clerk of the board of trustees of said town. Imprisonment,  
default of bail.

§ 27. Appeals shall be allowed, in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Carroll county; and every such appeal shall be taken in the same manner and will have the same effect as appeals taken from justices of the peace under the laws of this state. Appeal taken.

§ 28. The said board of trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file before the commencement of such suit, any security for costs. Not to file se-  
curity for costs.

§ 29. All fines, forfeitures and penalties received or collected for the breach of any ordinance or this act shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same. Fines paid to  
town treasurer.

§ 30. At the first election under this act for trustees, to be held in said town on the first Monday of May, A.D. 1869, and on the first Monday of May, annually thereafter, there shall be elected one police magistrate of said town, who shall hold his office for one year and until his successor shall be elected and qualified. No person shall be eligible to the office of police magistrate who shall not have been a resident of the town one year next preceding his election or who shall not be a citizen of the United States. Election of po-  
lice magistrate

§ 31. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace; he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation and concurrent jurisdiction, power and authority, arising in all cases whatsoever, with other justices of the peace under the laws of this state; he shall be subject to the same penalties and liabilities and Magistrate  
commissioned  
by the governor.

shall be entitled to the same fees for his services as other justices of the peace: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted in all cases from the police magistrate of the town to the nearest justice of the peace, who is hereby invested with all the authority of the police magistrate; and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of the county of Carroll to be invested with all the powers conferred upon the police magistrate by the provisions of this act.

Rules of proceedings.

§ 32. The rules of practice and proceedings, in all cases arising out of the laws and ordinances of said town, shall conform to the practice and proceedings before other justices of the peace, except cases where such rules of practice and proceedings shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Mittimus issued.

§ 33. Whenever any judgment shall be rendered against any person or persons for any fine, forfeiture or penalty under any ordinance or by-law of said town, the police magistrate or justice of the peace before whom such judgment shall be obtained shall, unless the fine or penalty so imposed and all the costs of such suit shall be immediately paid, issue a mittimus, and commit such person or persons to the jail of the county of Carroll, there to remain until such fine or penalty and costs shall be paid; but no fine exceeding seventy-five dollars for the breach of any such ordinance shall be imposed, nor shall any person be imprisoned, as aforesaid, more than forty-eight (48) hours for each five dollars or fractional part thereof, of said fine and costs; and several fines, forfeitures and penalties for breaches of the same ordinance, by-law or resolution, not exceeding one hundred dollars, may be recovered in one suit, and the first process shall be summons, unless oath or affirmation be made for warrant by some creditable person; but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state, except in cases of arrest without warrant.

Jurisdiction of constables.

§ 34. The town constable of said town shall qualify in such manner as the board of trustees may by ordinance prescribe, and shall have power and authority to execute all warrants and other processes issued by the police magistrate of said town or any other justice of the peace of said county of Carroll; he shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of the state of Illi-



nois, and shall be entitled to the same fees for his services, and shall be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

§ 35. In all cases arising under the laws or ordinances of said town, any constable of the county of Carroll shall have the same right, power and authority to serve and execute any process issued therein, original or otherwise, that the said town constable would possess. Duties of the constable.

§ 36. Whenever the said constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, within said town, it shall be his duty to make immediate arrests of such person or persons, on view, without warrant; and in all such cases any constable of the county of Carroll shall have the same power of arresting without warrant as the said town constable in such cases would possess; and in all such cases in arrests without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town. Arrests, with or without warrant.

§ 37. All ordinances, by-laws and resolutions passed by the president and trustees of said town, as incorporated under the general corporation act of the state, and which are not inconsistent herewith, shall remain in full force and effect until the same shall be repealed by the president and trustees of the corporation created by this act. Ordinances to remain in full force.

§ 38. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Evidence of act.

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV, of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

In force March 30, 1869. AN ACT to incorporate the town of Spring Bay, Woodford county, Illinois.

SECTION 1. *Be it and it is hereby enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Spring Bay, in the county of Woodford, are hereby made a body corporate and politic, under the name and style of "The President and Board of Trustees of the Town of Spring Bay;" and, by that name, shall have perpetual succession, and a common seal, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style.

Boundaries

§ 2. That the said town shall consist of and include in its boundaries the west part of the southwest quarter of section one (1) and the east part of the southeast quarter of section two (2), in town twenty-seven (27) north, range four (4) west of third (3) principal meridian, according to plat now on record at the city of Springfield and at the town of Metamora. And whenever any addition of town lots shall be made, adjoining said incorporation, and shall have been properly recorded, as required by the laws of Illinois, the same shall become a part of said incorporation as fully as if they had been originally included in said corporate limits.

General corporate powers.

§ 3. That it shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, in any and all actions at law; to purchase, receive and hold property, both real and personal, for the benefit of said incorporation, or to sell, lease or dispose of the same, for the benefit aforesaid.

Election valid.

§ 4. That the elections which were held in said town of Spring Bay, on the twenty-third day of January, A. D. 1868, for the incorporation thereof, and on the twenty-eighth day of January, A. D. 1869, for the election of trustees of said town, be and hereby are declared valid, in all respects, and that the trustees so elected and their successors in office shall and may exercise all and singular the powers granted to incorporated towns by chapter twenty-five of the Revised Statutes, and also by the several acts amendatory thereto, and also all powers granted by any general laws relative to incorporated towns, and all powers granted by this act.

Election of trustees.

§ 5. On the first Monday in February, A. D. 1870, and on the first Monday in February, each year thereafter, the said inhabitants shall meet at some public place in said town and elect five trustees from among the legal voters of said town, in whom shall be vested the corporate powers and duties of said corporation, and the persons so elected shall hold their office for one year and until their successors are duly elected and qualified: *Provided*, no future election shall be held unless notice shall have been given at least ten

days, by posting up written or printed notices in at least five public places in said town of the time and place of holding said election and the offices to be filled—said notice to be given by the board of trustees.

§ 6. No person shall be eligible as a trustee of said town who shall not have arrived at the age of twenty-one (21) years, and who shall not have been a resident of said town at least six months immediately preceding the said election, and who shall not be a freeholder in said town at the time of his election. All citizens of the United States and of this state, who shall have resided in said town six months preceding any election for town trustees shall be entitled to vote at such election.

Eligibility of trustees.

§ 7. And the said trustees, at their first meeting, shall proceed to elect one of their own board as president, and shall have power to fill, by appointment, any vacancy or vacancies which may occur in said board, by death, resignation or otherwise, who shall serve as such until their successors are elected and qualified at the next annual election.

Election of president.

§ 8. At the next annual election, there shall also be elected one justice of the peace and one town constable, who shall hold their offices for the term of four years; and each four years thereafter there shall be elected, at the regular town election, the successors of the said justice of the peace and town constable; and the board of trustees shall also have power to appoint a treasurer, collector, assessor, clerk, and street commissioner—all of whom shall be required to give bond with approved security, with such conditions and in such amounts as the said board may require, and who shall each also take oath, before some justice of the peace or other officer authorized by law to administer oaths, well and faithfully to perform their duties as officers of said corporation, to the best of their skill and abilities. This clause is also intended to apply to the justice of the peace and town constable.

Election of justice of peace and constable.

§ 9. The trustees aforesaid and their successors, or a majority of them, shall have full power to ordain and establish such rules and regulations for their government and for the transaction of their business, as they may deem best for the interest of the citizens of said town, and, generally, to do and execute all such things which they may deem necessary, not repugnant to the constitution or laws of this state or of the United States.

Rules for government.

§ 10. The said board shall also have power to levy and collect a tax, not exceeding one per cent., on all lots of ground, improvements and personal property, within the limits of said corporation, according to its value; to tax shows and concerts and lectures and all other public entertainments, where an admittance fee is charged; which tax, when collected, shall be paid into the town treasury, for ordinary purposes. All taxes levied under this provis-

Levy and collect tax.

ion shall be collected in the same manner as state and county taxes are now collected by law; they shall, also, have power to make such appropriations for the erecting and repairing public buildings and other like improvements as they may deem best.

Improvement  
of streets.

§ 11. The board shall have the right and power to regulate, grade and improve the streets, for which purpose they may levy a road tax of not less than three nor more than five days, for each year, upon every able-bodied male resident over the age of twenty-one years, and under the age of fifty years, to be collected and applied as the said board may determine and direct.

Nuisance.

§ 12. The board shall also have power to declare and define what shall be deemed nuisances, and to pass ordinances for abating the same and for punishing the authors thereof.

Stock at large.

§ 13. To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats, and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses and other animals and define the punishment therefor.

Duties of the  
justice of the  
peace.

§ 14. It shall be the duty of any justice of the peace in said corporation, and he is hereby authorized and empowered, on view, or upon complaint being made to him upon oath of the violation of any law or ordinance of said town, to issue his warrant, directed to the town constable or other 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 any law or ordinance, as charged, he shall impose such fine or imprisonment as may be provided for the offense committed, by the ordinance or law of said corporation, to provide for the punishment of any offender who shall fail or refuse to pay any fine which may be legally assessed against him or them.

Exempt from  
road labor.

§ 15. The inhabitants of said corporation shall be exempt from the performance of road labor or the payment of road tax levied by authority of the county court, and the entire jurisdiction and control of all the roads, bridges and highways shall be held and exercised by said board of trustees of said town.

§ 16. This act is hereby declared to be a public act, and shall be in force and take effect from and after its passage.

APPROVED March 30, 1869.

AN ACT to incorporate the town of Steeleville, in Randolph county. In force March  
15, 1869.

SECTION 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 Steeleville, in the county of Randolph, and state of Illinois, be and the same are hereby constituted a body politic and corporate, by the name and style of "The town of Steeleville;" and, by that name, shall have perpetual succession, and may have and use a common seal, or not, as they may choose, and may alter and change the same at pleasure; may have power to sue and be sued, plead and be impleaded, prosecute and defend, in all courts of law or equity, in all actions whatsoever; may purchase, receive and hold property, real and personal, within and beyond the limits of said town, for public or town purposes and for the use of the inhabitants of said town, and may sell, lease, or otherwise dispose of property, real or personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto, as fully and completely as natural persons. Name and style.

§ 2. The boundaries of said town shall include within their limits all that district of country now known as the town of Steeleville, in the county and state aforesaid, and all additions thereto, including S. Parker & Co.'s addition, and Jasper Steele's addition to S. Parker & Co.'s addition, commencing at the centre of section sixteen (16), township six (6) south, range five (5) west; thence running one half mile south; thence one-half mile west; thence one-half mile north, and thence one-half mile east to the place of beginning. Boundaries

§ 3. The government of said town shall be vested in five trustees; and no person shall be a trustee of said town who has not resided in said town one year immediately preceding any election, and is not a citizen of the United States. The supervisor, assessor and collector of the said town of Steeleville, and their respective successors in office, are hereby constituted and declared to be, *ex officio*, three of said board of trustees. The other two trustees may be appointed by the judge of the county court of Randolph county, on the application, in writing, of the supervisor, assessor and collector of said town, at any time after this act shall become law; and their successors in office shall be elected at the next annual election thereafter; and biennially, after the said next annual election, in the same manner that the other town officers of said town are elected; and the said board of trustees may organize at any time after the said two trustees shall have been duly appointed as aforesaid, and may then enforce any and all the provisions of this act. Powers vested  
in trustees.

§ 4. The board of trustees shall determine the qualifications of its members, and have power to determine the Qualification  
of members.

rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of four-fifths of said board, expel a member for disorderly conduct.

Quorum

§ 5. A majority of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Oath of office.

§ 6. Each of the said board of trustee shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, and to support the constitution of the United States and of this state.

Stated meetings

§ 7. There shall be at least one regular meeting of said board of trustees, in each month, at such time and such place within said town as may be prescribed by ordinance, with power to adjourn from time to time, as may be deemed necessary.

Presiding officer

§ 8. The supervisor shall preside at all meetings of the said board of trustees; and in case of his absence or inability to act at any meeting, some other member present may be chosen chairman and shall preside at that meeting,

Special meetings.

§ 9. The supervisor or any two members of said board of trustees may call special meetings, when deemed necessary.

## ARTICLE II.

Streets, alleys, lanes, etc.

SECTION 1. The board of trustees of said town of Steelville shall have power, from time to time, to open, alter, widen, extend, lay out, grade, pave, macadamize, plank, clay, gravel, or otherwise improve any street, alley or highway within the limits of said town, and to keep the same in repair.

Construction of sidewalks.

§ 2. To construct, lay and repair sidewalks and crosswalks, and to construct, clean and repair sewers, drains and aqueducts, and to connect them or any of them together.

Running at large of horses and cattle.

§ 3. To regulate the running at large of cattle, horses, sheep, swine, goats and other animals, and to prohibit any indecent exhibition of horses, jackasses and other animals.

Provide water.

§ 4. To sink and establish a public well or wells and keep the same in repair.

Dogs at large.

§ 5. To prevent and regulate the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

Dog fights, etc.

§ 6. To prevent dog fights, bull fights, prize fights or any other kind of fights.

Disorderly conduct.

§ 7. To restrain loud, unbecoming, profane or indecent language or disorderly conduct.

License sale of liquors.

§ 8. To license, tax and regulate, or prohibit the sale, exchange and traffic of wine, rum, gin, brandy, whisky, ale,

beer, porter, cider or other intoxicating liquors within the limits of said town; and any person who shall take out a license for the sale of the same from said board of trustees, as prescribed by ordinance, shall not be required to take out license from the county court, and the money received for such license shall be paid over to the commissioners of highways, and be expended by them on the public roads and streets of said town.

§ 9. To provide for inclosing, improving and regulating all public grounds belonging to said town, or that hereafter may be acquired by said town. Improving public grounds.

§ 10. To provide for the inspection or weighing of hay, and measuring of fire-wood and other fuel sold in said town. Inspection of forage and fuel.

§ 11. To make regulations to secure the general health of the inhabitants of said town, to prevent the introduction of contagious diseases, and to prevent any dead bodies, night soil, or corrupted or filthy substances or things from being deposited in said town; to prevent and remove nuisances, and punish the authors thereof by fines, penalties or imprisonment, and to make all necessary laws and rules for such purpose and to enforce the same; but nothing in this act shall be so construed as to oust courts of jurisdiction by indictment or otherwise. General health.

§ 12. To restrain, prohibit and punish by fine or imprisonment the cutting of trees, shrubbery upon any of the public grounds, highways, streets or alleys in said town. Defacing trees.

§ 13. To appoint town constables, to fill any vacancy caused by death or resignation of any constable, and to assist any constable in case of necessity. Said constables shall be qualified by taking the oath of office in the same manner that elected constables are qualified; and shall have the same power and authority to serve writs, make arrests, and do any and all things or acts within the power or authority of constables; and said board of trustees shall also have power to provide reasonable compensation for services and expenses of such constables. When vacancies occur, how filled.

### ARTICLE III.

SECTION 1. Any justice of the peace of said town, or any court of record of Randolph county, shall have jurisdiction of any offenses, under the orders, or ordinances or resolutions of said board of trustees. Jurisdiction of offenses.

§ 2. All actions brought to recover any penalty or forfeiture or fine incurred under this act, or the ordinances, or resolutions, or police regulations made in pursuance of this act, shall be brought in the corporate name of said town. It shall be lawful to declare generally in debt for such penalty, forfeiture or fine, stating the clause of this act, or the by-laws or ordinances under which the penalty, forfeiture or fine is claimed, and to give the special matter in evidence under the same. Suits instituted in name of town

First process  
a summons.

§ 3. In all prosecutions for the violation of any ordinance, by-law, police regulation or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases. Any fine imposed for any violation of any order, ordinance or regulation, shall be paid to said board of trustees, and shall be used by said board to defray such expenses as may be incurred in the exercise of their lawful powers.

Expenses paid  
by special as-  
sessments.

§ 4. The expenses of any improvement mentioned in the foregoing sections shall be assessed upon the real estate in said town benefited thereby, with the costs of the proceedings therein in proportion, as nearly as may be, to the benefit resulting thereto: *Provided*, that no greater amount be levied upon any such real estate than the actual benefit derived from such special improvement.

Amount of  
assessments.

§ 5. The amount to be assessed for any such improvement or purpose shall be determined by the said board of trustees, and said board shall by ballot appoint two respectable freeholders of said town, who with the assessors of said town (who shall, *ex officio*, be one of the three commissioners to make such assessment) shall constitute the board of commissioners to make such assessments.

Time of the  
commissioners.

§ 6. Said board of commissioners shall be sworn faithfully and impartially to make such assessments and perform their duty to the best of their ability.

Notice by  
commissioners.

§ 7. Before entering upon their duties said commissioners shall give six days' notice to all persons interested by posting up printed or written notices in three of the most public places in said town, of the time and place of meeting, and they may if necessary adjourn from time to time.

Commissioners  
to make assess-  
ment for im-  
proving streets.

§ 8. The commissioners shall assess the amount directed by the said board of trustees, to be assessed upon the real estate by them deemed benefited, resulting thereto as nearly as may be, and briefly describe in the assessment roll to be made by them the real estate in respect to which any assessment is made.

Return of as-  
sessment list to  
town clerk.

§ 9. When said commissioners shall have completed their assessment and made a correct copy thereof, and each commissioner shall have signed the same, they shall deliver the assessment roll to the town clerk of said town within sixty days after appointed as such board of commissioners, and thereupon the town clerk shall cause written or printed notices, in which shall be designated the time and place for hearing objections, posted up in three of the most public places in said town, for the space of six days, notifying all persons interested, of the completion of the assessment, and the filing of the assessment roll.

Appeals, how  
taken.

§ 10. Any person or persons may appeal to the board of trustees of said town for the correction of the assessment. Appeals shall be writing and filed in the office of the town clerk within sixty days after the notice shall have



been posted up as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeals or otherwise, in their discretion to revise and correct the assessment roll in any way they may deem best, by appointing three other commissioners or otherwise, and when confirmed it shall be final and conclusive. When confirmed the assessment shall be collected as hereinafter provided, and no appeal or writ of error shall lie in any case from such order or determination.

§ 11. If any assessment be set aside by order of any court, the board of trustees may cause a new assessment to be made, and such new assessment shall be collected as hereinafter provided. New assessment

§ 12. If at any time any vacancy shall occur in the board of commissioners, by reason of removal, failure, refusal, or inability from sickness or other cause to serve, the board of trustees may fill such vacancy. Vacancies, how filled.

§ 13. If the first assessment be insufficient, another may be made in the same manner, or if too large a sum shall at any time be raised the excess shall be refunded to those by whom it was paid. When assessment insufficient.

§ 14. The said board of commissioners shall be sworn into office by the town clerk, and they shall be allowed two dollars per day, each, for actual service, which together with all other expenses incurred by any assessment made in pursuance of this act, shall be deemed part of the expense of the improvement and shall be included therein. Compensation of commissioners.

§ 15. When the assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said Randolph county, and it shall be the duty of said clerk of said county court, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate in said town of Steele, to set down in a column provided for that purpose opposite the several lots, pieces or parcels of real estate upon which assessments which have been made for benefits as hereinbefore provided, the amount of said assessments respectively, and it shall thereupon be the duty of the collector of taxes for the state and county, to collect the said assessments, and enforce the payment thereof in the same manner and with all the right, power and authority that he has to collect state and county taxes, and shall pay the same over to the supervisor or the officer entitled to receive the town tax, at the same time that he is required to pay over the county revenue, and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate for the non-payment of the assessment and costs in the same manner as is or may be provided for state and county taxes, and judgment shall be rendered for the ag- Confirmation of assessments.

gregate amount for state and county and other taxes and the assessment aforesaid.

Sale, how conducted.

§ 16. The sale shall be conducted upon the same notice and judgment, and in the same manner, as is or may be provided by law for state and county taxes.

Exemption.

§ 17. The right of exemption shall exist and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same persons, and shall have the same effect as evidence, as deeds executed in pursuance of the laws now in force or hereafter to be enacted providing for the collection of state and county taxes in the counties adopting township organization. The collector shall receive the same compensation for the collecting of such assessment as is allowed for the collecting of state and county taxes, to be paid out of the funds of said town of Steepleville, and shall be liable on his official bond for the faithful performance of the duties required of him under this act.

Construction of act.

§ 18. This act shall be deemed a public act and shall be construed in the most liberal and beneficial manner to carry out its provisions, and shall take effect and be in force from and after its passage.

APPROVED March 15, 1869.

In force April 15, 1869. AN ACT to incorporate the town of South Pass, in the county of Union.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the residents of the east half of the north-west quarter, the east half of the south-west quarter of section thirty (30), and the east half of section thirty (30) and the west half of the north-west quarter and the west half of the south-west quarter of section twenty-nine (29), in town number eleven (11) south, range number one (1) west of the third principal meridian—said sections being in Caspar precinct, in Union county, in the state of Illinois, be and they are constituted a body politic and corporate, by the name and style of “The Town of South Pass;” and, by that name, shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure.

Name and style.

Corporate powers.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, within or beyond the limit of said town, for burial purposes, for public parks, or other public purposes; to sell, lease and convey property, real and

personal, for the use of said town, and to protect and improve any such property, as the public good may require.

§ 3. The government of said town shall be vested in a board of seven trustees, who shall all be elected annually by the qualified voters of said town, who shall hold their office for one year and until their successors are elected and qualified. No person shall be eligible to the office of trustee in said town who is not an actual resident of said town, owns real estate in said town to the assessed value of one thousand dollars (\$1,000), and is a legal voter at the corporate elections of said town, and can hold such office only during his actual residence in said town.

Powers vested  
in trustees.

§ 4. The trustees shall appoint one of their number president; shall judge of the qualifications of their own members; shall appoint three legal voters, who shall act as judges of elections; shall appoint a clerk, and provide for keeping a record of their own proceedings; shall appoint a constable, an assessor, a treasurer, (who shall be collector), a street commissioner, and such other officers as may be necessary for the public good.

Appointment of  
president.

§ 5. The trustees, before entering upon the duties of their office, shall each take and subscribe an oath, before some person authorized to administer oaths, to support the constitution of the United States and of Illinois, and faithfully to perform the duties of their office. A majority of the trustees shall constitute a business quorum, but a minority may adjourn, from day to day, and may compel the attendance of absent members, under such penalties as may be prescribed by ordinance. They may determine their own rules of proceedings; may punish members for disorderly conduct, and by a two-thirds vote of all members elected, expel a member. They may fill any vacancy which may occur in the board. The board shall hold its meetings at such times and places as may be designated by ordinance.

Oath of office.

§ 6. Whenever a tie shall occur in the election of any trustee, the police magistrate, hereinafter mentioned, shall decide the election by lot, in such manner as shall be prescribed by ordinance.

Tie vote, how  
determined.

§ 7. On the first Monday in March next, an election shall be held in the town of South Pass, at the usual place of holding elections, for the election of seven trustees, as above provided, and one police magistrate. The polls shall be open from the hour of one until the hour of five, in the afternoon. And Mortimer Hansacker, L. T. Linnell and Henry Frick shall be the judges of this election; and forever thereafter, on the first Monday of March, of each year, an election shall be held for said officers.

Election of  
trustees.

§ 8. All persons, being legal voters in this state, and who shall have resided within the limits of said town of South Pass, as above described, for one year next preceding and who shall have paid a state and county or road tax

Qualifications  
of electors.

during said year, shall be deemed legal voters at the corporate elections of said town, and no other.

Power to levy assess and collect taxes.

§ 9. The board of trustees shall have power to levy, assess and collect taxes upon all property, both real and personal, within the corporate limits of said town, it being understood that no taxes shall be assessed or collected for two years from the date hereof, and after that time, a tax not exceeding one per cent., annually, upon the assessed value of all property, and can enforce the payment of the same by any ordinances, not contrary to the constitution and laws of this state. The trustees may provide for the assessment and collection of taxes in such a way, and at such time as they may prescribe by ordinance; and they may, at their option, cause a list of such taxes as shall not be paid before the first day of September to be made and certified to under the seal of the town, and furnished to the county clerk of Union county, on or before the first day of October, and he shall enter these taxes for collection, and they shall be collected in the same manner as the state and county taxes, and paid over to the treasurer of the county and be subject to the order of the trustees of the said town of South Pass.

- Appropriations.** The board of trustees shall have power to appropriate money to pay the expenses of the town.
- General health.** To make regulations to secure the general health of the inhabitants, and prevent the introduction of contagious diseases into the town; to dig wells and cisterns and erect pumps, or otherwise provide water for the use of the inhabitants.
- Abate nuisances** To declare and abate nuisances.
- Chimney flues.** To regulate the fixing of chimneys and flues.
- Fires.** To provide for the prevention and extinguishment of fires.
- Combustibles.** To regulate the storage of gunpowder and all combustible material; to provide for the weighing of hay and coal and the measurement of fire wood.
- Merchants and retailers.** To license, tax and regulate auctioneers, pawnbrokers, also hacks, wagons and other vehicles put to public uses, and all public exhibitions.
- Billiards, bowling, etc.** To license, tax, regulate or suppress billiard tables, bowling alleys and all groceries, dram shops or other houses where spirituous, vinous or malt liquors are sold or in any way disposed of.
- Gaming houses.** To suppress gaming houses and all other disorderly houses.
- Incumbering streets.** The board of trustees shall have power to prevent the incumbering of the streets, alleys and squares of said town.
- Shade trees.** To regulate the setting and protection of shade trees.
- Regulate police.** To regulate the police of the town, and to regulate and control, by such ordinances as shall not be in violation of the constitution and laws of this state, all matters pertain-

ing to the health, peace and security of the people of the town and to the improvement and adornment thereof.

The board of trustees shall have power to open, alter, abolish, straighten, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, roads, avenues, lanes and alleys, and for this purpose, in addition to the use of money raised by taxation, as above provided, they may assess a road labor tax, not to exceed four days in each year or its equivalent in money, upon every male resident within the limits of the town, between the ages of twenty-one and forty-five years.

Improvement  
of streets.

They may construct bridges, culverts and sidewalks, and may assess against the real estate adjoining such sidewalks, in addition to the general tax, the amount of benefit accruing to such real estate from the construction thereof.

Compensation  
for property taken.

§ 10. Whenever it shall be necessary to open or establish any streets, roads or alleys through or upon any land not freely given for such purposes by the owner thereof, the corporation shall make just compensation to said owner; and in case the amount of such compensation cannot be agreed upon, the same shall be determined and fixed by six disinterested freeholders of said town, who shall be summoned by the police magistrate of said town for that purpose. The said jurors so impaneled to ascertain the damages which shall be sustained by the opening or altering of any such street, road or alley, by owner or owners of such lands, shall first be sworn [by] the said magistrate, and shall return their judgment, in writing, signed by each of said jurors, and he shall lay it before the trustees at their first meeting thereafter; and either party may appeal to the circuit court of [Union county, in such manner and upon such terms as may be prescribed by ordinance. In the assessment of damages, the jury shall take into consideration the benefits as well as the injury which will result to the said land owner by the opening of such street, road or alley.

Jury to estimate damages.

§ 11. The inhabitants of said town are hereby exempted from working on any road beyond the limits of said town and the payment of any road tax levied by order of the county court.

Exempt from  
road labor outside town limits.

§ 12. The trustees shall have power to establish a jail, prison or calaboose within said town, and to provide for the punishment of offenders against any ordinance of said town by imprisonment therein, not exceeding thirty days for any one offense, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recorded against them; and the trustees may use the common jail of the county for such purposes until said jail, prison or calaboose may be established within the limits of said town; and all fines which may be recorded from offenders against

Construction of  
jail.

the ordinances of the town and all license fees shall go into the treasury of said town.

Style of ordi-  
nances.

§ 13. The style of the ordinances of said town shall be "*Be it ordained by the Trustees of the Town of South Pass.*" And all ordinances shall, within one month after their passage, be published in some newspaper in Union county or made known by posting copies of the same in some public place in said town, which is set apart and regularly used for such publication; and the certificate of the publishers of said newspaper, or of the clerk of the town, under the corporate seal, shall be *prima facie* evidence of such publication; and no ordinance shall take effect until published or made known as aforesaid; and all ordinances may be proven by the seal of the town, and when printed in book or pamphlet form and purporting to be published by authority of the town of South Pass, the same shall be received in evidence in all places, and courts without further proof.

Justice to be  
commissioned  
by governor.

§ 14. The police magistrate hereinbefore provided for shall be commissioned by the governor of this state, and he shall have the same jurisdiction as justices of the peace of the county, and also in all cases where the consideration involved shall not exceed the amount of three hundred dollars, and shall have exclusive jurisdiction in all cases arising out of or under the ordinances of this corporation. And the constable hereinbefore provided for shall give such bonds as may be prescribed by the trustees, and when he shall be duly qualified he shall have the same powers and jurisdiction as other constables in the county of Union.

Apportionment  
of labor.

§ 15. It shall be the duty of the trustees in the making and repairing of all roads and streets in the town, to apportion the labor in such a manner throughout the limits of this corporation as to secure to each section or neighborhood, so far as practicable, a degree of improvement proportioned to the amount of taxes paid by the inhabitants thereof.

Act evidence.

§ 8. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state without further proof; and upon its going into effect all acts and parts of acts contrary or inconsistent with the provisions of this charter, shall be and they are hereby repealed.

§ 5 This act shall take effect and be in force from and after its passage.

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV, of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

AN ACT to incorporate the town of Sullivan, Moultrie county, Illinois. In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Sullivan, Moultrie county, Illinois, are hereby constituted a body politic and corporate, by the name and style of "The Town of Sullivan;" and, Name and style, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatsoever; and may purchase, receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town, and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons. General corporate powers.

§ 3. The boundaries of said town of Sullivan shall consist of and include all that district of country in the county of Moultrie, state of Illinois, and described as follows, to wit: The west half of section one (1) and the whole of section two (2) and the north half of the north half of section eleven (11) and the north half of the north west quarter of section twelve (12), in township thirteen north (13 n), in range five east (5 e.) of the 3d P. M., according to the government survey. Boundaries.

§ 4. There shall be a board of trustees, consisting of a president and four trustees, to be chosen by the qualified voters, who shall hold their offices for the term of one year and until their successors are elected and qualified. Election for president and trustees.

§ 5. No person shall be elected president or trustee of said town who shall not be qualified to vote for state and county officers and for trustees of said town. That at any election for trustees, every person who shall be qualified to vote for state officers and who shall have resided within the limits of said corporation for thirty days previous to such election may enjoy the right of an elector Qualification of trustees.

§ 6. A majority of said board shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance. Quorum to do business.

§ 7. The president and each member of the board, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state and that they will well and truly perform the duties of their office to the best of their skill and abilities. Oath of office.

Stated meetings

§ 8. There shall be twelve stated meetings of the board in each year, at such times and places as may be prescribed by ordinance or by order of said board, and may hold adjourned meetings to attend to unfinished business. The president shall preside at the meetings of the board, and shall give the casting vote, and no other. The president or any two of the board may call special meetings.

Qualifications and returns of members.

§ 9. That the president and trustees shall be judges of elections, qualifications and returns of their own members a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalty as they may provide, and punish their members for disorderly conduct, and, by a vote of three-fourths of the whole board, expel a member, and make such rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill vacancies in the board, occasioned by death, resignation, removal or continued absence from town for three months or otherwise.

Election of trustees.

§ 10. On the first Monday of April next, and on the first Monday of April of each year thereafter, an election shall be held in said town for president and trustees, five days' notice thereof having been previously given.

§ 5. The president and trustees of said town shall have power:

Repair streets.

*First.*—To cause all the streets, alleys and public lanes within the limits of said town, and all the streets, alleys and lanes, leading to and from said town, for a distance of one mile from the public square, to be kept in good repair, and, to this end, they shall require every male resident of said town, over the age of twenty-one years, and under fifty years, to labor on the same, not exceeding three days in each year; and, if such labor be insufficient for that purpose, to appropriate so much from the general funds as they shall deem necessary therefor.

Open streets, etc.

*Second.*—To open, alter, widen, extend, establish, grade, pave and otherwise improve any streets, avenues, lanes, alleys or public roads, within the limits of said town.

Construction of sidewalks, etc.

*Third.*—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair, sufficient to pay one half the expense of such construction or repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts; and in the event of the neglect or refusal of the owner or owners of such property to pay the assessment so made, the amount of such tax shall be collected as hereinafter provided.



*Fourth.*—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding two (2) per cent. per annum, upon the assessed value thereof, and may enforce payment thereof in the manner hereinafter provided. Levy and collect taxes.

*Fifth.*—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same; and to prohibit the indecent exhibition of horses or other animals. Running at large of animals

*Sixth.*—To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance. Dogs.

*Seventh.*—To prevent horse-racing or any immoderate riding or driving within the limits of said town, of horses or other animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town. Horse-racing and fast driving.

*Eighth.*—To establish and maintain a public pound, appoint a poundmaster and prescribe his duties. Public pounds.

*Ninth.*—To restrain and prohibit all descriptions of gambling and fraudulent devices; and to suppress and prohibit billiard tables, ball-alleys and other gaming establishments. Gambling and other devices.

*Tenth.*—To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, and other exhibitions and amusements. Exhibitions.

*Eleventh.*—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or disorderly conduct, or shooting within the limits of said town. Riots, affrays, noises, etc.

*Twelfth.*—To abate and remove nuisances, and punish the authors thereof, and to define and declare what shall be deemed nuisances and authorize and direct the summary abatement thereof. Abate nuisances

*Thirteenth.*—To make regulations to prevent the introduction of contagious diseases into town, and execute the same for any distance not exceeding two miles from the outer limits thereof. Prevent contagious diseases

*Fourteenth.*—To regulate the storage of gunpowder and other combustible materials. Gunpowder, etc.

*Fifteenth.*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies. Extinguishment of fires.

*Sixteenth.*—To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants. Provide water.

*Seventeenth.*—To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town. Public grounds.

- Buildings.** *Eighteenth.*—To provide for erecting all needful buildings for the use of said town.
- General health.** *Nineteenth.*—To make all necessary regulations to secure the general health of the inhabitants of said town.
- Sale of liquors.** *Twentieth.*—To license the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, beer, or other intoxicating liquors, within the limits of said town; and the board of supervisors of said Moultrie county is hereby prohibited from licensing a grocery in said town or within one-half mile of the same.
- Indebtedness.** *Twenty-first.*—To appropriate, and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.
- To pass all ordinances.** *Twenty-second.*—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act or which they may deem expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fines or penalties exceed the sum of fifty dollars (50\$) for any one offense.
- Appointment of constable.** *Twenty-third.*—That the president and trustees of said town shall have power to appoint a town constable for said town, also to appoint a clerk, treasurer, street commissioner, board of health and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful discharge of their duties, and may remove any of said officers from office. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Sullivan, shall be received in all courts, without further proof, as evidence of all such matters contained therein; and all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town or by posting up copies of the same in three public places in said town; and the certificate of the clerk shall be conclusive evidence of their publication.
- Fire places, etc.** *Twenty-fourth.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens or any other apparatus used in or about any building or manufactory, and cause the same to be removed or placed in a secure and safe condition, and to cause such as may be dangerous to be put in a safe condition.

*Twenty-fifth.*—To establish and erect markets and market houses and other public buildings of said town, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the town.

Markets and market houses.

*Twenty-sixth.*—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Obstruction of streets.

*Twenty-seventh.*—To license, tax and regulate billiard tables, ten pin alleys and ball alleys; to suppress and restrain disorderly houses, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice and other games of chance.

Billiard tables and ten pin alleys.

*Twenty-eighth.*—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises.

Cemeteries.

*Twenty-ninth.*—To provide for taking an enumeration of the inhabitants of the town.

Enumeration of inhabitants.

*Thirtieth.*—To regulate, prevent and prohibit the use of fireworks and firearms.

Fire-arms.

*Thirty-first.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Ashes.

*Thirty-second.*—To require the inhabitants to provide as many buckets and in such manner and time as they shall prescribe, and to regulate the use thereof in time of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Wells, cisterns, etc.

*Thirty-third.*—To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires.

Manufactories.

§ 12. The inhabitants of said town are hereby exempt from working upon any road or highway beyond the limits in this act expressed, and from paying tax in lieu thereof without said limits.

Exempt from road labor.

§ 13. All fines, forfeitures and penalties collected for offenses committed within the town shall be paid into the treasury of said town by the officers collecting the same, and all fines and forfeitures collected of any citizen of said town for conviction in circuit court shall be paid over in like manner.

Fines and penalties paid to treasurer.

Election of  
police magis-  
trate.
§ 14.
 At the same time and place of the first election of the president and trustees, the qualified voters shall elect a police magistrate, who shall hold his office for four years and until his successor is elected and qualified. Elections for police magistrate and constable shall be held every four years from and after the first regular election. The judges and clerks of elections shall certify within five days from said election, to two abstracts of the votes cast for police magistrate, to the county clerk of said county of Moultrie, one of which shall be filed in his office and the other transmitted to the secretary of state; and the person receiving the largest number of votes for police magistrate shall receive a commission from the governor in due form.

Contested elec-  
tion.
 Elections for police magistrate may be contested in the same manner that the elections for justices of the peace are contested under the existing laws of this state or as may hereafter be provided. The police magistrate is hereby constituted a justice of the peace, and shall qualify as other justices of the peace, and shall execute bond, with good security, in the same manner as other justices of the peace, and shall have jurisdiction in said county, in all actions, as

Jurisdiction.
 other justices of the peace of said county. He shall have exclusive jurisdiction in all suits for the violation of the ordinances of the corporation, except in cases of his absence or inability to try such suits, in which case any [justice of the peace] in said town shall have jurisdiction thereof. He shall have power, and it is hereby made his duty, when any person is found guilty of violating any ordinance, to impose upon him such punishment, by fine or imprisonment, as may be fixed by ordinance, and none other, and to order him to be held in custody by the town constable until the fines and costs are paid: *Provided*, that no person shall be fined for violating any ordinance more than fifty dollars, nor imprisoned more than thirty days. He shall, also, have power to fine and imprison for contempt of his court, when in session. He shall have a session of his court on every Monday, for the trial of cases, and shall keep the same, from day to day, if necessary, until all the business before [him] is disposed of, and shall receive the same fees as justices of the peace. The town constable of the town of Sullivan shall receive the same fees as are allowed to a constable under the state laws, unless changed by ordinance. The town constable is hereby made a conserva-

Duties and fees  
of constable.
 tor of the peace, and shall have power to summon any male inhabitant of said town, over the age of eighteen years, to aid him in arresting or securing any offender against the laws of this state or any ordinance of said town; and any person failing to assist them, when so summoned, shall be reported by the town constable to the police magistrate and punished in such manner as may be provided by ordinance; and before entering upon the discharge of his duties,

shall enter into a bond in the sum of five hundred dollars, conditioned as other constables' bonds, payable to the town of Sullivan, and shall take and subscribe the same oath that other constables are required by law to take. He shall possess the powers and authority of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve process issued by any other officer in said county than the police magistrate of said town, without first entering into bond as such constable, to be approved by the county court, as in other cases. He shall execute and return all processes issued by any proper officer under this act or any ordinance in pursuance thereof. The town constable may, also, be collector of the town revenue, street commissioner and market master, and shall have power to appoint one deputy, in writing: *Provided*, the board of trustees, whenever they deem it expedient, may appoint some other person to the office of street commissioner and market master. He shall promptly arrest all violators of any ordinance and carry them before the police magistrate and shall have power to summon witnesses, without written subpoena, to appear and give evidence against such violators, and upon the failure of such witnesses to attend, the police magistrate shall forthwith issue a writ of attachment against them, and the police magistrate shall proceed to the trial of such offenders forthwith, or as soon as the witnesses can be brought before him; and if either the town or the offender is not ready for trial, the police magistrate may continue the trial not more than three days, and may admit the offender to give bond for his appearance before said magistrate at the time named therein, which bond shall be made payable to the town of Sullivan and collectable by action of debt before the police magistrate. Any person who is fined for breach of any ordinance may replevy the same, by giving security for the payment of such fines and costs within three months; and at the expiration of three months, if the fine and cost be not paid, the police magistrate shall render judgment against the principal and his securities and forthwith issue execution thereon, directed to the town constable; and any person fined for violating any ordinance may pay such fine by labor on the streets, under direction of the street commissioner, in such manner as may be determined by ordinance. The president and board of trustees may, upon any omission or neglect of duty of the town constable, remove him from office and appoint his successor. In case the police justice shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Moultrie county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars and

Ex officio powers of constable.

Penalties for neglect of duty.

Change venue. removed from office. Changes of venue may be taken from before the police magistrate to any justice of the peace of said town, in the same manner that changes of venue are now allowed from justices of the peace, in all cases over which justices of the peace have jurisdiction ; and appeals may be taken in the same manner from said police magistrate to the circuit court of Moultrie county as are allowed by law to be taken from justices of the peace. In case of the absence or inability of the town constable or his deputy to act, the police magistrate may appoint a special constable to serve any writ or process. Transcripts may be taken from judgments of the police magistrate to the circuit courts in the same manner as from the judgments of justices of the peace. The style of the ordinances of said town shall be, " *Be it ordained by the President and Trustees of the Town of Sullivan.*" All writs and processes issued by the police magistrates shall run in the name of the people of the state of Illinois, and be directed to the town constable of the town of Sullivan.

Style of ordinances.

#### ASSESSMENT.

Form of caption of assessment roll.

The assessor shall prepare an assessment roll, with the following caption, in substance: "An assessment roll of all the real and personal property within the limits of the town of Sullivan, made by the assessor of said town for the year 18..," and shall set down in separate columns: *First.*—The names of all the owners, if known, of the real estate within the limits of said town. If the owner is unknown it shall be so stated. *Second.*—The description of the real estate opposite the name of the owner or the word "unknown." *Third.*—The value of the real estate opposite the descriptions. Said assessment roll shall also contain in parallel columns: *First.*—The names of the owners of personal property subject to taxation, in alphabetical order. *Second.*—The assessed value of the personal property taxed to each individual. After the said assessment roll shall have been thus completed, the assessor shall attach his certificate to said roll, certifying that said roll is true and correct, according to his best information ; and said roll, so certified, shall on or before the first Monday in July of each year be returned to the board of trustees in session, or to the president. Previous to the first Monday in August of each year, the said assessment roll may be inspected by any persons interested in the same. At the regular meeting of the board on the first Monday in August of each year, and not afterwards, the said board shall hear the application of any person who may consider himself aggrieved by the said assessment, and on being satisfied of any error therein they may correct the same. On the return of the said assessment roll to the president or board, the town clerk shall cause to be

Inspection of assessment roll.

posted in three public places in said town written or printed notices that the assessment has been returned and is ready for inspection, and also of the time when application may be made for reviewing the same. Immediately after the first Monday in August, of each year, the town clerk shall make out a true copy of the assessments, to which, after being satisfied that the same is a true copy, as above, the board of trustees shall annex a warrant, signed by the president, requiring the collector to collect from the several persons the several amounts of taxes set opposite their respective names, and pay the same to the treasurer of the town; and the said collector shall thereupon attend at some place in said town, for the purpose of receiving taxes, giving ten days' notice of such place and the day on which he will attend for the purpose aforesaid; and if any resident of said town shall neglect to pay his tax on the day mentioned in such notice, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said town, shall sell as many of said goods and chattles as may be necessary to make the amount of tax and costs. In case where the owner is not a resident of the town, the collector shall proceed to levy and sell, within ten days after the day fixed in said notice. The said warrant shall be returnable on the first Monday in October, after the date thereof, at which time the collector shall return said warrant and tax list to the clerk of the town, and pay over all money by him collected to the treasurer, and take his receipt thereof. In the returns to said warrant, the collector shall give a list of the names of the persons whose tax upon personal property he has been unable to collect on account of not finding goods and chattles whereon to levy the value of the property assessed and the amount of tax thereon, and state in said return that he has been unable to collect the tax; and the board of trustees may give him credit for the amount of tax he has thus been unable to collect. The collector shall also make a list of the real estate upon which the taxes have not been paid or collected and state to whom such parcel of real estate was assessed, or that the same was assessed to a person unknown, and describe said real estate and give the amount of tax on such parcel. The collector shall return said list at the time last aforesaid, with a certificate, signed and sworn to by him, that said taxes remain unpaid, and that he could find no goods and chattels whereon to levy and collect the same; and the board of trustees may credit him with the amount. The said list shall be evidence of the taxes and costs due on any real estate in said town; and whenever any person owning real estate in said town shall fail to pay the same on or before the first Monday in October of any year, the town collec-

Warrants for  
collection of  
taxes.

Enforce pay-  
ment of taxes.

Return of a  
assessment.

Lands sold for  
taxes may be  
redeemed.

tor, assisted by the town clerk, shall thereupon proceed to sell said real estate at the east door of the court house in said town, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the taxes, interest and costs due thereon, having previously given thirty days' notice of the time and place of sale, by posting up notices in three of the most public places in said town, containing a list and description of said delinquent real estate. When any lots or real estate shall have been sold for taxes, as aforesaid, the same shall be subject to redemption, in the time and on the terms now provided or hereafter to be provided by the revenue laws of this state for the redemption of real estate sold for state and county taxes; but should the real estate so sold for taxes not be rendered in the time and manner provided by law, and if the purchaser or other person for him, shall have paid all taxes with which such real estate or lots shall have been charged up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed thereof, signed by the president and countersigned by the clerk of the board of trustees. The aforesaid deed shall have the same force and effect as deeds made by county collectors of this state for delinquent lands sold for state and county taxes. In the event the owner or owners of real estate against which assessments have been made under the provisions of the third clause of section eleven of this act shall refuse to make payment of such assessments, the board of trustees shall require the town constable to proceed against such real estate and make sale thereof in the same manner as against real estate for taxes in this act provided. This act is hereby declared to be a public act, and may be read in evidence in all the courts of this state, without proof. The president and board of trustees shall have power to borrow money and pledge the revenue of the town for the payment thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per cent., per annum: *And provided, further*, that no money shall ever be borrowed by the board of trustees, unless the ordinance therefor shall first be submitted and voted for by a majority of the voters voting at an election for that purpose. The town constable, or his deputy, shall have power to arrest or cause to be arrested, with or without process, upon view or information, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of said town, and may hold such persons for examination or detain them in the county jail or other safe place for the space of thirty-six hours and until they can be brought before the police magistrate. No person shall be incompetent to serve as a witness or juror in any suit where the town of Sullivan is a party, by reason of his being an inhabitant of said town. All ordinances

May borrow  
money.



and resolutions passed by the president and board of trustees of the town of Sullivan shall remain in full force until the same shall have been repealed by the town council: *Provided*, they are not inconsistent with this act. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Sullivan shall be vested in and prosecuted by the corporation hereby created. All property, real and personal, heretofore belonging to the president and trustees of the town of Sullivan, for the use of the said inhabitants of the said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Suits vested in corporation.

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

APPROVED March 26, 1869.

## SUMMERFIELD TOWN CHARTER.

AN ACT to incorporate the town of Summerfield, St. Clair county, state of Illinois.

In force when adopted by legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants and residents in the town of Summerfield, in the county of St. Clair, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Summerfield;" and, by that name, shall have perpetual succession, and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

Name and style.

§ 2. The boundaries of said town shall include all the lots on the original plat of said town of Summerfield and the additions thereto, including lots in the plat of Summerfield Depot, and all lands lying within one-half mile of the center of said town.

Boundaries of the corporation.

§ 3. The government of said town shall be vested in a president and four trustees; the said trustees to be elected annually by the qualified voters of said town; and no person shall be a trustee unless at the time of his election

Powers vested in trustees.

he is a *bona fide* freeholder in said town and has paid a state or county tax, and he shall have resided in said town for the space of twelve months, twenty-one years of age, and a citizen of the United States, and upon his removal from said town, he shall vacate his office.

Qualifications  
of members.

§ 4. The board of trustees shall determine the qualification of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Oath of office.

§ 5. The president and each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and abilities. And there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

Declared an  
election precinct

§ 6. The boundaries as herein described, or as may hereafter be defined by ordinance, shall constitute a district for the election of one justice of the peace and one town constable—the constable to hold his office for one year, the justice to hold his office for four years, and both to be elected by the qualified voters of said town at the same time and place at which the trustees are elected; and they shall give bond and qualify as other justices and constables are required by law to do; and in case of a removal from said town his or their offices to be vacated.

Tie vote, how  
decided.

§ 7. If two or more persons shall receive an equal number of votes for the office of justice or constable, the board shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance.

Election  
trustees.

§ 8. On the last Tuesday of August, 1869, and on the last Tuesday in August, in each year thereafter, an election shall be held in said town for the election of five trustees and one town constable, as aforesaid, who shall hold their office for one year, and, at the first election, if necessary, to elect a town justice, who shall hold his office four years, and shall give bond and qualify the same as any other justice of the peace; and each shall hold his office until their successors are elected and qualified; which election shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of the same day. And any two of the corporate trustees shall be judges of said elections, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election, certify the votes for justice of the peace to the clerk of the county court, and lay

the poll books of such elections before the board at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

§ 9. All free white male inhabitants of said town, over twenty-one years of age, who have resided in said town six months next preceding any election, shall be entitled to vote for town officers. Qualification of voters.

§ 10. The president and trustees shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may be hereafter subject to taxation for state or county purposes, not exceeding one-half of one per centum, per annum, upon the assessed value thereof, and may assess and enforce collection of the same by any ordinance, not repugnant to the constitution of the United States; or the trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property of said town by the county assessor, and cause the same to be collected by the county collector. Levy and collect taxes.

§ 11. If the president and the trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the officer whose duty it is by law to extend the tax by existing laws, notice of their intention so to do, (which notice shall be a copy of their records,) and also the rate of taxation, and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue; and the said clerk and collector shall receive the same compensation as is now provided by law for the collection of state and county taxes: *Provided*, nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance. Adoption state assessments.

§ 12. The said board shall have power to appoint such officers as may be adjudged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bond, with such security, and to take oaths as may be adjudged necessary to insure a faithful performance of their respective duties. Appointment of officers.

And shall have power to appropriate money and provide for the payment of the debts or expenses of the town. Appropriations.

To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent and remove the same. General health.

To open, establish, alter, abolish, widen, extend, grade or otherwise improve and keep in repair, streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges. Improvement of streets, alleys and highways.

To provide for the erection of all needful buildings, for the use of said town, and to provide for the inclosing, laying Public buildings

off, improving and regulating all public grounds, squares and burial grounds belonging to said town.

Auctioneers, peddlers, etc. To license, tax and regulate auctioneers, peddlers, theatrical and other exhibitions, shows and other amusements.

Prohibit sale of liquor. To license, tax, regulate suppress and prohibit the selling and trafficking in spirituous, vinous and malt liquors.

Tippling houses To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses.

Extinguishment of fires. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Partition fences To regulate partition fences, and provide for the inspection of hay, corn, wheat, oats and stone coal, and for the measurement of wood and fuel, to be used in said town.

Census. To provide for taking the enumeration of the inhabitants of said town.

Regulate election of officers. To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.

Officers' fees. To fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance.

Fines and forfeitures, how recovered. To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Incumbering streets. To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or any uninclosed lots.

Stock at large To prevent the running at large [of] mischievous or diseased animals, and to impose penalties upon the owners of such animals for the violation of any ordinance in relation thereto.

Running at large of dogs. To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

Make and pass ordinances. § 13. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state and of the United States. The style of the ordinances of the town shall be: "*Be it ordained by the President and Trustees of the town of Summerfield.*" And all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or if no newspaper is printed in said town, by posting copies of the same in four public places in said town; and the certificate of the publishers of such newspaper, or of the clerk of the board, under the seal of the cor-

poration, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

§ 14. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet form and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places, without further proof. Proof of ordinances.

§ 15. The president of the board shall preside at all meetings of the board, when present; and in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of [duty] to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, to call out the militia, to aid in suppressing the same or carrying into effect any laws and ordinances; and any person who shall refuse to obey or fail to obey such call shall forfeit and pay to the said corporation the sum of five dollars. Presiding officer

§ 16. The said justice shall be commissioned by the governor as other justices, and he shall have and exercise the same power and jurisdiction conferred upon the justices of the peace by laws of this state, and shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall receive the same fee and compensation allowed for similar services under the laws of this state to other justices of the peace; and for every willful and corrupt oppression, malconduct or partiality or palpable omission of duty in his said office, may be indicted in the circuit court of St. Clair county, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars; and the court shall have power, upon the commendation of the jury, to make his removal from office a part of the judgment. Justices commissioned by the governor.

§ 17. The president and trustees shall have power, by ordinance, to make pavements or sidewalks in said town, as to them may seem needful: *Provided, always*, that the lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expense for making said sidewalk, and said tax to be collected as other taxes are collected by the provision of the tenth and eleventh sections of this act or as may be provided for by ordinance. Construction of sidewalks.

§ 18. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, to require every able-bodied male inhabitant of the said town, over the age of twenty-one years and under fifty, to labor on said streets, lanes, alleys, avenues and highways of said town, not less than two nor more than Inhabitants to labor on streets, alleys, etc.

three days in each year; and every person failing or refusing to perform such labor, after being notified, as may be provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected and refused.

Punishment of offenders.

§ 19. The president and board of trustees shall have power to provide for the punishment [of the offenders] against any ordinance, in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Exempt from road labor.

§ 20. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by authority of the county court; and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and trustees as aforesaid.

All writs issued to be in form of debt.

§ 21. All writs for the recovery of penalties for the breach of any ordinance of said town, shall be in the form of an action of debt, before the justice of the peace, or in case of his absence or inability to act, then before some other justice of the peace of said town or precinct. Changes of venue, appeals and writs of *certiorari* shall be allowed in cases commenced before the said justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered on the record of said corporation, directing said appeal, shall be sufficient evidence of the authority of said secretary to sign said bond.

Appeals allowed

Jurisdiction of constables.

§ 22. The town constable elected under the provisions of this act shall have power and authority to execute process issued for the breach of any ordinance of said town, and, for that purpose, his power and authority shall extend over the county of St. Clair, and shall have the same power, jurisdiction and authority, within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the board shall by ordinance prescribe.

Suits in corporate name.

§ 23. All suits for fines and penalties, and for the violation of any ordinance, shall be in the name of the town of Summerfield; and the said corporation shall have power to regulate, by ordinance, the form of the first and of any subsequent process and the mode of executing the same.

Collection of taxes.

§ 24. All the proceedings shall be had in reference to the delinquent taxes as are now or shall be required by the state revenue laws for the collection of state and county taxes; and the collector shall give due notice, in some newspaper published in said town, or if no newspaper be published in said town then in some newspaper published

in the city of Belleville, and make application to the county court of St. Clair county for a judgment against said delinquent lands and lots; and the said county court shall have jurisdiction over the same. The sale of said lands and lots shall be within the limits of said town; and the collector shall have full power and authority to make and execute all deeds and conveyances under this act when thereto directed by said board of trustees.

Sale of land.

§ 25. That when any town lot or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years after the date of such sale, by the owner of said property or his or her agent, attorney, executor, administrator or other representatives paying to the treasurer of said town the amount of redemption money required by law, as the same is now provided or may be provided for redemptions under sales held for taxes under the revenue laws; and the same right shall be secured to minors as is now provided by law.

Redemption of land.

§ 26. For the purpose of carrying this act into effect, Charles S. Dew, Samuel B. Scott, Wm. S. Babcock, Wm. H. Hill and Edgar F. Casad are hereby constituted incorporated trustees; and any failure to hold the first election under this act [at] the specified time shall not work a forfeiture thereof, but the said election may be held at any day thereafter, by three legal voters giving ten days' public notice of the same.

Appointment of trustee.

§ 27. The qualified voters, within the corporation hereby created, shall vote on the last Tuesday in April next for or against the adoption of this charter, under this act; and if a majority of all the votes cast at said election are in favor of the adoption of this charter then this act shall be in full force; otherwise to be null and void.

Submitted to legal voters.

APPROVED March 29, 1869.

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AN ACT to incorporate the town of Topeka.

In force April 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the village of Topeka, in the town of Quiver, in the county of Mason, are hereby made a body corporate and politic, in law and in fact, by the name of "The President and Trustees of the Town of Topeka;" and, by such name and style, shall be forever able and capable, in law and equity, to sue and be sued, to plead and be inpleaded, to answer and be answered unto, to defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatever kind or na-

Name and style.

ture they may be, in as full and effectual a manner as any person or persons, bodies corporate or politic can or may do; and, by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, which they may alter or revoke as they please.

Powers vested  
in trustees.

§ 2. That the corporate powers or duties of said town shall be vested in and exercised by three trustees, to be chosen and appointed as hereafter declared, who shall form a board for the transaction of business. The number of trustees may be increased to five, by a vote of the corporation, at any annual meeting for the election of trustees, ten days' previous notice having first been given.

Names of the  
trustees.

§ 3. That Samuel R. Yates, Phillip Brown and Robert G. Rider are hereby appointed trustees of said town, under this act, and shall hold their office until the first Monday in April, one thousand eight hundred and seventy, and until their successors are elected and duly qualified; which election shall be holden on the first Monday in the month of April, in each year thereafter. The members composing said board of trustees shall be at least twenty-one years of age, and inhabitants of said incorporated limits, and *bona fide* freeholders of said town; and they shall have power to fill all vacancies in their board, which may be occasioned by death, resignation or otherwise.

Qualification of  
electors.

§ 4. That in all elections for trustees and other officers of said town, required to be elected by this charter, every white male resident within the incorporated limits of said town, over the age of twenty-one years, who shall have resided therein thirty days or who shall be the *bona fide* owner of any freehold property therein, shall enjoy the right of election.

Appointment  
of officers.

§ 5. The board of trustees shall appoint their president and all other officers of their body, and shall be judges of the qualifications, elections and returns of their own members, a majority of whom shall constitute a board to transact 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 proceedings, punish their members for disorderly conduct, and, by the concurrence of a majority of the whole number elected, may expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient.

Levy and collection  
of taxes.

§ 6. That the board of trustees shall have power to levy and collect taxes upon all real and personal estate within the incorporate limits of said town of Topeka, at the discretion of the board, in sufficient amount to defray the current expenses of said town, including the expenses of incorporation; to declare what shall be considered nuisances within said incorporated limits, and to prevent and remove the



same; to provide for licensing, taxing and regulating auctions, taverns, groceries, theatrical and other shows and exhibitions; to restrain and prohibit all disorderly houses; to prevent the running and indecent exhibition of horses and jacks; to establish and regulate markets; to open, grade, pave and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to regulate the police of the 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 incorporation; to regulate the election of town officers, and fix their compensation; to require bond and security of town officers for the faithful performance of their duties, and from time to time pass such ordinances to carry into effect the objects of the act and powers hereby granted as the good of the citizens of said town may require.

§ 7. That the board of trustees of said town shall have power to impose fines and forfeitures for the breach of any ordinance, and provide for the collection thereof, and to direct, by ordinance, such punishment to be inflicted for any offense against the laws of the incorporation as it is or may be provided by law for like offenses 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 trial by jury for like offense against the laws of this state.

Fines and penalties.

§ 8. That the board of trustees shall have power to provide for the punishment of offenses by imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay fines which may be assessed or for forfeitures or penalties which may be recovered: *Provided*, that nothing herein contained shall be so construed as to prevent persons from availing themselves of the benefit of any insolvent law which now is or hereafter may be passed by the legislature of this state, if such person would be entitled to such discharge for like offense against the laws of this state: *And, provided, also*, that no person shall be imprisoned under the provisions of this act for a longer period than twenty-four hours for every dollar of any fine assessed or forfeiture or penalty recovered.

Punishment of offenders

§ 9. That the board of trustees shall have power to provide for the punishment of any person who may at any time disturb the peace of the inhabitants of the town or any worshiping congregation or deliberations and proceedings of any public meeting assembled therein or of the board of trustees when in session.

Public peace.

§ 10. On the first Monday in April next, an election shall be held in said town of Topeka for the election of one police magistrate of the town of Topeka, who shall hold his office for four years and until his successor is elected and duly qualified, and whose jurisdiction, powers, duties, functions

Election of police magistrate.

and emoluments shall be the same as is given to justices of the peace in and for the county of Mason.

Election of constable.

§ 11. On the first Monday in April next, there shall also be elected, at the same time and place, one town constable, who shall be, *ex officio*, street commissioner, who shall hold his office for one year and until his successor is elected and qualified, whose duty it shall be to arrest, on view, all persons who shall violate the laws and ordinances of said town; to collect all fines, forfeitures and penalties which may be assessed or recovered, for the use of the corporation, and to execute all writs, processes and precepts which may issue against any person or persons for a violation of said laws and ordinances, and, for this purpose, it shall be lawful for him to go into any part of the county of Mason to serve or execute any such writs, processes or precepts, as aforesaid; and he shall also have the same power, jurisdiction and authority, within the limits of said county, as other constables, in all cases under the laws of this state, and shall give bond and qualify as the said board of trustees shall by ordinance prescribe.

Notice of election.

§ 12. Ten days' notice of the first election of police magistrate and town constable, required to be elected under this act, shall be given by the trustees named in section 3 of this act, who shall prescribe the manner in which elections shall be conducted; and forever thereafter it shall be the duty of the trustees to give at least ten days' notice of all elections for town officers.

Jurisdiction of justice of the peace and constable.

§ 13. In all cases arising under this act or growing out of the by-laws or ordinances made in pursuance thereof, the police magistrate of said town or any justice of the peace in the county of Mason, shall have jurisdiction to hear and determine the same; and appeals may be taken and writs of certiorari allowed in all such cases in the same manner that now is or hereafter may be provided by law for appealing from judgments of justices of the peace.

Publication of ordinances.

§ 14. That all ordinances of said trustees, made in pursuance of this act, shall be fairly written out, signed by the clerk, and the same or printed copy thereof shall be posted up at three of the most public places in said town or published in some newspaper printed in said town; and no ordinance shall be enforced until posted up or published at least ten days.

Certificate of publication of ordinances.

§ 15. That the certificate of the clerk of the board of trustees of said town, shall be deemed and taken as sufficient proof of the publication thereof in all the courts of law or equity in this state; and all ordinances, when published or printed in book or pamphlet form and purporting to be printed or published by authority of the town of Topeka, the same shall be received as evidence in all courts of law and equity and in all places, without further proof.

§ 16. That the president and trustees of said town of <sup>Sidewalks.</sup> Topeka may provide, by ordinance, for the erection of sidewalks on the streets of said town, to fix the width thereof, and to keep the same in repair. The lot in front of which any sidewalk is made shall, in addition to the regular tax imposed by the board of trustees, be taxed to pay at least one-half of said expense of making said sidewalk, which tax shall be assessed and collected in the same manner as other taxes are.

§ 17. The board of trustees shall have power to adopt such modes and means for the assessment and collection of <sup>Manner of assessments and collections.</sup> taxes as they may, from time to time, fix upon and determine, and to prescribe the manner of selling property when the tax on the property is not paid: *Provided*, that no sale of any town lot or other real estate shall be made until public notice of the time and place of sale shall be given by advertisement in a newspaper printed in said town or by posting up written or printed notices thereof in three of the most public places in said town at least fifteen days previous thereto.

§ 18. That when any lot or lots or other real estate shall be sold for taxes, by virtue of any ordinance made in pursuance of this act, the same may be redeemed any time within two years from the date of such sale, by the owner of said property or his or her or their agent, executor or administrator, by paying to the treasurer of said town, for the use of the purchaser of said property, double the amount of the purchase money, with interest at the rate of ten per cent., per annum, with the costs accrued thereon. <sup>Rights of redemption.</sup>

§ 19. That the members of the board of trustees and all <sup>Oath of office.</sup> other officers of said corporation shall, before entering upon the duties of their respective offices, take an oath or affirmation, before some officer authorized by the law of this state to administer oaths, to support the constitution of the United States and of this state, and faithfully discharge the duties of their respective offices.

§ 20. That the board of trustees, for the purpose of keeping the streets and alleys of said town and the public road passing through the same in good repair, shall have power, and to this end they are authorized, to require every male resident within the limits of said corporation, over the age of twenty-one years, to labor on said streets, alleys and roads, not less than two nor more than four days in each year; and any person who shall be notified by the street commissioner 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 street commissioner of said town is hereby authorized to prosecute such delinquent person, in the name of the president and trustees of the town of Topeka, before the police magistrate of <sup>Inhabitants to labor on streets.</sup>

said town or any justice of the peace in the county of Ma-son ; and said street commissioner shall be a competent witness against said delinquent.

Action to re-  
cover fines.

§ 21. That all fines, forfeitures and penalties, authorized to be assessed by this act, may be in action of debt, in the name of the president and trustees of the town of Topeka, before the police magistrate of said town or any justice of the peace of said county: *Provided*, that no such fine, forfeiture or penalty shall exceed one hundred dollars; and all sums of money which may be received for licenses granted to groceries, taverns, auctions, theatrical and other shows and exhibitions, and all fines, forfeitures and penalties imposed for a violation of any of the by-laws or ordinances of said corporation, shall, when collected, be paid into the town treasury, for the use and benefit of said town.

Exempt from  
road labor out-  
side town limits.

§ 22. The inhabitants of the town of Topeka are hereby exempted from working on any road beyond the limits of said corporation and the payment of any road tax levied by authority of the county court or other authority; and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the trustees of said town.

Boundaries de-  
fined.

§ 23. That, for the purpose of carrying into effect the aforesaid powers, the said trustees are hereby authorized to define the boundaries of said incorporation: *Provided*, the same shall not exceed one mile square, and shall have the power and right of extending the same, at any time, until the limits reach one mile square.

Officers fees

§ 24. That the police magistrate, justices of the peace, town constable and other officers, 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 in other cases for justices of the peace and constables.

Failure to hold  
first election not  
to work a for-  
feiture.

§ 25. Any failure to elect officers on the days fixed by this act shall not invalidate or work a forfeiture of the election portion of the town, but the board of trustees may provide in such case for the holding of such election at some other time.

Organization.

§ 26. That on the second Monday of March, one thousand eight hundred and sixty-nine, the within named trustees shall meet and proceed to organize, appoint their officers, and enact such ordinances as they may think necessary; and the trustees of said town shall inform the board of any and all elections held under the provisions of this act; and they shall be governed by the election laws of this state, wherein they do not conflict with the provisions of this act, with the exception that no registration of voters shall be required.

§ 27. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without further proof. Evidence of act.

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

APPROVED April 10, 1869.

AN ACT to incorporate the town of Vermilion, in the county of Edgar, in the state of Illinois. in force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Vermilion, in the county of Edgar, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Vermilion;" and, by that name, shall have perpetual succession, and may have and use a common seal, and may alter the same at pleasure. Name and style.

§ 2. The following district of country shall be included within the boundaries of said town of Vermilion, to-wit: The southwest quarter of section twelve (12), the west half of the southeast quarter of section twelve (12), the west half of the northwest quarter of the northeast quarter of section thirteen (13), the north half of the northwest quarter of section thirteen (13), and the east half of the northeast quarter of the northeast quarter of section fourteen (14), and the east half of the east half of the southeast quarter of section eleven (11); all in township thirteen (13) north, of range eleven (11) west, situated in Edgar county, Illinois. Boundaries of corporation.

§ 3. Whenever any tract of land adjoining the town of Vermilion shall be laid off into town lots and recorded according to law, the same shall be annexed to and form a part of said town of Vermilion. Additional territory annexed.

§ 4. The inhabitants of said town, by the name and style of "The Town of Vermilion," shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase and hold property, real and personal, in said town, and to purchase and hold real estate, beyond the limits of said town, for burial grounds, for the use of the inhabitants, and to sell, lease, convey and improve property, for the use of said town, and to do all things in relation thereto as natural persons. May purchase and hold real estate for burial purposes.

## ARTICLE II.

## OF THE TOWN COUNCIL.

- Council.** SECTION 1. There shall be a town council, to consist of a president and four councilmen.
- Term of office** § 2. The board of council shall be elected by the qualified voters of said town, and shall serve for one year.
- Eligibility of members.** § 3. No person shall be a member of the town council unless he shall at the time of his election be a resident of said town, twenty-one years of age, a citizen of the United States, or who shall not at the time of his election be a resident of the state one year.
- Election returns** § 4. The town council shall judge of the qualifications and returns of its own members, and shall determine all contested elections, and a majority shall constitute a quorum.
- Rules of proceedings.** § 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and shall keep a complete record of its proceedings; and all vacancies that shall occur in the town council shall be filled by election.
- Oath of office.** § 6. Each and every member of the town council, before entering upon the duties of his office, shall take an oath that he will support the constitution of the United States and of this state, and also the oath prescribed by section 26, article 13, of the constitution of this state, and that he will well and truly perform the duties of his office to the best of his ability.
- Meetings.** § 7. The council shall meet at such times and places as may be prescribed by ordinance.

## ARTICLE III.

- Election of justice and constable.** SECTION 1. There shall be elected in the town of Vermilion, on the first Monday of April, A. D. 1869, and on the first Monday of April, biennially, forever thereafter, a police justice and a town constable, who shall hold their offices for two years, and until their successors shall be elected and qualified; but no person shall be eligible to the office of police justice or town constable, who shall not have been a resident of the town for six months next preceding his election, or who shall be under twenty-one years of age.
- Justice commissioned by governor.** § 2. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond as other justices; and said police justice and town constable shall have power and concurrent jurisdiction as other justices and constables in the county of Edgar; and said police justice shall have exclusive jurisdiction of all cases arising under the ordinances of the

corporation ; and these officers shall have the same fees for services as other justices of the peace and constables.

§ 3. In case the police justice or town constable shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of oppression, mal-conduct or partiality in [the] discharge of their duties as such officers, they shall be severally liable to be indicted in the circuit court of Edgar county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars, and may be removed from office.

Penalty for neglect of duty.

#### ARTICLE IV.

##### ELECTIONS.

SECTION 1. On the first Monday of April, 1869, an election shall be held in said town for the president and four members of the town council ; and forever thereafter, on the first Monday of April of each year, there shall be an election held for said officers. The first election shall be held and the returns made, as now provided by the by-laws and ordinances of said town ; and all succeeding elections shall be held as may be provided by ordinance of the town council by this act created.

Election of president and town council.

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town thirty days next preceding said election, shall be entitled to vote for all the officers of said town, and upon all questions submitted to them by said town council.

Qualification of electors.

#### ARTICLE V.

SECTION 1. The town council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum per annum, upon the assessed value thereof, and may enforce the payment thereof by ordinance, not inconsistent with the constitution and laws of this state.

Power to levy and collect taxes.

§ 2. The town council shall have power to appoint a clerk, treasurer, collector, supervisors of streets, police officers, and all such other officers as may be necessary to carry out the objects of this act and the by-laws and ordinances passed in pursuance hereof, and to require of such officers bonds, with sufficient penalty and security, and also to take an oath for the faithful discharge of their duties, and to provide by ordinance what their duties [shall] be and what they shall perform.

Appointment of officers.

§ 3. To appropriate money, and to provide for the payment of the debts and expenses of said town.

Appropriations.

§ 4. To make all necessary regulations to secure the health of the inhabitants ; to declare what shall be a nuisance, and to prevent and remove the same, and to provide the town with water, for the convenience of the public.

General health.

- Street im- § 5. To open, alter, abolish, widen, extend, establish, improvements. grade, pave or otherwise improve and keep in repair streets, squares, avenues, lanes, alleys, crossings and sidewalks.
- Bridges. § 6. To erect and keep in repair bridges; to establish Markets and market houses. markets, erect market houses, and provide for the government thereof; to provide for the erection of all needful buildings for the use of said town, and to provide for improving and regulating all public grounds belonging to the town.
- Public grounds. § 7. To license, tax and regulate auctioneers, hawkers, Auctioneers, peddlers, etc. teamsters, brokers and draymen; to license, tax, regulate, Exhibitions. and suppress theatrical and other exhibitions, ball alleys, billiard tables, lotteries, shows and amusements.
- Sale of liquors. § 8. To prohibit and suppress the sale of any kind and description of ardent spirits, wine, ale, porter, cider or beer; Tippling houses to suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses: *Provided*, the town council shall have the right to license and regulate the sale of all spirituous liquors, ale, cider, wine and beer.
- Prevention and extinguishment of fires § 9. To provide for the prevention and extinguishment of fires, to provide for and regulate fire companies, and to provide water to be used in case of fires.
- Census. § 10. To provide for taking enumerations of the inhabitants of said town.
- Compensation of officers. § 11. To fix the compensation of town officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance of said town: *Provided*, that in no case shall any member of the council receive more than ten dollars for one year's service, excepting the president, who shall in no case receive more than twenty dollars for one year's service.
- Regulate the police of town. § 12. To regulate the police of said town; to impose fines, forfeitures and penalties for the breach of any ordinance, for the recovery and appropriation of such fines and forfeitures and for the enforcement of such penalties; and to pass all such ordinances as are necessary to secure the peace, quiet and good order of said town: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act, or any ordinance passed in pursuance hereof.
- Pass and enforce ordinances. § 13. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all of the powers specified in this act, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state.
- Style of ordinances. § 14. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Vermilion.*"
- Publication of ordinances. § 15. All ordinances passed by the town council shall, within twenty days after they shall have been passed, be published in such way as may be provided by ordinance,



and shall not be in force until they shall have been so published.

§ 16. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Evidence of validity of ordinances.

## ARTICLE VI.

### OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings of the town council, and shall have the casting vote, and no other. In any case of his non-attendance at said meeting, the council shall appoint one of their number chairman, who shall preside at said meeting. The president or any two members of the council may call special meetings of the town council.

Presiding officer of council.

§ 2. The president shall see that the laws and ordinances of the town are enforced. He shall inspect the conduct of all the subordinate officers of said town, and cause negligence and violation of duty to be prosecuted.

Duties of the president.

§ 3. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers; and shall have power to do all other acts required of him by ordinance made in pursuance of this act.

Exhibit of books and papers.

## ARTICLE VII.

SECTION 1. Whenever it shall be necessary to take private property for opening or altering of any street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same, before opening or altering such street or alley; and in no case the amount of such compensation cannot be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested freeholders of said town.

Private property taken for improvement of streets, alleys, etc.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering of the same; but no compensation shall be allowed to such owners for their property so taken.

Petitions for opening streets.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering of any street or alley, shall first be sworn to that effect, and shall return to said police justice their inquest, in writing, signed by each juror; and the police justice shall keep a record of the same as in other cases: *Provided, always*, in the assessment of such damages the jury shall take into consideration

Benefits and damages estimated.

the benefit as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley, by such opening or alteration.

## ARTICLE VIII.

Exempt from road labor outside town limits.

SECTION 1. The inhabitants of said town of Vermilion are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure labor on the same.

Inhabitants to labor on streets.

§ 2. The town council shall have the power, and it is hereby made their duty, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days in each year; and any person failing to perform such labor, after being duly notified, shall forfeit and pay the sum of one dollar for each day so neglected or refused.

Ordinances to continue in force until repealed.

§ 3. All ordinances and resolutions passed by the president and trustees of the town of Vermilion, which are in conformity to law, shall remain in force until the same shall have been repealed by the town council hereby created. All suits, actions and prosecutions instituted, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Vermilion shall be vested in and prosecuted by the corporation hereby created.

All property vested in corporation.

§ 4. All property, real and personal, heretofore belonging to the president and trustees of the town of Vermilion, for the use of the inhabitants of said town, or their benefit, shall be and the same is hereby declared to be vested in the corporation hereby created; and this charter shall not invalidate any act done by the president and trustees of the town of Vermilion nor divest them of any rights which have accrued to them prior to the passage of this act: *Provided*, such acts have been conformable to law.

Promulgation of act.

§ 5. The president and trustees of the town of Vermilion shall, immediately after the passage of this act, take measures to promulgate this law within the corporate limits of the town of Vermilion, and shall issue their proclamation for the election of officers, giving such notices as are now required for the election of the officers of said town of Vermilion.

Appeals allowed to circuit court

§ 6. Appeals shall be allowed in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Edgar county, to be taken and granted in the same manner and with like effect as appeals are taken from justices of the peace to the circuit court in similar cases under the laws of this state.

Office vacated.

§ 7. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office shall

be otherwise vacated, the town council shall immediately provide for filling such vacancy by election.

§ 8. No inhabitant or officer of said corporation shall for that cause be disqualified as a witness or juror in any suit or proceeding wherein the corporation may be a party or may be interested. Competent witnesses.

§ 9. All moneys arising from fines, forfeitures and penalties, licenses, taxes and assessments, shall be paid to the corporation treasurer, and go to the sole and exclusive use of the inhabitants of the town of Vermilion, to be appropriated and expended by the town council for the advancement, improvement and benefit of the said town. All the fines and penalties paid to treasurer

§ 10. All suits for fines, forfeitures and penalties, in and for the violation of this act or of any ordinance passed in pursuance thereof, shall be in the name of the town of Vermilion, and the council shall have power to regulate, by ordinance, the form and nature of all process and the manner of executing the same; and in all cases arising under this act or the ordinances passed in pursuance thereof, changes of venue shall be granted to the nearest justice of the peace upon the same terms and in the same manner as changes of venue are now granted from justices of the peace. Suits instituted in corporate name.

§ 11. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Evidence and proof of act.

§ 12. This act to take effect from and after its passage. This act shall be submitted to a vote of the legal voters of said town, at an election, to be held for that purpose, on the first Monday of March, A. D. 1869. The tickets shall be indorsed "For the act" or "Against the act;" and if a majority of the votes are in favor of this act it shall become a law, but not otherwise. Notice of such election shall be posted up by the clerk of said town in at least three of the most public places of said town, at least ten days before said election. Act to be submitted to legal voters.

IN FORCE April 15, 1869.

I, EDWARD RUMMEL, Secretary of State, do hereby certify that the foregoing act of the Twenty-sixth General Assembly of the State of Illinois was filed in the office of the Secretary of State, April 15, 1869, without the signature of the Governor, but, by virtue of Section 21, Article IV. of the Constitution of this State, the same is now declared a law, having been retained over ten days by the Governor after its reception.

EDWARD RUMMEL, *Sec'y of State.*

AN ACT to incorporate the town of Versailles.

In force April 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the present boundary of the town of Versailles, in Brown* May change boundaries.

county, Illinois, is hereby changed so as to include within the corporate limits of said town the following territory and lands, to-wit: The southwest quarter of section seventeen (17), the west half of the southwest quarter of section seventeen (17), the east half of the southeast quarter of section eighteen (18), the east half of the northeast quarter of section nineteen (19), the northwest quarter of section twenty (20), and the west half of the northeast quarter of section twenty (20), all in township two (2) south of the base line, range two (2) west of the fourth principal meridian; and the inhabitants residing within said corporate limits are hereby declared a body corporate and politic, by the name of the "Town of Versailles," with perpetual succession; and, by that name, may sue and be sued, contract and be contracted with, lease, purchase, acquire, receive and hold real, personal and mixed estate, sell, bargain and convey or otherwise dispose of the same, and have and use a common seal, which they may alter at pleasure.

#### 11. ELECTIONS.

Election of trustees.

§ 2. A general election shall be held on the first Monday in April, in each year, in said town, for the election of five trustees, one of whom shall be appointed president of the board, and such other officers as are made elective by this act or by ordinance of the town. Special election may be ordered by the town trustees to fill vacancies occurring in the office of police magistrate.

Judges of election.

§ 3. All elections of the town shall be held by one judge, assisted by one clerk, who shall each take an oath that they will faithfully discharge the duties of their office according to law, and that they will studiously endeavor to prevent fraud and corruption in conducting the same. The town trustees shall appoint the judge and clerk, but in case no appointment is made, or those appointed shall decline serving or shall not be present at the time for opening the polls, the electors present may select any of their number to act as judge or as judge and clerk of election.

Manner of conducting election

§ 4. The polls shall not be opened earlier than eight o'clock in the morning and may be closed at four o'clock in the evening. The elections shall be conducted as near as may be with the general laws of the state, except as herein changed, and also excepting that no law of the state requiring a registry of voters shall apply to elections held under this act. After the polls are closed the judge and clerk shall canvass the ballots and certify the result to the town trustees, and the ballots, poll-books, affidavits and papers shall, within three days, be filed in the office of the town clerk.

§ 5. All persons entitled to vote at general elections, and who shall have permanently resided in said town thirty days next preceding any election, shall be entitled to vote at such election. Qualifications of voters.

§ 6. If the right of any person offering to vote is challenged by any voter of the town, he shall be required to present to the judge of election, before his ballot shall be received, an affidavit, of himself, in substance as follows, to-wit: "I, A. B., do solemnly swear (or affirm) that I am a citizen of this state, and have resided therein not less than one year next preceding this election, and in the town of Versailles not less than thirty days preceding this election, where I now reside, and that I am above the age of twenty-one years." He shall also produce the affidavit of some elector of the town, who is known to the judge of election, or whose identity is proved, who shall therein swear that he is well acquainted with the person offering to vote, giving his name, and knows that he has resided within this state not less than one year, and in the town not less than thirty days next preceding the election. The affidavits may be sworn or affirmed to before the judge of election, or before any officer authorized by law to administer oaths or affirmations. Right to vote.

§ 7. No person shall be eligible to any office in said town who is not a qualified voter. Eligibility of officers.

§ 8. The town trustees shall hear and determine all contested elections in such manner as shall be prescribed by ordinance, and, in case of any tie, shall decide the election by lot. Contested election.

§ 9. Any person who shall swear or affirm to any material fact as to the qualification of any person voting, or offering to vote, knowing the same to be false, or not knowing the same to be true, shall be guilty of perjury, and, on indictment and conviction, punished accordingly. Perjury.

§ 10. If any person, not entitled to vote, shall vote at any election held under this act, he shall forfeit and pay to the town of Versailles not less than one hundred dollars nor more than five hundred dollars, to be recovered by action of debt in the circuit court. False swearing.

§ 11. If any judge of election shall permit any person to vote who has been challenged, without the necessary proof herein required, he shall forfeit and pay to said town for each any every offense one hundred dollars, which may be recovered by action of debt before any police magistrate of the town, justice of the peace of the county or in the circuit court. Judges of elections.  
Liability of.

#### 111. OFFICERS—THEIR QUALIFICATIONS, DUTIES, ETC.

§ 12. All officers of the town shall take an oath of office that they will well and truly discharge the duties of their office according to law. Oath of office.

- Presiding officer** § 13. The president shall preside at all meetings of the town trustees, and shall see that the ordinances of the town and laws of the state are duly enforced within the town and that all officers of the town discharge their respective duties. He shall recommend such measures to the trustees as he may deem advantageous, and shall sign all orders drawn on the treasury of the town.
- Inhabitants to aid in enforcing the laws.** § 14. He is hereby authorized to call upon any and all white able-bodied male inhabitants of the town, or county of Brown, over the age of eighteen years, to aid in enforcing the laws of the state or ordinances of the town, any [and] any person who shall not obey such call shall forfeit and pay to said town a fine of not less than five nor more than twenty-five dollars, which shall be collected by action of debt before the police magistrate of said town.
- Exhibit books and papers.** § 15. He shall have power, whenever he shall deem it necessary, to require of any officer of the town an exhibit of his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance of the town.
- Vacancies, how filled.** § 16. In case of vacancy in the office of president or of his inability to perform any of the duties of his office, the trustees shall have power to appoint one of their number president, to preside over the trustees, who shall be styled "Acting President," until the disability is removed or the vacancy be filled by appointment; and all vacancies in the office of president or trustees shall be filled by the remaining members of the board.
- Appointment of officers.** § 17. The town trustees shall have power to appoint a town clerk, treasurer, street commissioner, town constable and such other officers and agents as may be created by ordinance, and may require any or all of its officers so appointed to give bonds for the faithful discharge of the duties of their office in such penalties as may be prescribed by ordinance, and with security to be approved by the trustees or the president.
- Duties of the town clerk.** § 18. The clerk shall keep the corporate seal and the papers and books belonging to the town, and shall attend all meetings of the trustees and keep a full record of all their proceedings upon the journal; and copies of all papers duly filed in his office, transcripts of the journal of proceedings of the trustees and all ordinances duly certified by him, under the corporate seal, or sworn by him to be true copies, shall be evidence in all courts in like manner as if the originals were produced. He shall draw all warrants upon the treasurer and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose. He shall also keep accounts of all receipts and expenditures in such manner as the trustees shall direct; and he shall have power to administer oaths and affirmations.

§ 19. The treasurer shall receive all money belonging to the town and shall keep an accurate account of all receipts and expenditures in such manner as the trustees shall direct. All moneys shall be drawn from the treasurer by an order signed by the president, countersigned by the clerk, issued in pursuance of an order of the trustees.

Duties of the treasurer.

§ 20. The street commissioner shall see that all persons owing street labor shall work out the same or pay the commutation moneys therefor, and report to the trustees the names of all persons who neglect to work out such labor or pay in lieu thereof, and shall also report to the trustees the names of all those who work out the street labor and the names of those who pay in lieu thereof, and the amount so paid. He shall superintend the working of the streets and highways, keep the bridges in repair and superintend the improvements of all streets, highways and sidewalks, collect all assessments for such improvements, and perform such other duties as the trustees shall require of him by ordinance.

Duty of street commissioner.

§ 21. The trustees shall have power to remove all officers appointed by them, at their discretion. Upon removal from office, or resignation or removal from town, all officers of the town shall deliver over to their successors all moneys, books, papers and other property of the town, taking a receipt therefor.

Removal from office.

§ 22. If any officer shall, remove beyond the corporate limits his office shall become vacated and shall be filled accordingly.

Office vacated.

§ 23. All officers elected or appointed shall be notified thereof within ten days thereafter, by the town clerk, and upon failure to qualify within ten days thereafter, that office may be declared vacant and be filled by election or appointment.

Notice to officers elected.

§ 24. The town clerk shall, within three days after the election of any police magistrate of said town, file a certificate thereof with the county clerk of Brown county, and the county clerk is required to take bonds of such police magistrate, and administer to them their oath of office the same as other justices of the peace, and certify their election and qualification to the secretary of state; and the governor shall commission them the same as other justices of the peace.

Certificate of election.

§ 25. The constable appointed shall give bond to the town of Versailles in the penal sum of one thousand dollars, for the use of all persons interested, and conditioned for the faithful discharge of his duty and the payment of all moneys collected by him to the person or persons entitled to receive the same. They shall take the same oath required to be taken by constables of Brown county, and shall be a constable of the county with full power to execute all process in any part of the county and be subject to

Duties of the constable

all the liabilities of other constables. They shall be commissioned, by warrant, under corporate seal, signed by the president and clerk.

Surrender of  
property, etc.  
to successor.

§ 6. If any person having been an officer of the town shall not, within ten days after notification and request by the president or clerk, deliver to his successor in office all books, property, moneys, papers and effects of every description belonging to the town or pertaining to his office, he shall forfeit and pay the town of Versailles fifty dollars besides all damages occasioned thereby.

Salary &

§ 27. The officers of the town shall receive such fees and salary or other compensation as the trustees may provide by ordinance, and shall be exempt from serving on juries and from road and street labor.

Term of office.

§ 28. The president and trustees shall hold their office for the term of one year from and after their election and qualification, and they shall qualify within three days after their election, and until their successors are elected and qualified. The police magistrate shall hold his office for four years and until his successor is elected and qualified. All other officers shall hold their office for one year and until their successors are elected and qualified. Vacancies may be filled at special elections called for that purpose; in which case the persons elected shall fill the unexpired term.

#### IV. THE TOWN TRUSTEES AND THEIR LEGISLATIVE POWERS.

Trustees.

§ 29. The president and trustees shall constitute the town trustees, who shall hold one regular meeting in each month, at such time and place within the limits of the corporation as they may prescribe by ordinance; and they shall have power to hold such special meetings as they shall deem expedient, to be convened on the request of the president or any two trustees. A majority of the trustees, including the president, shall constitute a quorum, but a smaller number shall have power to compel the attendance of absentees, and may adjourn from time to time for that purpose. All the trustees shall be notified by the town clerk of all special meetings.

Control of the  
finances.

§ 30. The town trustees shall have control of the finances and of all property, real, personal or mixed, belonging to the corporation; and shall have power within the town, by ordinance,

May borrow  
money.

*First*—To borrow money on the credit of the town and to issue bonds of the town therefor, not exceeding at any one time two thousand dollars, without first submitting the question to a vote of the legal voters of the town, and in no case shall they issue or have outstanding the bonds of the town for a greater sum than two thousand dollars. No bond shall be issued bearing a greater rate of interest than



ten per cent., per annum, nor run for a greater length of time than twenty years from date, and shall not be negotiable for more than ten per cent. below their face.

*Second*—To appropriate money and provide for the payment of the debts and expenses of the town. Appropriations.

*Third*—To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for that purpose and to enforce within the town and within two miles thereof. Contagious diseases.

*Fourth*—To make regulations to secure the general health of the inhabitants; to prevent, abate and remove nuisances, punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. General health.

*Fifth*—To provide the town with water; to make and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets within the town for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water. Provide water.

*Sixth*—To have the exclusive power and control over the streets, alleys and highways of the town, and to abate or remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains or sewers therein, and to prevent the incumbering or obstructing thereof, and to protect the same from injury. To have exclusive power over streets.

*Seventh*—To establish, erect, construct, regulate and keep in repair bridges, culverts, drains, sewers, sidewalks and crossings; to regulate the construction and use of the same, and to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or wall them up and cover over, and control the filling up, altering or changing the channels thereof by private persons. Sidewalks and drains.

*Eighth*—To direct and regulate the planting and pruning shade trees and ornamental trees in streets, highways and public grounds. Shade trees.

*Ninth*—To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies. Provide for extinguishment of fires.

*Tenth*—To regulate the storage of gunpowder and other explosive or combustible materials.

*Eleventh*—To provide for lighting the streets and to erect lamp posts, and establish and regulate night watches. Lighting streets

*Twelfth*—To establish markets and erect market houses, and provide for the regulation and government thereof. Markets and market houses.

*Thirteenth*—To erect a town hall and other needful buildings for the use of the town and to condemn private property therefor, as herein provided. Public buildings

- Public grounds. *Fourteenth*—To provide for inclosing, ornamenting and regulating all public grounds belonging to the town, either within or without the town.
- Auctioneers, peddlers, etc. *Fifteenth*—To license, tax and regulate auctioneers, grocers, merchants, inn-keepers and ordinaries; to impose duties on the sale of goods at auction; to license, tax, regulate, prohibit and suppress hawkers, peddlers, pawnbrokers, grocery keepers, saloon keepers, theatrical and other exhibitions, shows or amusements.
- Hackmen, draymen and carters. *Sixteenth*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and to fix the rates to be charged for carriage of persons, and for the wagonage, cartage and drayage of property.
- Gaming and fraudulent devices. *Seventeenth*—To restrain, prohibit and suppress gaming houses, bawdy houses, and other disorderly houses, and to punish for gambling or playing at any game for money or other valuable things or for betting on any such game, and to provide for the seizure and forfeiture of all gambling devices, used in the town.
- Prohibit sale of liquors. *Eighteenth*—To license, regulate or suppress and prohibit the selling, bartering, exchanging, loaning, pawning, pledging or giving away of any vinous, malt, fermented, spirituous or mixed intoxicating liquors or drinks, wine or cider, within the corporate limits of the town, and to suppress the same within two miles of the limits thereof; and to license, regulate or suppress and prohibit bowling alleys, nine or ten pin alleys, billiard, Jenny Lind or other tables in the town.
- Inspection of hay, coal, etc. *Nineteenth*—To provide for the inspection and weighing of hay, stonecoal and the measurement of firewood.
- Inspection of produce. Bricks. *Twentieth*—To provide for the inspection of provisions. *Twenty-first*.—To regulate the size and quality of brick to be used or sold in the town.
- Running at large of horses and cattle. *Twenty-second*.—To regulate, restrain or prohibit the running at large of horses, cattle, sheep, swine and other animals; and to authorize the distraining, impounding and sale of the same, when found running at large contrary to ordinance; to regulate, prohibit and restrain the running at large of dogs, and authorize their destruction when found running at large contrary to ordinance, and to impose penalties and fines upon the owners and keepers of such horses, cattle, sheep, swine, dogs and other animals, and to prohibit indecent exhibitions of horses and other animals.
- Census. *Twenty-third*.—To provide for taking the enumeration of the inhabitants.
- Regulate police. *Twenty-fourth*.—To create, establish and regulate the police of the town.
- Public pound. *Twenty-fifth*.—To establish and maintain a public pound, appoint a pound master and prescribe his duties.
- Prevent riotous conduct. *Twenty-sixth*.—To prevent, suppress and punish riots, routs, unlawful assemblages, assaults and batteries, disturbances of religious or public meetings, breaches of the peace,

fighting, challenging to fight, quarreling, threatening and all other disorderly conduct calculated to provoke a breach of the peace, or create a disturbance, or which is against good morals or public decency; and to restrain and punish vagrants, mendicants and prostitutes.

*Twenty-seventh.*—To fix the compensation and fees of town officers, police magistrates, justices of the peace, constables, jurors and witnesses when acting under the ordinances of the town. Compensation of officers.

*Twenty-eighth.*—To direct and control the laying and construction of railroad tracks, crossings, bridges, turnouts and switches within the town limits; to make necessary rules and regulations for keeping the same unobstructed; to regulate the speed that railroad engines and trains may run within the town limits, and to prevent the obstruction of streets, alleys and highways by the standing of cars upon the same and to require railroad companies to keep their bridges, ditches and crossings within the corporate limits, in such condition as shall not endanger life or the health or convenience of any inhabitants of the town. Railroad tracks and crossings.

*Twenty-ninth.*—To regulate, license and prohibit butchers, and to revoke their licenses for good cause. Butchers.

*Thirtieth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses or other animals attached to any vehicle or otherwise while standing or remaining in the street. Fast driving.

*Thirty-first.*—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith's shops, founderies, livery stables, packing houses and slaughtering houses or pens. Breweries, tanneries, etc.

*Thirty-second.*—To regulate the burial of the dead, to establish and regulate one or more cemeteries; to regulate the registration of births and deaths. Cemeteries.

*Thirty-third.*—To have and exercise such other and further powers, by ordinance and otherwise, not inconsistent herewith, as the city council of the city of Quincy has, by law. Further powers.

§ 31. The president and trustees shall have power to impose fines, forfeitures and penalties for the breach of any ordinances, not exceeding one hundred dollars for any one offense, and to provide for the punishment of offenders by imprisonment in the common jail of Brown county, or other secure place in the town of Versailles, not exceeding sixty days for any one offense, in addition to the fine or penalty; and they may provide by ordinance that any person against whom the town shall recover any fine or penalty for violation of any section of this act or ordinance of the town, shall stand committed to the jail of Brown county or some secure place of confinement in the town of Versailles, until the fine Punishment of offenders.

and costs are paid, or until the same are discharged by labor upon the streets and highways of the town.

Power to pass ordinances.

§ 32. The president and trustees shall have power to make all ordinances which shall be necessary and proper for carrying into effect and executing the powers herein specified.

Style of ordinances.

§ 33. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the town of Versailles,*" and shall be signed by the president. All ordinances inflicting fines, penalties or other punishment, shall be posted up, in writing, in three of the most public places in the town, ten days before they take effect. The certificate of the town clerk of the posting of the ordinances of the town, shall be *prima facie* evidence of their publication according to law. After posting, all ordinances, together with the clerk's certificate of posting, shall be recorded in the book of ordinances of the town.

Evidence and proof of.

§ 34. Said book of ordinances shall be evidence of the adoption and existence and due publication of all ordinances therein recorded; and certified copies thereof by the town clerk, under the corporate seal, shall be evidence the same as said book of ordinances; and said ordinances, when printed or published in book or pamphlet form and purporting to be printed or published by authority of the president and trustees, shall be received in evidence in all courts without further proof.

Publication of ordinances.

§ 35. It shall be the duty of the president and trustees to have the ordinances of said town revised and published in pamphlet form as early as convenient; and until such revision and publication, the ordinances of the town of Versailles now in force, shall be and remain in full force and effect as the ordinances of said town.

#### V. TAXATION.

§ 36. The president and trustees shall have power within the town, by ordinance—

Levy and collection of tax.

*First.*—To levy and collect, annually, taxes not exceeding fifty cents on each one hundred dollars of the assessed value of all real and personal estate and property within the town, and on the assessed value of all personal property, rights and credits of the inhabitants thereof made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the town, not herein otherwise provided for, which taxes shall constitute the general fund.

Tax to pay interest.

*Second.*—To annually levy and collect taxes not exceeding five mills on the dollar on all property subject to taxation, if necessary, as in the preceding clause, to meet the interest accruing on the debt of the town; and the president and trustees shall pass no ordinance creating a debt,

without at the same time making provisions for levying a tax sufficient to pay the interest accruing thereon when payable.

*Third.*—To annually levy and collect taxes on all property subject to taxation by the town, when necessary and required for the erection of a town hall, market house, town prison, engine house, or other public improvements: *Provided*, that no tax for such purpose shall be levied in any one year which shall exceed ten mills on each dollar's assessed valuation.—

Tax to erect a town hall.

*Fourth.*—To require, and it is hereby made the duty of every male resident of the town over the age of twenty-one years, and under the age of sixty years, to labor not less than three nor more than five days in each year, upon the streets, alleys and highways of the town; but any person may, at his option, pay in lieu thereof such sum of money as may be prescribed by ordinance, not exceeding five dollars: *Provided*, the same shall be paid within ten days after notice by the street commissioner. In default of payment as aforesaid, and of the labor assessed, the sum of two dollars per day, and costs, shall be collected, and no set-off shall be allowed in any suit brought to collect the same.

Inhabitants to labor on streets.

§ 37. The president and trustees may adopt the assessment of property for taxation made by the township assessors for state and county purposes; and in that event they shall cause the town clerk to certify to the county clerk of Brown county, on or before the first Monday in September, the rate of taxation ordered to be levied and collected, together with a list of the persons in said town, for personal property; and the county clerk shall extend the corporate taxes upon the collector's books, in the same manner as school taxes are extended, in accordance with the rates so certified to him; and it is hereby made the duty of township collectors and the county collector to collect such taxes and enforce the payment thereof at the same time and in the same manner as the other taxes; and for that purpose they shall each have the same powers and rights that they have to collect the other taxes, and shall pay the same over to the treasurer of the town, at the same time they are required to pay over the other taxes, and shall receive the same compensation therefor as for the state taxes; and the court shall render judgment for the sale of any lot or other real estate, for the non-payment of the town taxes, the same as other taxes, and the judgment may be for the aggregate of all the other taxes, including the state, county, town and other taxes, or for the aggregate of the town taxes separately from the others, and no error in that respect shall invalidate any judgment or sale. The several collectors shall be liable on their bonds for the faithful performance of their duties under this act.

Adoption state assessment.

General powers  
of president and  
trustees.

§ 38. The president and trustees may, whenever they deem it expedient, by ordinance, provide for the assessment and collection of town taxes through their own officers; and for that purpose may impose the duties of the assessment of the taxes on the town clerk, and the collection of the taxes on the town constable, define their power and duties, provide for their qualification and liabilities, and may confer on them all the powers by the general law conferred upon assessors and collectors—town and county—and such other powers as shall enable them effectually to collect such taxes; and may provide by ordinance the mode and manner of applying to the county court of Brown county for judgment against real estate upon which the taxes remain unpaid; and the notice of such application and the notice of the sale of the real estate against which judgment may be recovered, and the deed, when made for real estate sold for the non-payment of the taxes, shall be *prima facie* evidence of the legality and regularity of all the proceedings from the beginning, and of the judgment, precept, sale and the making of the deed, and otherwise shall be evidence the same as other tax deeds for the lands sold under the revenue laws of this state.

#### VI. PUBLIC IMPROVEMENTS.

Private prop-  
erty taken for  
opening streets.

§ 39. The president and trustees shall have power to purchase or condemn, take and appropriate all necessary real estate in said town for the purpose of laying out, establishing, extending, straightening or widening any street, alley, lane, avenue or highway within the corporate limits, for the use and convenience of the public, or for the purpose of erecting thereon a town hall, engine house, market house or other necessary public buildings for the use and convenience of the inhabitants of the town, paying to the owner or the owners of the real estate so condemned and appropriated, a just compensation therefor. In estimating such just compensation, the benefits the remaining portion of the real estate over which any street, alley, lane or highway is laid out, extended, widened or straightened, will receive or derive from the proposed act of the town trustees, shall be deducted from the portion taken, and the damages allowed the owner or owners thereof.

Make and pass  
ordinances.

§ 40. To carry the foregoing powers into effect, the president and trustees shall have power to make all necessary ordinances, alter, amend and repeal the same from time to time; and may appoint three disinterested freeholders of the town to make and report thereon an assessment of the damages which the owner or owners of the real estate appropriated will sustain, together with the benefits such owners and the owners of other real estate

in the neighborhood of the street, alley, lane, avenue or highway will derive therefrom; and fix the notice to be given before the trustees shall act upon their report; and the trustees shall have power to confirm such report either in whole or in part, or to set aside the same and refer the matter back to the same or other commissioners, or to alter or amend their report or assessments in such way and manner as may be prescribed by ordinance.

§ 41. The president and trustees shall have power to grade the streets, avenues and sidewalks, and macadamize, plank, grade, pave or otherwise improve the same; and to build sewers, or cause the same to be done, and cause the benefits of such improvements to the lots or parts of lots in front of which the same are made, (not exceeding the estimated cost of the same) to be assessed, and to tax the amount of such benefits upon the lots or parts of lots in front of which such improvements are made, in such manner as may be prescribed by ordinance, not inconsistent with the constitution of the state: *Provided*, that any person who may feel himself aggrieved by any special assessment, or by laying out of any new street, or by the widening, altering or relocating any old one, shall have the right to appeal to the circuit court in the same manner as appeals are now allowed by law from judgments of justices of the peace.

Grading, paving and macadamizing.

§ 42. In all cases where assessments may be made under this act and the ordinances of the town upon any real estate in the town, and such assessments or any of them are not collected by the officer holding the warrant for their collection before the return day thereof, or within the time fixed by ordinances, or the order or resolution of the president and trustees making the assessment, the president and trustees may, through its clerk, apply to the county court of Brown county for judgment against the lots and real estate for the amount of the assessments due and unpaid thereon, and costs of the application and proceedings in the case; and the county court, on such application, shall, if no good cause to the contrary be shown, render judgment against such lots and real estate for the assessments thereon and costs, and shall issue a precept to the sheriff of Brown county to sell such lots or real estate, or so much thereof as may be necessary to pay such judgment and costs, in the same manner and with like effect as if sold under execution; and the holder of any certificate of purchase at any such sale or his assigns shall be entitled to a deed thereon after the expiration of two years from the day of sale.

Judgment obtained against delinquent lands

§ 43. The president and trustees shall have full power to provide by ordinance for the collection of any assessments by distress upon personal property, by the officer holding the warrant for the collection thereof, the same as

Collection of taxes by distress

for ordinary taxes; to fix the time of payment and of the kind and time of notice of all assessments and of the application to the county court for judgment thereon.

VII. MISCELLANEOUS PROVISIONS.

Subscription to  
railroad.<sup>2</sup> § 44. The president and trustees shall have power to subscribe to the capital stock of any railroad company to or from the town of Versailles or which may pass through the same, on the same terms and conditions imposed upon counties, not however to exceed five thousand dollars to any one railroad company, nor more than ten thousand dollars in all, and to pay the same by issuing and delivering the bonds of the said town; and in that event, shall have power to levy and collect taxes as in other cases a sum sufficient to pay all the interest accruing on such bonds, and to pay off the principal when due, or to provide a sinking fund for the payment before due.

Judgments. § 45. All prosecutions commenced by the president and trustees of the town of Versailles, and all causes of action which may accrue to or against the president and trustees of the town of Versailles before this act takes effect, shall remain unaffected by this act, and may be prosecuted to final judgment as though this act had not been enacted; but the town of Versailles as herein incorporated shall be entitled to receive and discharge all judgments so recovered, and shall have power to settle all such causes of action, and shall discharge all judgments so recovered, and shall have power to settle all such causes of action, and shall discharge all liabilities of the president and trustees of the town of Versailles now existing.

Appeals allowed § 46. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace: *Provided*, that the town shall not be required to give bonds or security on any appeal.

Exempt from  
road labor out-  
side town. § 47. That all property taxable in said town, for corporate purposes, and the inhabitants of said town shall be exempt from any and all taxes and assessments under the general laws of this state, by the county or township authorities, for bridges, township or road purposes, and said inhabitants shall not be required to work on any roads beyond the limits of said town.

Construction of  
act. § 48. This act shall be deemed a public act, and shall be liberally construed in behalf of the town, and shall be taken notice of by all courts judicially, and shall take effect and be in force from and after the first day of April, A. D. 1869.

APPROVED March 26, 1869.



AN ACT to incorporate the village of Winnetka.

In force March  
10, 1869.

## ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:*

The inhabitants of all that territory, or area, in township forty-two (42) north, of range thirteen (13) east, in the county of Cook, and state of Illinois, and described as follows, viz: All that portion of the south-east fractional quarter of section eight, (8), the west fractional half of section sixteen, (16), fractional section seventeen, (17), except north half of north-west quarter of said section seventeen (17), the south half, and south half of north half, of section eighteen, (18), section nineteen, (19), section twenty, (20), fractional section twenty-one, (21), and south-west fractional quarter of section twenty-two, (22); also, the bed and water of Lake Michigan, to the width of one-half mile, adjoining and contiguous to the territory aforesaid, shall form and constitute, and they are hereby constituted, a body corporate and politic, for municipal purposes, under the name and style of "The Village of Winnetka;" and, by that name, shall have perpetual succession, and, by said name, may sue and be sued, in all courts of law and equity in this state; and may have and use a common seal, and alter the same at pleasure; and may purchase, take, receive and hold personal property and real estate within the limits of said corporation, but not elsewhere; may lease, sell and convey the same, and do all other lawful acts, within the scope of this act of incorporation, the same as natural persons do.

§ 2. Whenever any tract of land adjoining the said village of Winnetka shall be laid off into town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of said village of Winnetka: *Provided*, that the council of said village, or a majority of the same, shall assent to such annexation, by vote, at a regular meeting of said council.

## ARTICLE II.

## OFFICERS AND ELECTIONS.

SECTION 1. The municipal government of said village shall be composed of a president and five (5) trustees, who, together, shall constitute the council of the village of Winnetka. The other elective officers of said corporation shall be two (2) police justices, a marshal, (who shall be, *ex officio*, collector,) an assessor, and a treasurer of said village. All of the above-named officers shall be elected by the legal voters of said village. The parties receiving the greatest

number of votes for said offices, respectively, shall be declared elected to such offices.

Annual election

§ 2. The above-named officers shall be elected annually, on the first Tuesday of April, and shall hold their offices, respectively, for one year, except the police justices, who shall hold their offices for four (4) years, and until their successors are elected and qualified. At the first election to be holden under this act, Artemas Carter, James L. Wilson and Thomas M. Thompson shall be judges of said election, and shall post notices of the time and place of holding the same in three of the most public places in said village, for the space of ten days before said election, and shall perform all the other legal and proper duties of judges of said election, and shall count and declare the votes and notify the officers elected of their election: and in case of a tie in the vote for any of the elective officers, the candidates for any such office shall draw lots for any such office, in the presence of and under the direction of the judges of the election, who shall thereupon declare the candidate or candidates upon whom the lot falls duly elected to such office or offices, respectively.

Judges of election

Qualifications to hold office.

§ 3. All citizens of the United States qualified to vote at any election held under this act shall be eligible to office under this act. The council shall have power to regulate elections and appoint judges thereof, and make all necessary provision and rules therefor. The voting shall be by ballot: and the judges of elections shall take the same oath and have the same powers as the judges of general state elections. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of said village for at least one month, if a freeholder, and three months, if not a freeholder, next preceding said election.

Qualifications of electors

Appointment of clerk.

§ 4. The council shall appoint a resident of said village to the office of clerk of the council, with such compensation and under such bond and conditions as they shall deem fit and just. It shall be the duty of the clerk to keep the corporate seal, and all papers and books belonging to said village, and also to keep correct minutes of all the proceedings of said board. He shall also record, in a book to be kept for that purpose, all the ordinances, orders or regulations passed by said board of a police or sanitary character, and also, he shall record, in a separate book, to be kept for that purpose, all orders for special assessments. All said records shall be open for inspection of any inhabitant of said village; and said clerk shall perform such other duties as said council shall direct.

Vacancies how filled.

§ 5. Whenever any vacancy shall occur in any of the elective offices, by death, removal from said village, or other cause, such vacancy shall be filled by a special election; and the council of Winnetka shall order such special elec-

tion within twenty days after the happening of said vacancy. But no special election shall be held to fill any vacancy, if more than nine months of the term of office has already expired, except the office of police justice: *Provided*, that in any case of a vacancy in the office of marshal, the council may, by ballot, choose a marshal to fill such office for the unexpired term.

§ 6. Every person elected or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and such further bond as the council shall require, and file the same, duly certified by the officer before whom the same was taken, with the clerk. Oath of office.

### ARTICLE III.

#### OF THE COUNCIL.

SECTION 1. The council shall meet within five days after each annual election, and on the first Tuesday of July, October and January, respectively, thereafter, at such place as shall be provided, or as they shall by resolution direct. The president, when present, shall preside at all meetings of the council, and shall vote only in case of tie. The trustees shall choose one of their number as president, *pro tem.*, who, in the absence of the president, shall perform the duties of president; and a majority of the council shall constitute a quorum for doing business. Meetings.

§ 2. The council shall have power, by resolution or ordinance, to appoint other officers and agents to perform special duties, and fix the compensation therefor. Appointment of officers.

§ 3. The council shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, by fine or otherwise, and, with the concurrence of two-thirds of the members elected, expel any member for disorderly conduct. Rules of proceedings.

§ 4. The council shall have control of the finances and all the property, real, personal and mixed, within the corporate limits; and shall have power, within said limits, by ordinance: Control of finances, etc.

*First.*—To levy and collect taxes for the purposes of said village, upon all the property, real and personal, within the same, not exceeding six per cent. per annum upon the assessed value thereof. And the council may enforce the payment of such taxes in any manner prescribed by ordinance, not repugnant to the constitution of this state or of the United States. Levy and collect taxes.

*Second.*—To appropriate money, and provide for the payment of the debts and expenses of the village. Appropriations.

*Third.*—To make regulations to prevent the introduction of contagious diseases into the village; to make quarantine Contagious diseases.

laws for that purpose, and enforce the same throughout the village, and within one mile of the limits thereof.

- To establish hospitals. *Fourth.*—To establish hospitals, and make regulations for the government and maintenance of the same.
- General health. *Fifth.*—To make and enforce rules to secure the general health of the inhabitants of said village; to declare what shall be a nuisance, and to prevent or remove the same, and punish the authors thereof.
- Alterations of streets. *Sixth.*—To open, alter, abolish, widen, extend, establish, straighten or otherwise improve and keep in repair streets, lanes and alleys, sidewalks, drains, sewers, culverts and bridges, and to have exclusive control over the same.
- Lighting streets. *Seventh.*—To provide for lighting the streets and erecting and maintaining lamp posts.
- Night watches. *Eighth.*—To establish, regulate and support night watches.
- Markets. *Ninth.*—To establish and regulate markets and market places.
- Buildings. *Tenth.*—To provide for or erect suitable buildings for the use of said village and its officers.
- Public grounds. *Eleventh.*—To improve, ornament and protect any park or public grounds belonging to said village, and to enforce the setting of shade trees upon the streets, and punish, by fines, for cutting or injury of any shade trees.
- Porters, etc. *Twelfth.*—To license, regulate and control peddlers, taverns, hawkers, pawn-brokers, draymen, porters and expressmen.
- Billiards, etc. *Thirteenth.*—To license and regulate or prohibit and suppress shows, exhibitions, billiard tables, bowling alleys, or other similar places.
- Suppress disorderly houses. *Fourteenth.*—To prohibit and suppress gambling houses, houses of ill fame, and other disorderly houses.
- Extinguishment of fires. *Fifteenth.*—To provide for the prevention and extinguishment of fires, and to organize, establish and regulate fire companies.
- Running at large of horses, cattle, etc. *Sixteenth.*—To prevent and restrain horses, cattle, sheep, swine, geese and other animals from running at large, and to authorize the distraining, impounding and sale of the same for costs of the proceedings and penalty incurred, and to impose penalties upon the owners thereof for the violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.
- Vagrants, etc. *Seventeenth.*—To restrain and punish vagrants, street beggars and prostitutes.
- Fast driving. *Eighteenth.*—To prohibit and suppress horse-racing and immoderate driving in the streets of said village, and to prohibit and punish, by fine, cruelty to animals.

*Nineteenth.*—To prohibit and suppress the discharge of fire-arms, fire-crackers [and] gun-powder, the ringing of bells, blowing of horns, and other practices tending to annoy the inhabitants and frighten horses in said village. Unusual noises.

*Twentieth.*—To erect and establish a work-house, a house of correction, in said village, and make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such house may be confined all stragglers, vagrants, idle and disorderly persons, who may be committed thereto by the proper officer. Work-house.  
House of correction.

*Twenty-first.*—To authorize the taking and providing for the safe keeping and education, for such periods as may be deemed expedient, of all children who are destitute of proper parental care, who may be found wandering about the streets, committing mischief, and growing up in ignorance, idleness and vice. Destitute children.

*Twenty-second.*—Said council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations necessary and proper for the government and good order of said village, and to enforce the observance of all such ordinances, and to punish violations thereof by fines, or by imprisonment in the jail of Cook county, or in the village work-house, in the discretion of the magistrate or justice before whom conviction may be had; but no fine or penalty shall exceed the sum of one hundred dollars, nor the imprisonment exceed six months, for any one offense. Make and pass ordinances.

*Twenty-third.*—The style of the ordinances shall be, “*The Council of the Village of Winnetka do ordain.*” Style of ordinances.

*Twenty-fourth.*—All ordinances passed by the council shall be signed by the president, countersigned by the clerk, and shall, within one month after their passage, be published by the clerk, by posting copies of the same, for five days, in three of the most public places in said village, to be designated by the council; and no ordinance shall be in force till signed by the council; and no ordinance shall be in force till signed and published as aforesaid. In all suits or other legal proceedings, due publication of all ordinances of said village shall be presumed, till the contrary is shown by competent evidence. Execution of ordinances.

*Twenty-fifth.*—All ordinances of said village may be proven by the seal of the corporation, and when purporting to be collected and published by the authority of the council, the same shall be received as evidence in all courts and places, without further proof. Evidence of validity of ordinances

*Twenty-sixth.*—The president or any two of the trustees may call special meetings of the council of said village; and the clerk shall notify the other members of the council of such meeting, at least two days before the same is held, by delivering a written notice to each one, personally, or Special meetings called.

leaving the same at his residence, stating the time and place of such meeting.

#### ARTICLE IV.

##### SPECIAL PROVISIONS.

May purchase  
lands and erect  
buildings.

SECTION 1. The council shall have power to purchase land in said village, and erect thereon buildings, and make other improvements for an educational institution of a high grade; and, for these purposes, may borrow money and issue the bonds of said village, in such form and for such amount, and for such time, not less than five or more than twenty years, and bearing such rate of interest, not exceeding ten per cent. per annum, as they shall by ordinance prescribe, thereby pledging the corporate property and the faith and credit of said village for the payment of the principal and interest of said bonds; and may, in like manner, issue other and similar bonds to pay or replace said bonds when they shall become due: *Provided*, that bonds exceeding in total amount of principal twenty thousand dollars shall not be issued in any one year, and that the amount of the principal of said bonds outstanding and unpaid shall not at any one time exceed the sum of fifty thousand dollars: *And, provided, further*, that no portion of said money shall be used for the purpose of maintaining or supporting, in whole or in part, a school in said building.

Prohibit sale  
of liquors.

§ 2. For the promotion of the best interests of said educational institution, and the well-being of the students that may there assemble, as well as for the general welfare, no spirituous, vinous or fermented liquors shall be sold, under license or otherwise, within said village, under a penalty of fifty dollars for each offense, to be recovered before any of the police justices of said village or any justice of the peace of said county, in an action of debt, in the name of the village of Winnetka: *Provided*, that the council of said village may license the sale of such liquors by *bona fide* druggists, for medicinal, mechanical and sacramental purposes, and none other.

Citizens to aid  
in enforcing the  
laws.

§ 3. The president shall take care that all provisions, and all ordinances passed in pursuance thereof, are enforced, and he is hereby authorized to call on every male inhabitant of said village, over the age of eighteen years, to aid in enforcing such provisions and ordinances, and to suppress any riot or disorderly conduct; and any person who shall not obey such call shall be fined not exceeding ten dollars. Whenever it shall be necessary to call out the inhabitants, as aforesaid, for enforcing any ordinance or suppressing any riotous or disorderly conduct, the marshal shall have the immediate command, and said inhabitants shall act under his orders and commands; and any inhabitant who shall neglect or refuse to obey the orders of the

marshal, on the occasion aforesaid, shall be punished by a fine of ten dollars.

§ 4. The inhabitants of said village are hereby exempted from working upon the roads beyond the limits of said village, and from paying the tax in lieu of such work. Exempt from road labor outside town limits.

§ 5. Said village of Winnetka shall constitute and form one school district, and be called "District number two, (2)." The council of said village shall be, *ex officio*, a board of education, and, in addition to the powers which school directors now have by law, shall have power to establish grade schools and a high school, build school houses for the same, and levy tax for the erection and support of the same. Constituted a school district.

§ 6. No member of the council shall receive any compensation for his services as such; and the council are hereby prohibited from voting any present or reward to themselves or any member thereof, to be paid for out of the funds of said village. No compensation.

§ 7. The treasurer of said village shall receive all moneys belonging to the same, and shall keep an accurate account of all receipts and expenditures, in such manner as the council shall direct. The treasurer shall file with the clerk of said village such bond as is now required by law to be filed by town treasurers, and such additional bond as the council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the council, by a treasury warrant, signed by the president and countersigned by the clerk. Such warrant shall specify for what purpose the amount therein named shall be paid. The treasurer shall exhibit to the council, at least twenty days before the annual election in each year, and oftener if required, a full and detailed account of all the receipts and expenditures since the date of the last annual report, and also the condition of the treasury; which account shall be filed in the office of the clerk. Duties of the treasurer.

§ 8. The marshal shall execute the writs or other process by the police magistrate or any judicial officer of said village, and shall have power to execute the same anywhere in Cook county, and shall be entitled to the same fees for services and traveling as are allowed to the sheriff for service of like character. Said marshal shall, by virtue of his office, be a constable of Cook county, and shall possess and exercise the power and authority of a constable at common law, and under the statutes of this state, and shall receive like fees, and shall enter into bonds as such constable, to be approved by the county clerk, as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof. Duties of the town marshal.

§ 9. The police magistrate under this act shall be, *ex officio*, a justice of the peace for Cook county, and shall do Duties of the police magistrate.

and perform all the duties now required by law of justices of the peace of said county, and shall have and exercise like powers, and be entitled to like fees for like duties; and, in addition thereto, shall have power and authority to hear, try and punish all persons violating this act, or the ordinances passed in pursuance thereof, in such manner as may be prescribed by the ordinances of said village; and all fines and penalties, when collected, shall be paid to the treasurer of said village: *Provided*, that any fine or penalty may be remitted, or any person imprisoned may be discharged, by a vote of the council. The right of appeal and change of venue shall exist, as provided by law in the case of other justices of the peace.

Duties of the  
assessor.

§ 10. The assessor shall perform all the duties in relation to the assessing of property for the purpose of levying the tax imposed by the council. In the performance of his duties, he shall have the same powers within said village as are or may be given by law to town or county assessors, and be subject to the same liabilities. On completing the assessment lists, he shall sign and return the same to the council, and shall perform such other duties as shall be prescribed by the council, and be entitled to such compensation as is provided by law, or the council may fix.

## ARTICLE V.

### SPECIAL ASSESSMENTS AND TAXES.

Commissioners  
of special as-  
sessments.

SECTION 1. The assessor and two other voters and freeholders of said village, to be appointed by the council, shall be commissioners of special assessments; and when any improvement which said council is authorized by this act to make is directed by the council to be made, said commissioners, after having taken and subscribed an oath, to be administered by the clerk, for the faithful performance of their duties in the premises, shall proceed to view the premises where such improvement is ordered, make an estimate of the cost of the same, determine what proportion of said cost should be paid by the property benefited, and what proportion should be paid out of the general fund, and make their report to the council—which report shall include a copy of the proposed assessment—and thereupon the clerk shall post up notices in three of the most public places in the village, for the space of five days, to all persons interested, of the completion of such report, and filing of the same. Time and place shall be designated in such notice for hearing objections to such report; and any person interested may appeal to the council, in writing, for the correction of the same—such appeals to be filed with the clerk within five days after the notice above mentioned. The council shall have power to consider such appeals, and to revise and correct such reports, or reject the



same, and order a new report, as they deem just. And if said report is confirmed by the council, the commissioners shall proceed to assess the property deemed benefited by such improvement, in proportion to the benefits, and in accordance with the report so confirmed by the council, and shall complete and sign the assessment list, and return the same to the council; which assessment, so made and confirmed, shall be final and conclusive on all parties interested, and shall be collected as hereinafter provided: *Provided*, that the owners of property abutting which any sidewalk is ordered by the council may build the same in accordance with the specifications and within the time provided; and on their failure so to build the same, the council shall order the same to be built, as hereinbefore provided, and all assessments for sidewalks shall be levied upon the property abutting upon such sidewalks.

Confirmation of  
special assess-  
ment.

§ 2. The commissioners of special assessments of said village shall superintend all public improvements in the same, and carry into effect all orders of the council in relation thereto, and see that all improvements and public works are done and made according to specifications. They may make and sign contracts with proper parties for the performance of the work, and furnishing materials for any of the improvements authorized by this act; and when such work shall have been performed, and the materials furnished, in accordance with said specifications and contract, the said commissioners shall approve and audit the account or contract for such labor and materials, and thereupon such contracts or contract shall be paid out of any funds in the treasury legally applicable thereto, and not otherwise appropriated: *Provided*, that the owner of any lot or premises adjacent to which any improvement has been ordered by the council, and for making of which said lot or premises is taxed, may perform the work and furnish the materials for the same, adjacent to such lots or premises, within the time limited by the council, according to the specifications of said commissioners, and in accordance with and under their directions, who shall thereupon furnish such owner a voucher, certifying the facts of such performance, and the amount to be credited therefor; and such voucher shall be receivable in payment of any taxes for improvements.

Superintend  
improvements.

Approval of  
accounts.

§ 3. Private property may be taken for opening, widening or altering any street or alley, or for making any improvement authorized by this act—just compensation being made therefor by the council; such compensation to be ascertained by the commissioners of special assessments, after deducting the value of benefits to the balance of the property of which a part is so taken, by reason of such improvements; and said commissioners shall, at the same time, determine what other property is benefited by such improvements,

Private prop-  
erty may be ta-  
ken for opening  
streets.

and the amount of such benefits, and assess the same, as provided in the preceding section.

Title to vest in corporation.

§ 4. In all cases, the title to the land taken or condemned in the manner aforesaid, as well as the title to all streets and alleys in said village, shall be vested absolutely, in fee simple, in said village of Winnetka.

Further assessment made.

§ 5. If the first assessment prove insufficient, another may be made in the same manner; or, if too large a sum shall in any case be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Clerk to file assessment with county clerk.

§ 6. When such assessments shall have been confirmed, as hereinbefore provided, and no appeal shall have been taken, it shall be the duty of the clerk to file the same in the office of the clerk of the county court of Cook county; and it shall be the duty of the clerk of said county court to issue a special warrant for the collection of such assessment, at the same time the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate of said village is issued, and to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amount of said assessments, respectively; and it shall thereupon be the duty of the collector of said village to collect the said assessments, and enforce the payment thereof, in the manner and with all the rights, powers and authority that the collector of state and county taxes has, and shall pay the same over to the treasurer of said village; and said collector shall return the delinquent list of said property to the clerk of the county court of Cook county on or before the — day of June of each year, and as soon as the like lists are returned by the town collectors in said county of Cook; and said clerk shall advertise the delinquent property so returned by said collector with other property to be sold for state and county tax; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate in said village, for the non-payment of the said assessments and costs, in the same manner and at the same time as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount due for county, state and other taxes, and the assessments aforesaid. The sale shall be conducted upon the same notice and judgment, and in the same manner, as is or may be provided by law for state and county taxes. The right of redemption shall exist, and be exercised in the same manner, and deeds for property sold for any assessments levied under this act shall be executed by the same persons, and shall have the same validity and effect, as evidence, as deeds executed in pursuance of the laws now in force, or hereafter to be enacted, providing for the collec-

Duties of the collector.

Judgments for taxes.

Right of redemption.

tion of state and county taxes in counties adopting township organization. The collector of said village shall receive the same compensation for the collection of said assessments as is allowed for the collection of state and county revenue, to be paid out of the proceeds of such assessments, when collected; and said collector shall perform such other duties as the council shall by ordinance direct. Fees of collector

§ 7. It shall be the duty of the clerk of the county court of Cook county, each and every year, to include in such special warrant the school tax assessed upon the property of said village; and the same shall be collected by the collector of said village, and paid over to the treasurer of said village, to be used solely for the support of schools therein. Duty of clerk to include the school tax.

§ 8. This act is hereby declared a public act, and may be read in evidence in all courts and places within this state, without proof, and shall be construed liberally for the purpose of carrying into effect the powers hereby granted, and shall take effect and be in full force from and after its passage. Evidence of act.

APPROVED March 10, 1869.

AN ACT to incorporate the town of Woodburn.

In force April 1, 1869.

#### ARTICLE I.

SECTION 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 Woodburn, in the county of Macoupin, and the state of Illinois, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Woodburn;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change or alter at pleasure. Name and style

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, both real and personal, for the use of said town, and to protect and improve any such property, as the public good may require. General corporate powers.

§ 3. The boundaries of the said town shall be defined by the ordinances of the board of trustees thereof, now in Boundaries of the town.

force ; and all of said ordinances relating to or defining the boundaries of said town, are hereby, in that respect, legalized and confirmed ; and whenever any tract of land adjoining said town is laid off into town lots and recorded, the same may be attached to and form a part of the same.

## ARTICLE II.

**SECTION 1.** The government of said town shall be vested in a town council, of five trustees, one of whom shall act as president of the board, to be chosen annually by the legal voters of said town, who shall hold their offices for one year and until their successors are elected and qualified.

Government  
vested in board  
of trustees.

§ 2. No person shall be a member of the town council who is not a freeholder and a qualified voter in said town. If any member of the council shall remove from the town his office shall be declared vacant and refilled by the council.

Eligibility of  
officeholders.

§ 3. The town council shall appoint one of their members president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such a manner as may be prescribed by ordinances.

Qualifications  
and returns of  
members.

§ 4. A majority of the town council 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 fines and penalties as may be prescribed by ordinance ; and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with concurrence of two-thirds of their number, expel a member.

Quorum to do  
business.

§ 5. The town council shall keep a journal of its proceedings, and shall have power to fill all vacancies which may occur therein, by death or otherwise.

Journal of pro-  
ceedings.

§ 6. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath, before any justice of the peace or notary public of said county, that he will support the constitution of the United States and of this state and that he will truly perform the duties of his office to the best of his knowledge and ability ; and there shall be at least one regular meeting of said council in each month, at such times and places as may be prescribed by ordinance.

Oath of office.

§ 7. Whenever a tie shall occur in the election of a member or members of the town council, the judges of election shall certify the same to the justice of the peace of said town, hereinafter mentioned, who shall determine the same by lot, in such a manner as may be prescribed by ordinance.

Tie vote, how  
determined.

## ARTICLE III.

SECTION 1. On the first Monday of April, an election shall be held in said town of Woodburn, for the election of the five members of the town council of said town; and forever thereafter, on the first Monday of April, in each year, an election shall be held for said officers.

Election of town council.

§ 2. On the first Monday in April, and on the first Monday in April, every four years, forever thereafter, an election shall be held in the said town of Woodburn, for the election of a justice of the peace for said town, who shall hold his office for four years and until his successor is elected and qualified.

Election of justice of the peace.

§ 3. For the election of a justice of the peace, the said town of Woodburn, as herein defined or as hereafter may be extended or limited by ordinance, shall constitute an election precinct; and the first election for officers, under the provisions of this act, shall be held and conducted and returns thereof made as is now provided by the said ordinances of Woodburn for the election of the present officers of the said town, and succeeding elections shall be held and conducted and returns thereof made as may hereafter be provided by the ordinances of the town council by this act created.

Territory declared an election precinct.

§ 4. All persons who are entitled to vote for state officers by the laws of the state, and who shall have been actual residents of said town thirty days next preceding any election held under the provisions of this act, shall be entitled to vote at any such election.

Qualifications of electors.

## ARTICLE IV.

SECTION 1. The town council shall have power and authority to levy, assess and collect a tax or taxes upon all property, real and personal and mixed, within the limits of said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum, per annum, upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance, not repugnant to the constitution of the United States or of this state.

Power to levy assess and collect taxes.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, town constable and street commissioner, and all such other officers as may be judged necessary for carrying into effect the power conferred upon said corporation by this act, and to require them to give bonds, with such securities, and take such oaths of them as may be necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same, and who shall possess the same qualifications as are required for a member of the town council.

Appointment of officers.

- Appropriations. § 3. Also, to appropriate money and provide for the payment of the debt and expenses of the town.
- General health. § 4. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent and remove or abolish the same.
- Improvement of streets. § 5. To open, abolish, widen, extend, alter, establish, grade, pave or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges, drains and sewers.
- Auctioneers, peddlers, etc. § 6. To license, tax and regulate auctioneers, merchants and retailers, grocers, taverns, eating-houses, peddlers, brokers and money changers, but shall have no power to license the sale of intoxicating drinks, contrary to or inconsistent with any law of this state.
- Prohibit sale of ardent spirits. § 7. To prohibit the sale of intoxicating, malt and fermented liquors; to restrain, prohibit and suppress tippling houses and dram shops, gambling houses, bawdy houses and other disorderly houses within said town.
- Exhibitions. § 8. To license, tax and regulate theatrical and other exhibitions, shows or amusements; to provide for the trial and punishment of persons who may be engaged in assault and batteries and affrays within the corporate limits of said town.
- Election of officers. § 9. To regulate the election of town officers, define their duties, and provide for the removal of any persons in office created by ordinance.
- Compensation of officers. § 10. To fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under the provisions of this act.
- Incumbering streets. § 11. To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals, for the violation of any ordinance in relation thereto.
- Fire-arms. § 12. To prevent the firing of squibs, rockets, guns or other fire works or combustibles within the limits of said town.
- Punishment of offenders. § 13. To provide for the punishment of persons who may at any time distract the peace of the inhabitants of said town or the deliberations or proceedings of any public meeting of said inhabitants or of the town council when in session.
- Regulate police. § 14. To regulate the police of the town; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation

of such fines and forfeitures and enforcement of such penalties: *Provided*, that in all cases the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act or any ordinance made in pursuance thereof.

§ 15. The town council shall have the power to make and enforce all ordinances which shall be necessary and proper for carrying into effect the powers specified in this act, or as the good of the inhabitant of said town may require, so that such ordinances are not repugnant to or inconsistent with the constitution of the United States or of this state.

Enforce ordi-  
nances.

§ 16. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Woodburn.*" And all ordinances shall, within one month after they are passed, be published in some newspaper printed in said town or made known by posting up copies of the same in four public places in said town; and the certificate of the publisher of said newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication; and no ordinance shall take effect until published or made known as aforesaid.

Style of ordi-  
nances.

§ 17. All ordinances may be proven by the seal of the town, and when published or printed in book or pamphlet form and purporting to be published or printed by authority of the town of Woodburn, the same shall be received as evidence, in all courts and places, without further proof.

Evidence and  
proof of.

§ 18. To provide for the erection of all needful public buildings for the use of the town; to establish markets and market places, and for the government and regulation thereof, and to provide for the inclosing, laying off and improving all public grounds, squares and burial grounds belonging to the town.

Needful build-  
ings.

## ARTICLE V.

### OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings of the council, when present, and in case of his absence at any meeting the council shall appoint one of their number chairman, who shall preside at that meeting.

Presiding officer  
of council.

§ 2. The president or any two members of the council may call special meetings of the same.

Stated meetings

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers, and cause negligence and willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of the said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, call out the militia, to aid in suppressing

Active and vi-  
gilant in enforc-  
ing laws.

the same or in carrying into effect any law or ordinances; and any and every person who shall fail or refuse to obey such call shall forfeit and pay the said town the sum of ten dollars.

Exhibit of accounts.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act.

## ARTICLE VI.

### MAGISTRATE AND CONSTABLE.

Justice to be commissioned by governor.

SECTION 1. The justice of the peace, hereinbefore provided for, shall be commissioned by the governor of this state, and he shall have and exercise the same power, authority and jurisdiction as is conferred by law upon other justices of the peace of this state, and shall have and possess the same qualifications as are required for a member of the town council by section second of article second hereof, and who shall give bond and qualify in all respects as justices of the peace are required by law to do.

Jurisdiction of justice of peace.

§ 2. He shall be a conservator of the peace for said town, and he shall have exclusive jurisdiction in all cases arising out of it or under the corporation, and shall receive the same fees and compensation allowed for similar services under the laws of the state to other justices of the peace; and for any willful contempt, malconduct, oppression or partiality or palpable omission of duty in his said office, may be indicted in the circuit court of Macoupin county, and, upon conviction, shall be fined in a sum not exceeding two hundred dollars, and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of the judgment.

Jurisdiction of constable.

§ 3. The town constable appointed under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town, and, for that purpose, his authority shall extend over the county of Macoupin, and shall have the same power, jurisdiction and authority, within the limits of said county, as other constables in all cases possess under the laws of this state, and shall give bonds and qualify as the said board shall by ordinance prescribe.

Tie vote, how determined.

§ 4. If two or more persons shall receive an equal number of votes for the office of justice, the town council shall determine the same by lot, in such manner as may be prescribed by ordinance.

Power to arrest with or without process.

§ 5. The said constable shall be authorized to arrest all persons, on view, without warrant, who shall violate any provision of this act or any of the ordinances of said town made in pursuance thereof, and take him, her or them be-



fore the justice of the peace of said town, to be tried and punished as may be prescribed by ordinance.

§ 6. In case of the absence or inability or refusal to act of said justice or of said constable, any justice of the peace, having an office in said town, or any constable of said county of Macoupin, shall have power and authority to hear and determine all cases which may arise under the ordinances of said town, or to execute all process and writs which may be issued, in same manner and with like effect as the justices and constables of said town herein provided for.

Absence of the justice of peace.

§ 7. In all cases arising under the ordinances of said town, changes of venue and appeal shall be allowed as in other cases before justices of the peace; and said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary or clerk to execute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security; and an order upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Appeals may be taken.

## ARTICLE VII.

### STREETS AND ALLEYS.

SECTION 1. That the town council shall have power to levy and collect a special tax on the owners of the lots or any street or part of a street, for the purpose of grading, paving or otherwise [improving] the sidewalks on said street or part of street.

Levy special tax

§ 2. That the lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expenses of making such sidewalk: (*Provided*, the council is of the opinion the lots are increased in value to that amount, in addition to regular tax,) which shall be assessed and collected in the same manner as other taxes.

Special tax for sidewalks.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The inhabitants of the town of Woodburn are hereby exempted from working on any road beyond the limits of said town and the payment of any road tax levied by authority of the county court or other county authorities; and the entire jurisdiction and control of the roads, highways and bridges of said town shall be held and exercised by the town council by this act provided for.

Exempt from road labor.

§ 2. The town council, for the purpose of keeping the streets and highways in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under

Labor on the streets and alleys.

fifty, to labor on said streets or highways any number of days, not exceeding three, in each year; and any person failing to perform such labor, when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of one dollar to said town for each and every day so neglected and refused.

Willful viola-  
tions, how pun-  
ished.

§ 3. The town council shall have power to provide for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail not exceeding thirty days for any one offense, in all cases when such offenders shall fail or refuse to pay the fine and forfeitures which may be recorded against them.

Suits instituted  
in name of town

§ 4. All suits for fines and penalties, in and for the violation of any ordinance, shall be in the name of the town of Woodburn; and the town council shall have the power to regulate, by ordinance, the form and nature of the first and any subsequent process and the mode of executing the same.

Not to file se-  
curity for costs.

§ 5. The corporation hereby created shall not be required, in any suit brought for any violation of any ordinance of said town, to file, before commencement of such suit or during the pendency thereof, any security for costs.

Ordinances to  
be in force until  
repealed.

§ 6. All ordinances and resolutions passed by the president and trustees of the town of Woodburn shall remain in force until the same shall be repealed by the town council hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested in and prosecuted by the corporation hereby created.

Vested property

§ 7. All property belonging to the president and trustees of the town of Woodburn, for the use of the inhabitants of said town, shall, upon this act taking effect, be vested in the corporation hereby created; and this act shall not invalidate any act done by said president and trustees, nor divest them of any right which, has accrued to them prior to the passage of this act.

Office declared  
vacant.

§ 8. Whenever the justice of the peace, herein provided for, shall remove from said town, resign or die, or his office shall otherwise become vacant, the town board shall immediately provide for filling such vacancy by election.

Evidence of act.

§ 9. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof, and upon its going into effect all acts and parts of acts coming within the provisions of this charter or contrary to or inconsistent with its provisions, shall be repealed.

§ 10. This act shall take effect and be in force from and after the first Monday in April next.

APPROVED April 1, 1869.

AN ACT to incorporate the town of Wyanet, in Bureau county

In force June  
19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Wyanet, in the county of Bureau, and state of Illinois, and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Wyanet;"* and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may alter and change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style.

§ 2. The boundaries of said town shall be as follows: The boundary line, commencing at a corner 160 rods north and 160 rods west of the old school house site, on section seventeen; running thence south one mile and one-half; thence east one mile and one-half; thence north one mile and one-half; thence west one mile and one-half, to the place of beginning.

Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property and to do all other such acts and things in relation thereto that natural persons might do.

General corporate powers.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act until the first Monday of January, 1870, and until their successors shall be elected and qualified.

Powers vested in trustees.

§ 5. On the first Monday of January, 1870, and ever afterwards on the first Monday in January, in each and every year, an election shall be held in said town of Wyanet, for the election of five trustees, of said town. The persons so elected shall be citizens of the United States and of this state, and shall have actually resided within said town six months next preceding the election, and shall hold their offices for the term of one year, and until their successors are

Election of trustees.

elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Notice of election.

§ 6. The incumbent board of trustees shall give ten days' notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in at least three public places in said town. Said notices shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour at which they shall be closed. The incumbent board of trustees shall, at a previous meeting of said trustees, appoint three judges of election and one clerk of such election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot; and all persons who, by the laws of this state, are entitled to vote for state and county officers and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat. And all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town in such manner as may be provided by ordinance.

Judges of election.

Oath of office.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state, and that they will, to the best of their abilities, faithfully discharge the duties of their office. They shall hold at least one regular meeting every three months, and shall, at their first meeting, appoint one of their number president. A majority of said trustees 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 as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper. They shall have power to fill vacancies by appointment, in the board of trustees, occasioned by death, removal, resignation, or continued absence from their regular meetings for the term of three months or otherwise. They may punish their members for disorderly conduct, and, by a vote of three-fifths of their numbers, may expel a member from the board; and they shall have power to remove from office, by vote of three-fifths of all their members, any subordinate of said town who holds his office by appointment of the board of trustees of said town.

Provide for quarterly stated meetings.

Vacancies, how filled.

Appointment of officers.

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, a town constable, treasurer, assessor, collector, and one or more street commissioners, and such other officers, if any, as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require them, before entering upon the duties of their respective offices, to give such bonds and security as

may be necessary to insure faithful performance of their duties. They shall also require all persons appointed to office by them, before entering upon the discharge of the duties of their respective offices, to take and subscribe an oath that they will support the constitution of the United States and of this state, and they will faithfully and to the best of their ability discharge the duties of their offices.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States.

Levy and collect taxes.

They shall also have power to appropriate money and provide for the payment of debts and the expenses of the incorporation.

Appropriations.

To restrain, regulate and prohibit the running at large of any cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and the sale of the same; and to prohibit any indecent exhibition of horses or other animals.

Stock at large.

To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary any ordinance.

Running at large of dogs.

To prevent horse-racing or immoderate riding or driving within the limits of said town of horses or other animals.

Horse-racing and fast driving.

To compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street or alley or any public road in said town.

Fasten horses.

To establish and maintain a public pound, and appoint a pound master, and prescribe his duties.

Public pound.

To suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or shooting, within the limits of said town.

Riots, affrays, noises, etc.

To license, regulate and prohibit all exhibitions of shows, shows of every kind, caravans, circuses and exhibitions and amusements.

Shows and exhibitions.

To abate and remove nuisances and punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Abate nuisances

To restrain and prohibit all descriptions of gambling and fraudulent device, and to suppress and prohibit billiard and roulette tables and ball-alleys: *Provided*, the president and trustees shall have the power to license and regulate the use of billiard and roulette tables and ball-alleys.

Gambling and other devices.

To suppress and prohibit disorderly houses and houses of ill-fame.

Suppress disorderly houses.

Prohibit sale  
of liquor.

To prohibit the sale of ardent spirits, and suppress tippling houses, dram shops: *Provided*, the president and trustees shall have power to license and regulate the sale of spirituous liquors, malt, fermented or mixed and intoxicating liquors or wine.

Regulate elec-  
tion of officers.

To regulate the election of all town officers, and to provide for removing from office any person holding an office created by an ordinance.

Compensation  
of officers.

To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

Police, etc.

The board of trustees shall have power, by ordinance, to regulate the internal police of the town; to declare what shall be considered misdemeanors, and to impose fines and forfeitures for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Improvement  
of streets, alleys  
and all public  
grounds.

The trustees shall have power to regulate, grade, pave, plank and improve the streets, alleys and public squares in said town, for which purpose they shall have power to levy a road labor tax of not more than six days and not less than two, or in lieu thereof one dollar and fifty cents per diem, against every able-bodied male inhabitant over the age of twenty-one and under the age of fifty-five years, to be collected and expended in such manner as they may determine and direct.

Term of office  
police magis-  
trate.

The present police magistrate of said town of Wyandot, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charter thereof," approved February 27, 1854, shall be deemed to hold his office, under and by virtue of this act, until the expiration of the term of his office. At the first election under this act, for trustees of said town, after the expiration of the term of office of the present police magistrate, there shall be a police magistrate elected for said town, and every four years thereafter. That the police magistrate of the town of Wyandot, county of Bureau, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mentioned and described in section seventeen of chapter 49, entitled "Justices of the Peace and Constables" of the Revised Statutes, in which the amount claimed to be due does not exceed one hundred dollars. Said police magistrate shall have jurisdiction to hear and determine all complaints, suits and proceedings, in all debts in which the action of debt, assumpsit, trover and replevin, or trespass upon personal property, and all actions on the case, except libel and slander, which will be [lie], in which the amount claimed to be due does not exceed one hundred dollars; all prosecutions under the laws and ordinances of said town of Wyandot, for assault, assaults and batteries, affrays, riots, routs, disturbing the peace of the inhabitants

Jurisdiction of  
police magis-  
trate.

Actions com-  
menced by com-  
plaint and war-  
rant.

of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and cases in which the penalty attached by the laws or ordinances of said town is imprisonment in the county jail of said county of Bureau, shall lie, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceedings shall be the same as prescribed in such cases for justices' courts by the laws of this state, except when the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding, in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws [and] ordinances of said town. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same to allege, prove and recover for any number of offenses of the same nature: *Provided*, the amount recovered shall in no case exceed the sum of one hundred dollars. All fines and penalties received or collected for any violation of the laws or ordinances of said town by the person or persons receiving or collecting the same [shall] be paid into the treasury of said town, and be appropriated to the use of said town. The president and trustees of said town shall not in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give security therein for costs. The president and trustees, or any other officer of said town, shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town. The president and trustees shall have the right to determine whether or not they will grant licenses for the sale of intoxicating liquors or mixed drinks. The said trustees shall have power to make all necessary by-laws for the construction, laying out and extending and widening of all streets, in addition to the power over streets and sidewalks now possessed. The said trustees shall have power to borrow any sum of money, not exceeding two thousand dollars, (that indebtedness of said town may not exceed the amount above specified, including both principal and interest, at any one time,) for the purpose of improving the streets, sidewalks, or such other improvements as they may deem necessary for said town, and, for such purpose, may issue bonds of said town, in sums of not less than fifty dollars each. If any person or persons shall hereafter proceed to lay out and perfect any addition to said town, then, in such cases, such addition or additions shall be considered a part of said town, and be subject to all its rules and regulations made by virtue of this charter, and said town shall

Rules of proceedings.

Fines and penalties paid to treasurer.

Not required to file security for cost.

Competent witnesses.

May borrow money.

have the same powers over streets and alleys of said town as are or may hereafter be conferred upon the city of Ottawa by legislative enactment.

Fires. § 10. The president and trustees shall have power to make and perfect any arrangements or provide any such means as shall secure buildings or combustibles of any kind against fire; to regulate the fixing of chimneys and the flues thereof, and stovepipes; to dig wells, and erect pumps in the streets, for the extinguishment of fires and convenience of the inhabitants.

Hay, coal, &c. § 11. To provide for the inspection and weighing of hay, stone coal, the measuring of charcoal, firewood or other fuel.

Auctioneers, peddlers, etc. § 12. To license, regulate and tax auctioneers, peddlers, hawkers and ordinaries.

Hackmen and draymen. § 13. To license, tax and regulate hackney coaches, omnibuses or conveyances of any kind.

To pass all ordinances. § 14. The president and trustees of the town of Wyanet, county of Bureau, state of Illinois, shall have power to make all ordinances which shall be necessary and proper for the carrying into execution the powers specified in this act, so that such ordinances be not repugnant with the constitution of the United States or this state.

Ordinances shall be evidence. § 15. All ordinances passed by the president and trustees of the town of Wyanet, after having been posted, as heretofore provided, shall be deemed to be in full force, and when printed and published in pamphlet form, or recorded in a book kept by the clerk of said board for such purposes, and purporting to be published or recorded by authority of the corporation, and bearing the seal thereof, the same shall be received as evidence in all courts and places, without further proof.

APPROVED March 29, 1869.

In force March 30, 1869.

AN ACT to revise the charter of the town of Zanesville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants in the town of Zanesville, in Montgomery county, be and the same are hereby constituted a body corporate and politic by the name and style of "The President and Trustees of the Town of Zanesville;"* and, by that name and style, shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded in all cases and courts of law and equity; may purchase, take and hold, sell, grant and convey real and personal property, for



the benefit of said town; adopt a common seal, and change the same at pleasure.

§ 2. That the boundaries and limits of said town shall be one mile square, the public square of said town being in the centre thereof. Boundaries.

§ 3. The corporate powers of said town shall be vested in a president and four trustees, who shall form a board for the transaction of town business, and a majority of whom shall form a quorum to do business. Powers vested in trustees.

§ 4. The legal voters of said town shall, on the first Monday of April, A. D. 1869, and annually thereafter, on the same day, elect by ballot five trustees, to serve one year and until their successors are elected and qualified; and said trustees shall, on their first meeting after such election, elect by ballot one of their number president of said board. Election for president and trustees.

§ 5. To entitle a person to hold the office of trustee of said town, he must be at least twenty-one years of age, a citizen of the United States, and be a tax-payer in said town. All persons legally qualified to vote for state and county officers and having resided in said town thirty days next preceding any election therein, shall be entitled to vote at such election. Qualification of trustees.

§ 6. The trustees shall meet on the first Thursday after their said election, at such place as they may elect, in the limits of said corporation, and provide by ordinance for stated meetings of the board at such time and place thereafter as they may determine, and shall be the judges of the qualifications and election of their own members; shall have power to fill all vacancies by appointment. The first election shall be held by three judges and two clerks, to be appointed by the voters and sworn in by some officer of the state authorized to administer oaths, faithfully and impartially to perform the duties of judges and clerks of such election. Ten days' previous notice of said first election shall be given, by at least one or more of the voters in said town, by posting up written or printed notices thereof in at least three public places in said town, ten days before said election, stating the object and time and place of holding said election; and at all subsequent elections the board of trustees shall give such notice: *Provided*, that in case of failure to hold said first election on the day aforesaid, said first election may be held on any subsequent first Monday of a subsequent month: *Provided*, that due notice thereof shall be given, as herein required: *And, provided, also*, that the officers so elected shall hold their offices until the next first Monday in April thereafter and until their successors shall have been elected and qualified. Stated meetings

§ 7. At said first election, and every four years thereafter, there shall, also, be elected a police magistrate for said town, to hold his office for four years and until his successor is elected and qualified. The police magistrate shall Election of police magistrate.

be commissioned by the governor, take the same oaths, give like bond, and have the same jurisdiction as justices of the peace, and, in addition, shall have exclusive original jurisdiction in all cases arising under the ordinances of said town, with full power to hear and determine the same, and to enforce his orders and judgments by execution and other process the same as other judicial officers of the state; shall receive the same fees as justices of the peace for like services. Vacancies in the office of police magistrate shall be filled by special election.

Levy and collect tax.

Running at large of horses and cattle.

Auctioneers, peddlers, etc

Improvement of streets and alleys.

Make and pass ordinances.

Appointment of officers.

Oath of office.

Right of trial by jury.

§ 8. The president and trustees shall have power to levy and collect taxes on real and personal property in the limits of said town, for corporate purposes, not exceeding two per cent. on the assessed value thereof; to prevent and abate nuisances; to restrain horses, cattle, swine, sheep, dogs and other animals from running at large in said town; to make regulations to secure the general health of the inhabitants; to establish quarantine regulations; to establish night watches; to erect lamp posts and lamps in the streets, and light the same; to license and tax merchants, grocers, saloons, auctioneers, hotel keepers and peddlers, theatrical and other shows, billiard tables and all other amusements; to restrain and prohibit gaming houses, bawdy houses, and all kinds of disorderly houses; to prohibit the shooting of fire-arms in the limits of said town; to establish and erect markets; to open and keep in repair streets, alleys, avenues, lanes, drains and sewers, and keep the same free from obstruction; to establish and regulate a fire department; to make all necessary police regulations for the town; to regulate the election of town officers, and fix their compensation; to pass all such ordinances as may be required to carry into effect the provisions of this act and for the good government of said town; to impose fines and forfeitures for the breach of ordinances and provide for the collection thereof and appropriate the same, and provide for the collection of taxes.

§ 9. The board of trustees shall have power to appoint a town constable, street commissioner, clerk, treasurer, and such other officers as may be required to carry into effect the powers herein granted, and to define and regulate their respective duties.

§ 10. All officers elected or appointed by virtue of this act shall, before entering upon the duties of office, take an oath, before some officer authorized to administer oaths, to support the constitution of the United States and of this state, and faithfully and impartially to discharge the duties of office.

§ 11. The police magistrate shall allow parties the right of trial by jury, in all cases where the laws of this state guarantee that right; and appeals and writs of certiorari may be prosecuted, in all cases, from decisions and judg-

ments of the police magistrate the same as from decisions and judgments of justices of the peace.

§ 12. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 30, 1869.

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## TOWNS—NEW PRIVILEGES.

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AN ACT conferring additional powers upon the corporate town of Albany. In force April 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to powers conferred upon corporate towns, by the 25th chapter of the Revised Statutes and the amendments thereof, the corporate town of Albany, in the county of Whiteside, by their president and board of trustees, shall have power to extend and work out, not exceeding one-half of the road tax and road labor assessed in said town, for any one year, upon the road leading out of said town but within town 21 (twenty-one) north, range 2 (two) east. Amendment of original charter.

§ 2. That all moneys arising from licenses granted, and fines imposed by said president and trustees, shall be paid into the treasury. Moneys paid into treasury.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED April 19, 1869.

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AN ACT to legalize certain acts of the town of Albion.

In force March 10, 1869.

WHEREAS the board of trustees of the town of Albion, in the county of Edwards, and state of Illinois, did, in a petition of the legal voters of said town, call an election on the 30th day of November, A. D. 1868, at the court house, in the said town of Albion, to vote "For" or "Against" the said town of Albion, in its corporate capacity, taking ten thousand dollars (\$10,000) stock in the Grayville and Mat- Preamble.

toon Railroad Company, at which election a large majority of the legal voters of said town voted for taking said stock; therefore,

To subscribe  
stock and issue  
bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of the town of Albion, in the county of Edwards, and state of Illinois, and their successors in office, be and they are hereby authorized and empowered to subscribe the said ten thousand dollars (\$10,000) stock, and pay for the same by issuing bonds of the said town of Albion—said bonds to be issued in compliance with an act entitled “An act amendatory of an act entitled “An act to incorporate the Grayville and Mattoon Railroad Company,” approved March 1st, A. D. 1867; and the said board of trustees are hereby authorized and empowered to levy a tax, from year to year, on all property, both real and personal, within the limits of said town, not exceeding ( $\frac{1}{4}$ ) three-fourths of one per cent., per annum, for the purpose of paying off said bond and the interest thereon; and to have such other powers as may be necessary to carry the foregoing into effect.

§ 2. This act shall be deemed and taken as a public act, and be in force from and after its passage.

APPROVED March 10, 1869.

In force March  
31, 1869.

AN ACT to amend “An act to incorporate the town of Astoria.”

Application of  
act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled “An act for the better government of towns and cities, and amend charters thereof,” approved February 27, A. D. 1854, shall apply to and be in full force in the town of Astoria.

Conflicting acts  
repealed.

§ 2. All parts or provisions of “An act to incorporate the town of Astoria,” to which this is supplemental, which are inconsistent with the provisions of this act or of the act referred to in the first section of this act, be and the same are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Barrington, in the counties of Cook and Lake," approved February 16, A. D. 1865. In force March 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of said town of Barrington shall have power, annually, to levy a tax upon all the personal property and upon the lands, as provided in section six of the act of which this is an amendment, in said town of Barrington, for town purposes, of not exceeding one per cent., which shall be returned to the boards of supervisors of the counties of Cook and Lake, and by them levied and extended upon the collectors' books of the townships of Barrington and Cuba, in said counties of Cook and Lake, (within the limits whereof said town of Barrington is situated), to be by them collected and paid to the treasurer of said town of Barrington. Said taxes to be levied upon the assessment rolls by the assessors of said townships of Barrington and Cuba, in said counties aforesaid, for the year in which said tax is levied. Levy and collect taxes.

§ 2. Said board of trustees shall have power to provide for the punishment of persons violating any ordinance of said town by either fine or imprisonment in either of the jails of said counties of Cook or Lake, at the discretion of the justice of the peace before whom such offender shall be brought for trial: *Provided*, that no fine shall exceed seventy-five dollars and no imprisonment shall exceed twenty days for each offense; and said town shall pay to keeper of said county jails his reasonable charges for the board of such offenders, whenever the bills therefor shall be audited and allowed by the board of supervisors of said county. Punishment for violations.

§ 3. The justices of the peace within and for said townships of Barrington and Cuba, in the counties aforesaid, and holding their office within said corporation of the town of Barrington, shall have concurrent jurisdiction of all matters arising out of violation of the ordinances of said town or of the provisions of the charter thereof, anything in the charter of said town to the contrary notwithstanding. Jurisdiction of Justices of peace

§ 4. All actions for the breach of any ordinances of said town or of the provisions of the charter thereof, shall be in the name of the president of the board of trustees of the said town of Barrington. The process shall be by complaint of any person, before any justice of the peace hereinbefore named, who shall thereupon issue his warrant, to bring the offender before him; and after hearing the evidence, if it shall appear that the accused is guilty of the offense charged, the said justice shall fine or impose imprisonment upon such offender, in his discretion, subject to the provisions of the ordinance of said town or the provisions hereof. Actions vested in corporation.

- Sale of liquors. § 5. Every person or corporation, not having a license to do so from said board of trustees, who shall sell or give away, barter, or in any way dispose of any spirituous or malt liquors or other intoxicating liquors whatever, in said town, shall be subject to a fine not exceeding seventy-five dollars or an imprisonment of not exceeding twenty days for each offense, at the discretion of the justice of the peace before whom the case shall be heard. The process shall be as provided by section four hereof, and the matter shall be cognizable by any justice of the peace mentioned in section three hereof.
- Sabbath day. § 6. The board of trustees shall have power to prohibit the sale of goods by any trader or dealer on the first day of the week, commonly called Sunday, and close all saloons and places of amusement, after the hour of ten o'clock P.M., Saturday nights, and keep the same closed up until the hour of four o'clock A.M., Monday, thereafter. Every offender shall be liable as provided in sections three and five of this act.
- Indecencies. § 7. To prohibit and prevent any indecent exposure of the person or other lewd or shameful practice, and punish persons guilty thereof.
- Exhibitions. § 8. To license, tax and regulate showmen, peddlers, hawkers, ordinaries and gift enterprises.
- Appeals allowed § 9. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace; and the corporation shall be allowed to appeal in any case in which they are parties, by causing the clerk to execute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bond.
- Ordinances to be evidence. § 10. All ordinances may be proven by the certificate of the clerk and the seal of the town, and when printed or published in book or pamphlet form and purporting to be printed or published by the corporation, the same shall be received in evidence in all courts and places, without further proof.
- Conflicting acts repealed. § 11. So much of the act to which this is an amendment as conflicts herewith is hereby repealed.
- § 12. This act shall be deemed a public act and be in force and take effect from and after its passage.

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Brighton, in Macoupin county." approved February 22, 1867. In force March 24, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty of the aforesaid act be and the same is hereby amended, to read as follows, to-wit: "The said president and trustees of the town of Brighton shall have and exercise complete and exclusive control over the selling, bartering, exchanging, giving away, or in any manner trafficking in any wine, gin, rum, brandy, whisky, beer, ale or other intoxicating liquors, whether mixed or unmixed, within the limits of said town or within one mile of the boundaries of the same, and may by ordinance, declare any such selling, bartering, exchanging, giving away, or trafficking in any manner, in any such wine, gin, rum, brandy, beer, ale or other intoxicating liquor, whether mixed or unmixed, within the corporate limits of said town or within one mile from the boundaries, and the place or places where the same is carried on, or either of them, a nuisance, and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section twelve of this act: *Provided*, that they shall allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes: *Provided*, that they shall not impose any fine, by authority of this section, of more than fifty dollars for any one offense, or any penalty of imprisonment in the county jail of more than thirty days for any one offense."

Act amended.

Prohibit sale of liquors.

Privileges of druggists.

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

APPROVED March 24, 1869.

AN ACT to amend "An act to authorize the inhabitants of Cahokia to raise a levee on the creek bank, opposite the town of Cahokia," approved January 24, A. D. 1827, and the acts amendatory thereof. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor of the village of Cahokia, authorized to be elected by the act to which this is an amendment, shall be elected every two years, instead of in every year—said election to take place in manner and form now provided by law; and that he shall be required, before he enters upon the duties of his said office, to give bond, payable to the inhabitants

Election of supervisor.

of the village of Cahokia, in the sum of double the amount of all moneys that may come to his hands, from all collections that he may make, for the use of said commons; said bond to be filed with and to be approved by the county clerk of St. Clair county.

Duties of the supervisor in issuing writs.

§ 2. That the supervisor shall sue in his name as supervisor of Cahokia commons, and be sued in such name, in all actions and suits of law and equity, of whatever nature and character, in relation to all matters and things given under his charge by the said several acts to which this is an amendment, and in relation to any titles, in law and equity, which are now or may be hereafter by the inhabitants of the village of Cahokia, and in regard to the Cahokia commons; and it is hereby declared that the said acts to which this is an amendment were intended and meant to enable him to sue in his own name, as supervisor, as aforesaid, in all actions concerning the rights and titles of, and the injuries committed to said commons.

Successor.

§ 3. That in case such supervisor should go out of office, his successor in office shall have the same right to appear and prosecute or defend in all the aforementioned cases, without a change in the name or against whom suits have been commenced, and no suits shall abate, either for or against any supervisor, on account of his death, or being superseded in his office.

APPROVED March 27, 1869.

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In force Feb. 9, 1869. ACT to amend an act entitled "An act to incorporate the town of Cambridge, in the county of Henry, and state of Illinois," approved February 21, 1861.

Corporate powers granted.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said body corporate hereafter be called and known by the name of "The Town of Cambridge;" and, in and by that name, to sue and be sued, hold, purchase and sell property; have perpetual succession, and common seal, together with all the rights, duties, privileges and immunities that were by said act, hereby amended, granted to said body corporate, by the name of "The Board of Trustees of the town of Cambridge."

Suits instituted in corporate name.

§ 2. That all suits, prosecutions and actions for the recovery of any fine, penalty, or forfeiture, under or by virtue of the charter, ordinances or by laws of said town, shall be prosecuted in the name of the town of Cambridge, and shall be commenced by filing with the police magistrate of said town or other justice of the peace, a written complaint,



containing a brief statement of the offense charged ; whereupon a summons shall be issued as in other cases before justices of the peace, except in case such complaint be by some person subscribed and sworn to, when a warrant shall be issued by such magistrate or justice of the peace, requiring the immediate arrest and trial of the offender or offenders ; and such suits, prosecutions and actions shall be conducted, as near as may be, in the same manner as similar cases before justices of the peace, except when otherwise provided ; and several fines, not exceeding in amount one hundred dollars, may be recovered in one suit or prosecution for the violation of any one ordinance ; but the board of trustees of said town may provide for the arrest of offenders, on view, without warrant.

§ 3. In all cases where such offenders shall fail or refuse to pay the fines, penalties and costs adjudged against them, it shall be the duty of such magistrate or justice of the peace, before whom they are tried, to order such offenders to be committed to the county jail of said county, there to remain until such fines, penalties and costs shall be paid, or until otherwise discharged by due process of law : *Provided*, that executions against the goods and chattels of such offenders may be issued and transcripts taken to the circuit court, as in other cases before justices of the peace, with like force and effect.

Fines and forfeitures, how recovered.

§ 4. The said board of trustees shall have power to make and provide for all necessary police regulations, to preserve order in said town ; and said board, or the president thereof, may, in writing, appoint special policemen in said town, whenever considered necessary, for such length of time as may be necessary. Such policemen shall wear a badge of office, and shall have and exercise the same powers as constables, and such other powers as may be given them by the said board, not inconsistent with this law.

Regulate the police of town.

§ 5. The said board of trustees shall have power to regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats or other stock or domestic animals, and to authorize the distraining, impounding and sale of the same ; to regulate, restrain and prohibit the running at large of dogs ; to license, regulate, suppress and prohibit billiard tables, ball alleys, pin alleys, and all public places of amusement ; and also, to provide by ordinance for fines, penalties or forfeitures, for the violation of the charter or ordinances or by-laws of said town, and for the collection of the same ; and to make all ordinances which shall be necessary and proper to carry into execution the powers specified in said charter and the amendments thereto, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state.

Running at large of horses and cattle.

Billiard tables and bowling alleys.

Issue licenses.

§ 6. All licenses authorized to be issued by any ordinance of said town shall be issued and signed by the clerk of the board of trustees of said town.

Improvement of streets, lanes and highways.

§ 7. The board of trustees of said town are hereby vested with the control of the streets, highways and alleys within the corporate limits of said town, and shall have power to provide by ordinance for the vacating, opening, laying out, widening and keeping in repair of the streets, highways and alleys in said town, and for constructing and keeping in repair sidewalks, crossings, culverts, drains and other public improvements, and for levying and collecting taxes and assessments, for the purposes aforesaid: *Provided*, that private property may be condemned for such purposes—the said trustees paying just compensation therefor—such compensation to be assessed by a jury of three disinterested householders of said town, in such manner as may be provided by ordinance of said town; said jury or householders to be selected by the police magistrate of said town. And in making such assessment, they shall consider the advantages as well as the injuries to such private property and the owners thereof

May levy and assess for improvements.

§ 8. The board of trustees may provide, by ordinance, such regulations as may be necessary and proper for raising money, by taxation and assessments, to build, construct, alter and keep in repair, any sidewalk, crossing, street, alley, highway or other public improvement, and may, for such purpose, cause to be assessed and collected upon any lots, lands or other property in said town, benefited by such improvement above named, the value of such benefit or advantage, as a tax or assessment thereon; which assessment shall be a lien upon the said lots, lands or other property from the time of making the same; and such assessment shall be made and determined by three disinterested householders of said town, to be called commissioners, who shall be selected and appointed by the police magistrate of said town; and all power not inconsistent with the constitution of this state or of the United States, is hereby granted to the said board of trustees, for the purpose mentioned in this and the preceding section; and the householders and commissioners therein provided for shall have power to administer oaths and swear witnesses.

Commissioners to make assessment for improving streets.

Sec. 31 amended

§ 9. That section thirty-five (35), of said act to which this is an amendment, be so amended as to include all taxes and assessments to be made under this act or ordinance passed in pursuance hereof; and when assessments upon real estate, for public improvements, are returned to the county clerk they shall be charged in the tax books as against the said real estate, in the same manner as other taxes, and collected in the same way, under the head of "Special Corporation Assessment."

§ 10. All ordinances passed by said board of trustees shall be published in some newspaper published in said town, for one insertion, or by posting copies thereof in three of the most public places in said town, at least ten days before taking effect; and the certificate thereof, made by the clerk of said board, shall be *prima facie* evidence of such publication; and any publication of the ordinances and by-laws of said town, made by the authority of said trustees, shall be recorded as evidence in all courts, without further proof.

Publication of ordinances.

§ 11. All laws or parts of laws in conflict with this act are hereby repealed.

Conflicting acts repealed.

§ 12. This act is hereby declared a public act, and shall be received as such by all courts, and shall be in force from and after its passage.

APPROVED February 9, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Columbia, in Monroe county, state of Illinois," approved February 19, A. D. 1859. In force June 13, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owners of such property and pay or tender the same, before opening or altering such street and alley; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six (not directly interested) freeholders of said town.

Compensation for property taken.

§ 2. The jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owner or owners of property proposed to be taken for opening and altering any public street or alley shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided, always,* in the assessment of such damages the jury shall take consideration the benefit as well as the injury happening to the owners of property proposed to be taken for opening or altering a street or alley by such opening and altering.

Jury to estimate damages.

§ 3. The police magistrate shall have power, for good causes shown, within ten days [after] any inquest shall have been returned to him, as aforesaid, to set aside the same and cause a new inquest to be made.

Petition for opening streets.

§ 4. When all the owners of property on a street or alley proposed to be opened shall petition therefor, the town

Inhabitants to labor on streets.

council shall provide for the opening and altering the same, but no compensation shall be allowed to such owners for the property so taken.

Exempt from road labor outside town.

§ 5. The inhabitants of the town of Columbia are hereby exempted on working on any road beyond the limits of said town; and the entire jurisdiction and control of roads, highways and bridges in said town shall be held and exercised by the board of trustees of said town,

Inhabitants to labor on streets.

§ 6. The board of trustees, for the purpose of keeping the streets, alleys and public places in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys and highways any number of days, not less than two nor more than five, in each year; any person failing to perform such labor, when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of one dollar and twenty-five cents, to be paid to said town, for each and every day so neglected or refused, to be collected as other forfeitures for violation of ordinances.

Punishment of offenders

§ 7. The board of trustees shall have power, for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail, not exceeding thirty days for any offense, in all cases where such offenders shall fail or refuse to pay the fine and forfeitures which may be recovered against them.

Construction of sidewalks.

§ 8. The board of trustees may order the construction, grading and paving of sidewalks, upon any street or parts of streets within the limits of said corporation: *Provided*, that the owners of lots or parts of lots on or in front of which such sidewalks are ordered shall build the same, at their own expense; and such sidewalks so ordered by the trustees, shall be built according to the specifications by them established, within a time specified by said trustees, or in case of failure or refusal to do so, the trustees shall build the same and assess the property on or in front of which it is built for the full amount of the costs of construction.

Repair streets.

§ 9. The board of trustees shall have power to open, alter, abolish, widen, extend, vacate, establish, grade, pave, and otherwise improve and keep in repair streets, lanes, avenues, alleys; to prevent encroachment into and upon and to remove all obstructions from the streets, lanes, avenues, alleys, and provide for the construction, repair and cleaning of all sidewalks, curbstones, drains and gutters, at the expense of the owners of the ground fronting thereon.

Bridges.

§ 10. To establish, erect and keep bridges and culverts in repair.

Markets and market houses.

§ 11. To erect market houses, establish markets and market places and provide for the government and regulation thereof.

§ 12. To provide for the erection, control and management of all needful public buildings, for the use of the town, and for inclosing, improving and regulating all public grounds belonging to the town. Needful buildings.

§ 13. To restrain, regulate or prohibit the running at large of cattle, horses, sheep, hogs, goats and other animals, and to authorize the distraining, impounding and sale of the same. Running at large of horses, cattle etc.

§ 14. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance. Dogs at large.

§ 15. To make regulations to secure the general health of the inhabitants; to abate and remove nuisances, and punish the authors thereof, and to define and declare what shall be deemed nuisances and authorize the summary abatement thereof. General health.

§ 16. To regulate the storage of gunpowder and other combustible materials. Combustibles.

§ 17. To provide for the prevention of fires and the extinguishment thereof, and to organize and regulate fire, hook and ladder companies. Provide for extinguishment of fires.

§ 18. To regulate and order the fixing of chimneys, flues and partition fences. Chimney flues.

§ 19. To compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in any street, alley or public place in said town, and punish cruel and inhuman treatment of animals. Fasten animals.

§ 20. To remove graveyards out of the limits and close vicinity of the town, if found necessary for the health and welfare of the people of the town. Removal of grave-yards.

§ 21. To borrow money, for public purposes, on the credit of the town, and issue the bonds of the town therefor; but no sum of money shall be borrowed at a higher rate of interest than ten per cent. per annum, nor shall a greater sum or sums, at any one time, be borrowed, nor at any time be outstanding than amount in the aggregate to five thousand dollars, nor shall any bond be issued or negotiated at less than par value. May borrow money.

§ 22. That the plat of the town of Columbia, surveyed and platted by the county surveyor, A. F. Neinle, and his deputy, L. Abry, be and is hereby legalized for any and all purposes whatsoever as if the same had been surveyed, platted, certified and recorded, as required by law. Survey and plat legalized.

§ 23. That the president and board of trustees of the said town of Columbia shall have power, by and under the corporate name and seal of said town, hereby to lease or sell the piece of ground located in said town, and known as the public square, and all other property of whatever kind or description, either real or personal or mixed, belonging to or owned by said town of Columbia, whether said property be held in fee or for a limited duration, and, by deed, Sale of public square.

to convey all or any part of the real estate of said town of Columbia; and that said president and board of trustees of the said town of Columbia shall have power, by and under their corporate name, for the use of the said town, to purchase such lot or lots or parcel of land, and to construct such buildings thereon as shall be deemed necessary or desirable for the public use: *Provided*, that before the piece of ground located in said town, and known as the public square, shall be sold, conveyed, leased, or appropriated to any other use than that for which it was dedicated, the president and board of trustees of said town shall obtain the consent, in writing, to such sale, conveyance, lease or appropriation, of the owners of lots fronting on said public square and between which lots and the said public square there is no street.

APPROVED March 27, 1869.

In force March 6, 1869. AN ACT to amend an act entitled "An act to incorporate the town of DeKalb," approved February 21st, 1861, and to amend an act amendatory thereof, approved March 8th, 1867, and to extend the corporate powers of the town of DeKalb.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate powers and duties of said incorporation shall be vested in a town council, which shall consist of a president and four trustees, to be elected annually, as is now provided by law for the election of trustees, who shall form a board for the transaction of business, and continue in office for the length of time and perform the same duties now provided by law for the trustees to do and perform.

§ 2. The town council shall have power to appoint one or more police officers and such other officers as they may deem necessary for carrying into effect the powers conferred upon said corporation by this act and the several acts to which this is an amendment, and require such bonds and security to be given by officers so appointed as said council shall by ordinance provide.

§ 3. The town council shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, and the several acts to which this is an amendment, or as the good of the inhabitants of said town may require, so that the ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state.

§ 4. The town council and all policemen, constables and magistrates in said town, are hereby declared to be conservators of the peace, and they shall have power and au-

thority to arrest or cause to be arrested, with or without process, on view, all persons who shall violate this act or the several acts to which this is an amendment or any ordinance of said town, and detain such person or persons in custody over night, or longer, if necessary, or during the Sabbath day, and until a trial can be had, or while any such person or persons may be intoxicated, in the county jail or other safe place, to be selected by such peace officer or officers, and shall have and exercise such other powers as the town council may prescribe.

§ 5. The town council shall have power to provide for taking the enumeration of the inhabitants of said town; to regulate the fixing of chimneys and the flues thereof in said town; to prevent the firing of squibs, rockets, guns or other fireworks or combustibles within the limits of said town; to suppress all riots, affrays, assaults and batteries, drunkenness, quarreling, noise or disturbance of any kind, and to punish the authors and participators therein.

Enumeration  
of inhabitants.

Chimneys, etc.

§ 6. That the town council shall have the exclusive power to regulate, prohibit or license the sale of spirituous, intoxicating or mixed liquors, ale, beer and wine, anywhere within the town corporate limits, and upon such terms and conditions as said council may deem proper, and shall likewise have the power and authority to regulate, prohibit or license billiard saloons, anywhere within the corporate limits of said town, upon such terms and conditions as they may deem proper: *Provided*, that no licenses granted by virtue hereof shall continue in force beyond the term for which said council shall have been elected; but all such licenses shall expire and become void on the day of the annual election of the said president and board of trustees.

Prohibit sale  
of liquors.

§ 7. All violations of this act and the several acts to which this is an amendment, and all ordinances of said town now in force, and all ordinances hereafter passed by said council and in force by virtue of this act and the several acts to which this is an amendment, shall be commenced and prosecuted in the same manner that cases of assault and battery are now provided for by law; and all fines and forfeitures and penalties prosecuted for and collected, for any violation of this act or the several acts to which this is an amendment, or for the violation of any ordinance now in force or hereafter to be in force by virtue of this act or the several acts to which this is an amendment, or for affrays, assaults, assault and battery, quarreling, breach of the peace or other disturbances or disorderly conduct, shall be paid into the treasury of said town, and be vested in and belong to said town.

Violation, how  
punished.

§ 8. Each newly elected town council shall meet and organize and duly qualify, according to law, ready to transact business, within twenty-four hours after their said

Organization  
of town council.

election; and all of their subsequent monthly meetings shall be on the first Monday of each month, as is now provided by law; and the president of said board shall perform the same duties and possess the same powers and be, *ex officio*, supervisor or a member of the board of supervisors of DeKalb county, as is now provided by law for the president of the board of trustees appointed as heretofore provided by law.

May borrow money.

§ 9. The town council shall have the power and are hereby authorized to borrow money, on the credit of said town, and at a rate of interest not exceeding ten per cent., per annum, and issue town bonds therefor—to be properly signed by the president and clerk of said town—for such an amount of money as the legal voters of said town shall by a majority vote determine, at a corporate town meeting previously held for that purpose, the usual notice having been given and the object fully stated in such notice, as in the case of elections now provided for by law.

Levy special tax

§ 10. The town council shall have the power and are hereby authorized to levy a special tax, on any year and years, upon the assessed value of all the taxable property within the corporate limits of said town, not to exceed two per centum over in excess of the three per centum now by law authorized to be levied and collected by said trustees or council, for the payment of the debt or debts of said town. Said tax to be, in all respects, assessed, certified to, extended and collected, as is now provided for by law for raising taxes, specified in the amendment to the charter of DeKalb, and approved March 8th, 1867: *Provided*, the tax rate per cent. shall have been determined by a majority of the legal voters of said incorporation, at a public meeting, previously held for that purpose, or at the annual election of the president and trustees of said town, notice having been duly given of submitting the question of raising said special tax for the same length of time as notices for annual election. And the town council are hereby authorized and required to call a special town meeting, for the purpose of submitting the subject of raising said special tax, upon the petition of five freeholders and legal voters residing in said corporation, giving the required notice.

Rate per cent. of tax levied.

Evidence of validity of ordinances.

§ 11. Any and all ordinances of said town shall be sufficiently proved, in any court, by the production of the corporation book containing said ordinances, or a copy of the same, certified to by the clerk of said corporation.

Conflicting acts repealed.

§ 12. All acts or parts of acts coming within the provisions of this act, contrary to or inconsistent with its provisions, are hereby repealed.

§ 13. This act is hereby declared to be a public act, to be received and used in all courts without proving or pleading the same, and shall take effect from and after its passage.

APPROVED March 6, 1869.



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

In force March  
24, 1869.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Dwight, in Livingston county, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Dwight;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style.

§ 2. The boundaries of said town shall include within their limits the south half of section four (4) and the north half of section nine (9), all in township thirty (30) north, range nine (9) east of the third principal meridian.

Boundaries of  
corporation.

§ 3. Whenever any tract of land adjoining the town of Dwight shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and from a part of the town of Dwight.

Additional ter-  
ritory annexed.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

General corpo-  
rate powers.

ARTICLE II.

OF THE TOWN COUNCIL.

SECTION 1. There shall be a town council, to consist of a president and five trustees, to be chosen, annually, by the qualified voters of said town.

Council.

§ 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

Office vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Returns of elec-  
tion.

§ 4. A majority of the town council 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 fines and penalties as may be prescribed by ordinance.

Quorum to do  
business.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

Rules of pro-  
ceedings.

Journal of proceedings. § 6. The town council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Vacancies, how filled. § 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint.

Oath of office. § 8. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his ability.

Tie vote, how decided. § 9. Whenever there shall be a tie in the election of members of the town council, the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as may be prescribed by ordinance.

Stated meetings. § 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinances.

### ARTICLE III.

#### OF ELECTIONS.

Election of council. SECTION 1. On the first Monday of April next, an election shall be held in said town for the president and five members of the town council, and forever thereafter, on the first Monday in April, in each year, there shall be an election held for said officers. The first election shall be held, conducted and returns thereof made, as may be provided by ordinance, by the present president and trustees of the town of Dwight; and all succeeding elections as may be provided by ordinance of the town council by this act created.

Qualification of electors. § 2. All persons who may be entitled to vote for state officers and who shall have been actual residents of said town for three months immediately preceding said election, shall be entitled to vote for said officers.

### ARTICLE IV.

#### OF THE LEGISLATIVE POWER OF THE COUNCIL.

Levy and collection of tax. SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum, per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of officers. § 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, supervisor of streets, and such other officers as may be necessary, and to

require of all officers appointed in pursuance of this charter bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient, and also to require all officers appointed, as aforesaid, before entering upon the discharge of their respective official duties, to take an oath, in the same manner as is provided in section 8 of article 2 of this act.

§ 3. To appropriate money, and provide for the pay- Appropriations.  
ment of the debt and expenses of the town.

§ 4. To make regulations to prevent the introduction of Contagious dis-  
contagious diseases into the town, and enforce the same eases.  
within one mile thereof.

§ 5. To establish hospitals, and make regulations for To establish  
the government of the same. hospitals.

§ 6. To make regulations to secure the general health General health.  
of the inhabitants, to declare what shall be a nuisance, and  
to prevent and remove the same.

§ 7. To provide the town with water; to sink and keep Provide water.  
in repair wells and pumps in the streets, for the conven-  
ience of the inhabitants.

§ 8. To lay out, open, alter, abolish, widen, extend, es- Opening streets  
tablish, grade, pave or otherwise improve and keep in re- and alleys.  
pair public squares, streets, avenues, lanes and alleys, and  
to establish a building line thereon.

§ 9. To establish, erect and keep in repair bridges. Erect bridges.

§ 10. To provide for lighting the streets and erecting Lighting streets  
lamp posts.

§ 11. To establish, support and regulate night watch- Night watches.  
men.

§ 12. To erect market houses, to establish markets and Markets and  
market places, and provide for the government and the market houses.  
regulation thereof.

§ 13. To provide for the erection of all needful build- Buildings.  
ings for the use of the town.

§ 14. To provide for the inclosing, improving and reg- Public grounds.  
ulating all public grounds belonging to the town.

§ 15. To license, tax and regulate auctioneers, mer- Auctioneers,  
chants, retailers, taverns or ordinary, hawkers and peddlers, peddlers, etc.

§ 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, cartage or drayage of property.

§ 17. To license and regulate porters, and fix the rates Porterage.  
of portorage.

§ 18. To license, tax, regulate and suppress theatrical Exhibitions.  
and other shows and amusements.

§ 19. To restrain, prohibit and suppress tippling houses, Tippling houses  
dram shops, gambling houses, bawdy houses, and other dis-  
orderly houses, within said town and within one mile there-  
of, but not to license any house or place for the sale of in-  
toxicating drinks of any kind as a beverage.

- Obstruction of streets. § 20. To prevent the incumbering of the streets, squares and alleys of said town; to plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep and other animals, and provide for distraining and impounding the same, and to provide for the forfeiture and sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, cattle, horses, sheep and swine, and to provide for the obstruction of the same when running at large contrary to ordinances; and to prevent the firing of squibs, rockets, guns or other combustibles or fire-arms within the limits of said town.
- Prevention and extinguishment of fires. § 21. To provide for the prevention and extinguishment of fire, and to organize and establish fire companies.
- Chimney flues. § 22. To regulate the fixing of chimneys and the flues thereof.
- Combustibles. § 23. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials, and also ashes.
- Walls, fences. § 24. To regulate and order parapet walls and petition fences.
- Inspection of lumber. § 25. To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work.
- Inspection of forage and fuel. § 26. To provide for the inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, fire-wood and other fuel, to be sold or used in said town.
- Inspection of produce. § 27. To regulate the inspection of butter, lard and other provisions.
- Census. § 28. To provide for taking enumerations of the inhabitants of the town.
- Election of officers. § 29. To regulate the election of town officers, and to provide for removing from office any person holding office created by this act or by ordinance.
- Compensation of officers. § 30. To fix the compensation for all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.
- Regulate police. § 31. To regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.
- Billiard tables and ten pin alleys. § 32. To suppress and distrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races, and all other means of gambling, within said town or within one mile thereof.
- Sale of liquors. § 33. To prevent and prohibit the introduction, keeping, manufacturing or selling of any vinous, malt, spirit-

nous, mixed or intoxicating liquors within said town and within one mile thereof, except for chemical, medicinal, sacramental and mechanical purposes, and to prohibit the giving the same away, with the view to evade any penalty which may be provided for the unlawful sale of such liquors, except as hereinbefore provided in section 19.

§ 34. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into operation the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or this state.

Power to pass ordinances.

§ 35. To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys.

Billiards, etc.

To prevent, restrain and punish forestalling and relegating.

Forestalling.

To regulate the inspection and vending of fresh meats and poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Inspection of meat, etc.

To regulate, license and prohibit butchers, and to revoke their license for maleconduct in the course of trade.

Butchers.

To establish standard weights and measures.

Weights and measures.

To regulate the weight and quality of bread, to be sold or used in the town.

To regulate the size and quality of bricks to be sold or used in the town.

Bricks.

To direct the location and regulate the management and construction of tanneries, blacksmith shops, founderies, livery stables and packing houses.

Tanneries, etc.

To direct the location and direct the management and construction of and to restrain, abate and prohibit within the town and to the distance of one mile from the limits thereof, distilleries, slaughtering houses and establishments for rendering lard, tallow, offal and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Distilleries, etc.

To erect and establish a work house or houses of correction.

Work-house.

To direct and control the laying and construction of railroad tracks, bridges, turn outs and switches, in the streets and alleys, and the location of depot grounds.

Railroad tracks and crossings.

To require railroad companies to keep in repair the streets through which their tracks may run and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts.

To regulate the speed of locomotive engines within the inhabited portions of the town.

Speed of locomotives.

§ 36. The style of the ordinances shall be, "*Be it ordained by the Town of Dwight.*"

Style of ordinances.

§ 37. All ordinances passed by the town council shall, within one month after they shall have been passed, be published in some newspaper published in the town or posted on the door of the town house, and in three other

Publication of ordinances.

public places in said town, and shall not be in force until they shall have been published or posted as aforesaid; and the certificate of the clerk of said town, or a certified copy of said certificate, shall be held in all courts and places sufficient evidence of such publication.

Proof of ordinances.

§ 38. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. If attested by the seal of the corporation, the same shall be affixed by the clerk or by order of the president of said corporation.

#### ARTICLE V.

##### OF THE PRESIDENT.

Presiding officer of council.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and in case of his absence at any meeting, the council shall appoint one of their number chairman *pro tem*.

Special meetings.

§ 2. The president or any two members of the council may call special meetings of the town council.

Active and vigilant in the performance of duties.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished. He shall, from time to time, communicate such measures as in his opinion may tend to the improvement of the finances, police, health, security and ornament of the town.

Inhabitants to aid in enforcing the laws.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars.

Exhibit of books and papers.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officers of said town an exhibit of his books or papers or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

#### ARTICLE VI.

##### PROCEEDINGS IN SPECIAL CASES.

Private property taken for opening streets.

SECTION 1. Whenever it shall be necessary to take property of any person, corporation or body politic, for the purpose of opening, altering, widening, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make a just compensation to the

owner of such property, and shall pay or tender the same, before taking such property; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of three disinterested freeholders of the town, in such manner as the council shall by ordinance direct.

§ 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered, shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall in such case be allowed for such property so taken.

Petitions for opening streets.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading or otherwise improving any public square, street or alley, or any other improvement in this article named (except sidewalks and private drains,) shall first be sworn to that effect, and shall return to the police magistrate their inquest or assessment, in writing, signed by such jurors, or a majority of them: *Provided, always,* that in such assessments the jury shall take into consideration the benefits as well as injury happening to the owners of property taken for or affected by any such improvements.

Proceedings in case of opening streets, alleys, and highways.

§ 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers and private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same, and to lay out public squares, and to grade, improve, protect and ornament any public square, street or alley now or hereafter laid out.

Grading, paving and macadamizing.

§ 5. The expenses of any improvement in this article (except sidewalks and private drains) may be assessed upon the real estate in any natural division affected thereby, with the costs of proceedings thereon, in proportion, as nearly as may be, to the benefits resulting thereto, in such manner as the town council may by ordinance direct.

Expenses paid by special assessments.

§ 6. The council shall order, on petition of the owners of one-fourth part of the front of the lots included in such order, walks to be built and gutters to be paved in front of any such lots, by the owners thereof, in such time and manner and of such material as it may; and in case of failure to do the same, the council shall cause the same to be done and assess the cost thereof to each lot against the same.

Sidewalks, etc.

§ 7. The town council may cause sidewalks and gutters to be constructed, as it may direct, on any street or alley, or any part thereof, and assess the costs thereof to each lot, according to the benefit to such lot by reason of such improvement: *Provided,* that when such order shall be made,

Gutters, etc.

without a petition of the owners of one-fourth part of the front of the lots included therein, the town shall pay at least twenty-five per cent. of the costs thereof.

Levy special tax

§ 8. Whenever the inhabitants of said town, in special town meeting assembled, upon the call of said council or of ten legal voters of the same, shall, by a majority present, vote in favor of any public improvement therein, and of appropriating therefor any sum, not exceeding in any one year one-fourth of one per centum of all the taxable property of said town, the council shall be authorized to levy a special tax therefor, not exceeding the sum so voted, upon all the taxable property of said town, and collect, hold and expend the same in such a manner as the council may direct.

Clean private premises.

§ 9. All owners or occupants upon whose premises the town council shall order and direct private drains, communicating with any main drains, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such private drains, at their own costs and charges, in the manner and within the time prescribed by ordinance or otherwise; and upon their failure to do so, the council may cause the same to be done, and assess the expenses thereof upon the lots, respectively, and collect the same as the other assessments and taxes. A suit may also be maintained against the owner or occupants of such premises, for recovery of such expenses, as for money paid to his use at his request.

Real estate subject to taxation.

§ 10. All real estate within the limits of said town and all personal property belonging to persons residing therein, shall be subject to taxation; and the taxes may be levied and collected upon the same, for the use and benefit of said town, in such time and manner as the council shall by ordinance provide.

Owners' consent

§ 11. No street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. The town council shall cause all streets, alleys and highways or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken, and the same, when opened and made, shall be public highways and public squares.

When owner refuses to take at valuation.

§ 12. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the town council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly newspaper or six insertions in a daily paper published in the



town of Dwight; at the expiration of which time they shall appoint three disinterested freeholders, residing in said town, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement, benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the members of the town council authorized by law to be elected shall be necessary to a choice of such commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties; they shall give at least five days' personal notice of the time and place of meeting for the purpose of viewing the premises and making their assessments, which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 13. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

When building standing on lot taken.

§ 14. At least five days' notice shall be given to the owner of such determination, when known and a resident of the town, which may be given personally, or in writing left at his usual place of abode. If a non-resident, or unknown, like notice shall be given to all persons interested, by one publication in any newspaper published in said town, or by posting four notices in four of the most public places in said town. Such notice shall specify the buildings and the award of the commissioners. It shall also require the persons interested to appear, by a day to be named therein, not exceeding thirty days from the date of publication of such notice, or give notice to the town council of their election either to accept the award of the commissioners and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the town council may direct.

Notice to owner.

§ 15. If the owner refuses to take the building at its appraised value to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the town council shall have power to direct the sale of such building,

When owner refuses to take valuation.

at public auction, for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Value of land.

§ 16. In making the assessment, the said commissioners shall ascertain the value of the land taken and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners of property in said benefited neighborhood, respectively, and be a lien upon the property on which it may be assessed, and collected as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvements, and if more, the difference shall be paid him in money, before the land is taken. Said commissioners shall particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the town council within ten days after its completion.

Notice by publication.

§ 17. The clerk shall give ten days' notice, by one publication in any newspaper published in said town or by four notices posted in four public places in said town, that such assessment has been returned and on the day specified therein will be acted upon by the town council, unless objections to the same are made by some person interested. Objections may be heard before the town council, and the hearing may be adjourned from day to day. The town council shall have power, in their discretion, to alter, confirm or annul the assessments. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing the collection thereof as other assessments in said town are collected.

Removal commissioners.

§ 18. The town council shall have power to remove the commissioners, and, from time to time, appoint others in the place of such as may be removed, refuse, neglect or are unable, from any cause, to serve.

When damages are awarded.

§ 19. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof under this act shall be paid or tendered to such owner or his agent, or in case such owner or agent cannot be found in the town deposited to his, her or their credit in some safe place of deposit other than in the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

Appeals allowed

§ 20. Any person interested may appeal from any final order of the town council for opening, widening, altering

or straightening any street, alley or other highway or public ground, to the same court or courts of Livingston county who have, by law, jurisdiction in cases of appeal from decisions of justices of the peace. After the passage of said final order, said court to determine such appeal and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be opened to investigation, by affidavit or oral testimony adduced to the court, or upon application of the town, or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the town council for omissions or informality, unless injury has resulted therefrom.

§ 21. When any owner, known, or other persons having an interest in any real estate, residing in the town or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court or any judge of a court of record within Livingston county, may, upon the application of the town council or such infant or his next friend appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act shall be served upon such guardian; and the final determination of either the town council or court, in the premises, shall be conclusive upon such infant, and the proceedings shall not be opened at any time thereafter.

When owner  
a minor, etc.

§ 22. The town council, for the purpose of purchasing and procuring lands for public squares and improving and ornamenting public squares and streets, erecting necessary buildings and otherwise improving and ornamenting the town, shall have power, and are hereby authorized, to borrow money or loans, on the faith and pledge of the town, in such sums, for such time and such rates of interest, not exceeding ten per cent. per annum, as may be deemed for the benefit of said town, and to issue bonds or other obligations therefor, under the corporate seal, signed by the president and clerk of the town council.

May borrow  
money.

§ 23. The cost of the purchasing, condemning or otherwise procuring public grounds or squares and of improving and ornamenting the same, shall be paid, one-half by the real estate immediately benefited and the other half out of the general fund of said town.

Assessment up-  
on real estate  
benefited.

§ 24. The town council shall have power and authority to suppress, distrain, prohibit and destroy billiard tables, faro tables, lotteries, horseraces and all other articles or things they may deem a nuisance within said town and within one mile of the bounds thereof.

Gaming houses.

Incompetent judges and witnesses.‡

§ 25. No person shall be an incompetent judge, justice, witness or juror, by reason of being a resident or freeholder in the town of Dwight, in any action or proceeding in which said town shall be or is a party in interest.

Suits instituted.

§ 26. No suit shall be brought against said town, except in a court of record, nor shall any writ of execution be issued for the collection of any judgment recovered against said town.

## ARTICLE VII.

Inhabitants to labor on streets, alleys, etc.

SECTION 1. The town council shall have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, alleys and public squares, not exceeding two days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar to said town, for each day so neglected or refused.

Exempt from road labor beyond the limits.

§ 2. The inhabitants of said town of Dwight are hereby exempted from working on any road beyond the limits of said town and from paying any tax for the same.

Punishment of offenders.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail, not exceeding thirty days for any one offense, and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and costs which may be recorded or adjudged against them; and it shall be the duty of the magistrate or other court, before whom the same shall be tried, to direct that such offenders shall be committed to the county jail until such fines, forfeitures and costs shall be paid or otherwise discharged by process of law.

Annual statement of the receipts and expenditures.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all money received and expended during the preceding year, and on what account received and expended.

All ordinances in full force.

§ 5. All ordinances and resolutions passed by the present president and trustees of the town of Dwight shall remain in force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.

Suits in corporate name.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Dwight.

Fines and penalties.

§ 7. All actions, fines, penalties and forfeitures which have occurred to the president and trustees of the town of

Dwight shall be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Dwight, for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created.

All property vested in corporation.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Dwight, nor divest them of any rights which have accrued to them prior to the passage of this act.

Not to invalidate previous acts.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act to the county or circuit court of Livingston county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases, under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeal or approving the same, shall be sufficient evidence of authority to sign said bond.

Appeals taken to circuit court.

§ 11. The president and trustees of the town of Dwight shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town.

Promulgation of act.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof.

Evidence and proof of act.

§ 13. The town marshal or constable or any other officer authorized to execute writs or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Livingston, and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases.

Powers of the marshal and constable.

§ 14. No provision of this act shall be so construed as to authorize the sale of intoxicating drinks, whenever the same is or may hereafter be prohibited by law or ordinance.

Construction of act.

§ 15. The town council may, at any time hereafter, provide by ordinance for future elections by the inhabitants of said town of such town officers as they may deem it advisable to have elected.

Provide for future elections.

§ 16. All fines and penalties, recoverable by indictment or action, for any offenses committed within the limits of said town or within one mile of the same, and which are now required by law to be paid to the county treasurer or

All the fines and penalties paid to treasurer

to the school commissioner of said county, shall hereafter be paid in to the town treasurer, for the use of said town.

Deeds prima  
facie evidence.

§ 17. Deeds of land sold for taxes under the sales heretofore made, under the ordinances of the town of Dwight, may be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and when executed and acknowledged, as aforesaid, they shall be deemed and taken, in all courts and places, to be *prima facie* evidence of the existing and regularity of all such prior proceedings as might otherwise be required to be proved, in order to establish the title; the purchase and such deed shall be evidence, as aforesaid, without any proof of any proceeding prior to the issuing thereof.

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

APPROVED March 24, 1869.

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In force March 27, 1869. AN ACT to enable the corporate town of Earlville, LaSalle county, to levy and collect road taxes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate town of Earlville, in LaSalle county, and state of Illinois, shall be empowered to assess and collect any and all road taxes, both labor and money tax, inclusive, now authorized by the laws of this state to be assessed upon the persons and property within the highway or road limits of the corporate town of Earlville.

Power to collect  
road taxes.

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

APPROVED March 27, 1869.

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In force Feb. 24, 1869. AN ACT to amend an act entitled "An act to amend, alter and revise the manner, name or style and corporate powers of the town of Elgin," approved February 28, 1854.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three, article four, of the act to which this is an amendment, be and the same is hereby amended, by striking out all after the word "assessor," in second line. Said section to read as follows: "At each general election for mayor and aldermen, there shall be elected a treasurer and assessor."

Sec. 3 amended.

§ 2. This act to be deemed a public act, to take effect and be in force from and after its passage.

APPROVED February 24, 1869.

AN ACT to enable the commissioners of highways of the town of Ellington, county of Adams, state of Illinois, to make, improve and repair the highways and bridges, and levy road and bridge taxes, in the manner hereinafter mentioned. In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter all road, highway and bridge taxes, (except the poll tax) in and for said town, shall be due and collectable in money, and that no overseers of highways shall hereafter be elected or appointed in and for said town, except as hereinafter provided. Election of highway officers

§ 2. That each commissioner of highways of said town shall, at their first meeting after they are chosen, and as now provided by law, and each year thereafter, present to the board of commissioners a list, subscribed to by him, of the names of all the inhabitants in that part of the town represented by him, as hereinafter provided, who are liable by existing laws to work on the highway; and the board of commissioners shall assess the poll tax thereon, as now provided by law. Commissioners to furnish list of inhabitants.

§ 3. The said commissioners shall, also, require of their treasurer, in addition to the duties now required of him by law, to keep, in a suitable book provided by them out of any funds in hands, a full and complete record of all the proceedings had and orders made upon all matters by the said commissioners of highways; also, make out, or cause to be made out, two complete lists of personal property, and also a description of each tract of land and the names of the owners of such personal property and tract of land, if known, with the valuation thereof, as taken from the assessment roll of the previous year of said town and the amount of road tax assessed thereon, in a separate column. The lists so prepared shall be subscribed to by said commissioners, one copy given to the town clerk, to be filed in his office, the other to be by the treasurer of said board delivered to the supervisor of said town at least ten days previous to the annual meeting of the board of supervisors; and it shall be the duty of the supervisor of the town of Ellington, Adams county, state of Illinois, to receive such list, when delivered, and lay the same before the board of supervisors of the county of Adams. Record of proceedings.

§ 4. It shall be the duty of the board of supervisors to cause the amount of such averages of such road tax to be Duties of the supervisors.

levied on the lands so returned, and to be collected in the same manner that the contingent charges are levied and collected, and to cause the same, when collected, to be paid to the commissioner of the town of Ellington, aforesaid, to be by them applied to the construction and repairing of roads and bridges.

Superintendent  
of roads.

§ 5. The commissioners of highways of the town of Ellington are hereby authorized and required, at their first meeting, to appoint a suitable person, or within thirty days thereafter, and to fix his compensation, who shall be known as superintendent of roads and bridges in and for the town aforesaid, who, under the direction of said commissioner of highways and subject to their control and removal by them at any and all times, shall take charge of the making and repairing of the roads and bridges of said town. Said superintendent shall collect the poll tax due from all persons liable to the same, in labor or money, as persons may elect, in the same manner as now provided by law that it shall be done by the overseers of highways, and report, in writing, each month, the amount collected in money or labor, as the case may be, to the commissioners of highways. The said superintendent shall have the same power to enforce the collection of said poll tax as though acting as district overseer of highways under existing laws.

Enforce collection  
of taxes.

Town divided  
into districts.

§ 6. That the said town of Ellington be and hereby is divided into three districts, known and described as follows, to-wit: District No. 1, shall comprise all that portion of the town of Ellington known and described as township one (1) south, range nine (9) west of the fourth (4) principal meridian, not included within the corporate limits of the city of Quincy. District No. two (2), shall comprise all that portion of the town of Ellington known and described as the north half of township one (1) south, range eight (8) west of the fourth (4) principal meridian. District No. three (3), shall comprise all that portion of the town of Ellington known and described as the south half of township one (1) south, range eight (8) west of the fourth (4) principal meridian. Each district hereby created shall always be entitled to one commissioner of highways, who shall be a resident of the same. All moneys and labor collected for general road purposes shall be expended in the district from which they were collected.

Planting trees.

§ 7. The owners of any lands lying and being upon public highways in the town of Ellington, Adams county, Illinois, shall have the right to plant trees on the public highway, along the front of lands or lots. On public highways, of not less than sixty feet in width, such shade trees as may be planted, not to exceed twelve (12) feet from the lines of such highways or streets. On highways less than sixty feet and over forty feet in width, such shade trees may be planted not to exceed eight (8) feet from the lines of such



highways. On highways less than forty (40) feet in width, such trees may be planted not to exceed six (6) feet from the lines of the said highway.

§ 8. Any person injuring or destroying any tree already Injuring trees. growing or which may be planted in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than ten (10) nor more than fifty (50) dollars for each offense, and be liable to the owner for damages, in an action of trespass, before any justice of the peace of Adams county.

§ 9. That an act entitled "An act to vacate certain avenues traversing the S. E. quarter, sec. twenty-four (24), in township one (1) south, range nine (9) west, Adams county, Illinois," and approved Feb. 28, 1867, be and the same is hereby repealed. Former act repealed.

§ 10. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Conflicting acts repealed.

§ 11. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 31, 1869.

AN ACT to amend an act entitled "An act to enable the commissioners of highways of the town of Ellington, in Adams county, Illinois, to make, improve and repair highways and bridges and levy road and bridge taxes, in the manner hereinafter specified, and to do other things mentioned," approved March 24, 1869. In force April 17, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said act be and the same is hereby amended by striking out and repealing all of section nine (9) of said act. Act amended.

§ 2. This act shall take effect from and after its passage.

APPROVED April 17, 1869.

AN ACT to extend the corporate powers of the town of Enfield. In force March 15, 1869.

#### ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Enfield, in the county of White, and the state of Illinois, be and they are hereby constituted a body corporate and politic, by the name and style

Name and style. of "The Town of Enfield;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries. § 2. The corporate limits of said town shall include all that district of country known as the south-east quarter of section 8, the south half of north-east quarter of section 8, the south-west quarter of section 9, the south half of north-west quarter of section 9, the north half of north-west quarter of section 16, and the north half of north-east quarter of section 17, all in township 5 south, of range 8 east, in said county of White.

General corporate powers. § 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said town, and to purchase, receive and hold real property, beyond the limits of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

Additional to the town. § 4. That whenever any tract of land adjoining the said town of Enfield shall be laid off into town lots and recorded according to law, the same shall be annexed to and form a part of said town.

## ARTICLE II.

### OF TOWN COUNCIL.

Council. SECTION 1. There shall be a town council, to consist of five trustees, to be chosen annually by the legal voters of said town.

Eligibility of officers. § 2. No person shall be a member of the town council unless he shall be, at the time of and shall have been for six months immediately preceding his election, a resident of said town, twenty-one years of age, also a freeholder of said town, and a citizen of the United States.

Office vacated. § 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

Election returns § 4. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Quorum. § 5. A majority of the town council 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 fines and penalties as may be prescribed by ordinance.

Rules of proceedings. § 6. The town council shall have power to make rules for its proceedings, and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance.

§ 7. The town council shall keep a journal of its proceedings. Journal of proceedings.

§ 8. No member of the town council, during his term of office, shall be appointed to any office under the authority of the council. No member appointed to office.

§ 9. The vacancies that may occur in the town council shall be filled by election. Vacancies.

§ 10. Each and every member of the town council shall take and subscribe an oath, before entering upon the duties of his office, that he will support the constitution of the United States and of the state of Illinois, and that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

§ 11. Whenever there shall be a tie in the election of any member of the town council, or other officer elected thereof, the judges of said election shall certify the same to some acting justice in said town or the one residing nearest thereto, who shall determine the same by lot, as shall be provided for by ordinance. Tie vote, how determined.

§ 12. There shall be twelve stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance. Stated meetings

### ARTICLE III.

#### ELECTIONS.

SECTION 1. On the first Monday in May next, ensuing the date hereof, between the hours of one and five o'clock, P. M., an election shall be held in said town of Enfield for the election of five members of the town council, one police magistrate, one treasurer, and one town constable, and forever thereafter, on the first Monday of the month of May, in each year, there shall be an election held for such officers. The first election shall be held and conducted and returns thereof made, as provided by ordinance of the present president and trustees of said town; and all succeeding elections to be provided by ordinance of the town council by this act created. Election of council.

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town for sixty days next preceding said election, shall be entitled to vote for said officers. Qualifications of electors.

### ARTICLE IV.

#### POWERS OF TOWN COUNCIL.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said town, as provided in section nine of the act entitled "An act to incorporate towns Power to levy and collect taxes.

and cities," approved February 10, 1849, at a rate not exceeding one per centum on the assessed value thereof.

Appointment  
of officers.

§ 2. The town council shall have power to appoint a clerk, supervisor of streets, and all such other officers as may be necessary, and to require all officers appointed in pursuance of this charter to give bonds, with such penalties and securities for the faithful performance of their duties as may be deemed expedient.

Appropriation  
for expenses.

§ 3. To appropriate money for the use of and provide for the payment of the debts and expenses of said town.

General health.

§ 4. To make regulations to secure the general health of the inhabitants of said town; to declare what shall be considered a nuisance, and to prevent and remove the same.

Provide water.

§ 5. To provide the town with water; to sink and keep in repair wells and pumps in the streets of said town, for the convenience of the inhabitants thereof.

Repair streets.

§ 6. To make sidewalks; to open, alter, extend, grade, pave, vacate or otherwise improve and keep in repair the streets and alleys.

Indecencies.

§ 7. To prohibit indecent exposure of persons in the streets, alleys, lanes or elsewhere in said town.

Markets and  
market houses.

§ 8. To erect market houses and to establish markets and market places, and to provide regulations for the government thereof.

Public grounds.

§ 9. To provide for inclosing, improving and regulating all public grounds which now or may hereafter belong to said town.

Auctioneers,  
brokers, etc.

§ 10. To license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawn-brokers, exhibitions, shows, and other amusements: *Provided*, that in no case shall the town council aforesaid grant a license to any person or persons to barter or sell or traffic in intoxicating drinks or liquors of any kind as a beverage, or license any house of ill fame or any species of gambling whatever, within the said corporate limits or within one mile of the same.

Extinguishment  
of fires.

§ 11. To provide for the prevention and extinguishment of fires, to organize and regulate fire companies.

Combustibles.

§ 12. To regulate the storage of gunpowder, tar and other combustible materials.

Census.

§ 13. To provide for taking enumeration of the inhabitants of said town.

Election of  
officers.

§ 14. To regulate the election of town officers, and to provide for the removal of any person holding an office created by ordinance.

Compensation  
of officers.

§ 15. To fix the compensation of town officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance: *Provided*, that each board shall have the right to fix the salary of the next board, and, also, in no case shall their compensation exceed the sum of twenty-five dollars per annum each.

§ 16. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.

Regulate police

§ 17. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all of the powers specified in this act, so that such ordinances are not repugnant to or inconsistent with the constitution of the United States or of the state of Illinois.

Enforcing ordinances, etc.

§ 18. The style of all ordinances shall be, "*Be it ordained by the Town Council of the Town of Enfield.*"

Style of ordinances.

§ 19. All ordinances of the town may be proven by the seal of the corporation, or, when recorded or published in book or pamphlet form, the same shall be received in evidence in all courts and places, without further proof.

Evidence and proof of.

§ 20. It shall be the duty of the police magistrate or any justice of the peace in said town, and he is hereby authorized and empowered, on view, or on any complaint being made to him, upon oath, of the violation of any law or ordinance of said town, to issue his warrant, directed to the town constable, or, in his absence, to any constable, or to any person authorized by him, to apprehend the offender or offenders, and to bring him, her or them forthwith before him; and, after hearing the evidence, if it shall appear that the accused has been guilty of a violation of any of the laws or ordinances of said corporation, to impose such fine or imprisonment as may be provided in such laws and ordinances of said corporation for a breach thereof.

Duties of police magistrate.

§ 21. Any fine or penalty or forfeiture, incurred under this act or under any by-law or ordinance made in pursuance of this act, or any act that may be passed amendatory thereof, may be recovered, together with costs, before the police magistrate, or any justice of the peace in said town; and the several fines, forfeitures, or penalties for breaches of the same ordinance or by-law, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person; but in all cases of assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. Upon rendition of judgment for any fines, penalties, or forfeitures, the police magistrate or justice shall issue his execution forthwith for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants, not exempt from execution. If the constable return such execution "no property found," the police mag-

Fines recovered before the police magistrate.

istrate or justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the county jail, there to remain in imprisonment for the length of time fixed by the ordinance under which he, she or they may be convicted.

Election of president. § 22. The town council, at its first meeting after its election, shall elect one of their number president of the board.

#### ARTICLE V.

##### OF THE PRESIDENT.

Presiding officer SECTION 1. The president shall preside at all meetings of the town council, and shall have the casting vote, and no other; and in case of his non-attendance at any meeting of the council, the council shall appoint one of their number to preside at the meeting.

Special meetings. § 2. The president or any two members of the council may call special meetings of the town council.

Exhibit books and papers. § 3. The president shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VI.

##### OF PROCEEDINGS IN SPECIAL CASES.

Petitions for opening streets. SECTION 1. When all the owners of property on any street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for opening or altering the same; but no compensation shall be allowed to those petitioning for property so taken, and in no case shall any street or alley be opened or altered, except on such petition.

#### ARTICLE VII.

Exempt from road labor outside town limits. SECTION 1. The inhabitants of the town of Enfield are hereby exempted from working upon any road beyond the the limits of the corporation, and from payment of any tax for procuring labor to be done upon any such road.

Inhabitants to labor on streets. § 2. The town council shall have power, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the supervisors of said town, shall forfeit and pay the sum of one dollar to said town, for each and every day so neglecting or refusing.

§ 3. The town council shall cause to be posted at the post office door, in said town of Enfield, or published in some newspaper, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Statement of money received and expended.

§ 4. All suits, actions and prosecutions, instituted by the corporation hereby created, shall be instituted and prosecuted under the name and style of the town of Enfield; and all fines, forfeitures and penalties incurred under this act or under any law or ordinance made in pursuance thereof, or of any act amendatory thereof, and all moneys received for licenses from the sources mentioned in section 10, article 4, of this act, shall inure to the corporation, and be paid into the town treasury, and shall be subject to the disposal of the town council, as in the case of other moneys received by the town.

Suits instituted in name of town.

§ 5. All ordinances and resolutions passed by the present president and trustees of the town of Enfield shall remain in full force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.

Ordinances to remain in full force.

§ 6. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Enfield shall be vested in and prosecuted by the corporation hereby created.

Actions vested in corporation.

§ 7. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Enfield, nor divest them of any rights which have accrued to them prior to the passage of this act.

Rights not affected.

§ 8. Appeals shall be allowed in all cases arising under any ordinance in pursuance of this act to the circuit court, in like manner and under the same requirements that appeals are taken from justices of the peace in civil cases under the statute.

Appeals allowed

§ 9. Whenever any of the offices enumerated herein shall become vacant, by death or otherwise, the town council shall immediately cause such vacancy to be filled by election.

When vacancies occur, how filled.

§ 10. This act is hereby declared a public act, and may be read in all courts, without proof.

Evidence of act.

§ 11. The town constable or any other constable in the county shall have the power to execute all writs or other processes issued under any ordinance, and receive the same fees allowed constables in like cases under the statute.

Fees of the constable.

§ 12. This act is to take effect from and after its passage.

APPROVED March 15, 1869.

In force March 11, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Flora," approved February 27, 1867.

Preamble.

WHEREAS, in the act of February 27th, 1867, incorporating the town of Flora, the location of the town is incorrectly stated; therefore,

Section 2, art. 1, amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section second, of article first, of said act, be so amended as to read as follows to-wit: "The said town shall include within its limits all that district of country, inclosed within the following boundaries, viz: Beginning at the north-east corner of section twenty-five; thence south, along the township line, to the half section line of section thirty-six; thence west along the said half section line, to the center of section thirty-five; thence north, along the half section line of sections thirty-five and twenty-six, to the intersection of the south line of section twenty-three; thence east, along said line, to the place of beginning; all in town three north, of range (6) six east, in Clay county."

General or special tax. Collection of

§ 2. All taxes, general and special, heretofore levied by the incorporate authorities of said town and remaining unpaid, shall be due and payable; and the town clerk of said town shall certify to the county clerk of Clay county all such taxes as appear by the records of said town to be unpaid; and said county clerk shall, thereupon, extend the same upon the tax books of the township of Harter, to be collected as other taxes; and all contracts or obligations heretofore entered into by or with the town of Flora, and all transactions under and by virtue of the charter or ordinance of said town, shall be considered to be valid and binding, as though the boundaries thereof had been correctly described in said act of incorporation; and all ordinances of the town of Flora shall be and remain in force in said town, as above described, until repealed according to law.

Sec. 2, of art. 4 amended.

§ 3. Section second of article number four, of said act, shall be amended, to read as follows, viz: "The town council shall have power, by ordinance, for the purpose of paving and grading the sidewalks and alleys of said town, to levy and collect a special assessment upon all adjoining lots or parcels of land, in proportion to the benefits to said property to be derived therefrom; and such assessment shall be a lien upon the property assessed, and if unpaid, when due, shall be extended upon the tax books of the township of Harter, with an addition of thirty per cent. thereon, upon the certificate of the town clerk that such an assessment has been made and is due and unpaid, and the collection of the same shall be enforced in like manner with the taxes of said township."



§ 4. The bond of the town marshal of said town shall be filed with the town clerk. And so much of said act as requires the mayor to be commissioned by the governor is hereby repealed. Marshal's bond.

§ 5. The town council shall have power, in a manner to be provided by ordinance, to appoint policemen for the town. Appointment of police.

§ 6. Section three of article five, of the act to which this is an amendment, is hereby repealed. Section repealed

§ 7. This shall be deemed a public act, and be in force from and after its passage.

APPROVED March 11, 1869.

AN ACT to amend the charter of the town of Forreston, Ogle county, Illinois. In force April 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Forreston, in the county of Ogle, and state of Illinois, heretofore duly incorporated as a town, under and by virtue of the general statutes of the state of Illinois, relating to the incorporation of towns and cities, are and they are hereby declared to be a body politic and corporate, by the name and style of "The President and Trustees of the Town of Forreston;" and, by that name and style, shall have perpetual succession, and be capable of suing and being sued, of complaining and defending in any court of law or equity, and shall have power to have and use a corporate seal, which they may change and alter at pleasure, and to purchase, receive and hold and grant real and personal property, within the limits of said town and no other, except for burial grounds, and use, sell and lease the same, and to do all other acts as natural persons, which may be necessary to carry out the powers hereby granted. Name and style

§ 2. The incorporate boundaries of said town of Forreston shall include all the following described territory, to-wit: The original town of Forreston; also, the addition to said town of Forreston heretofore made by David A. Neal; also, the First and Second Addition to said town of Forreston, heretofore made by the Illinois Central Railroad Company; also, the First, Second and Third Additions to said town of Forreston, heretofore made by George W. Hewett; also, the addition to said town of Forreston, heretofore made John Myer. And whenever any tract of land adjoining said town of Forreston shall be laid off into town lots and duly acknowledged and recorded, as required by Boundaries of the town.

law, the same shall be annexed to and form a part of the said town of Forreston.

Term of office  
of present board

§ 3. The president and trustees of said town, now in office, shall hold their office until the third Tuesday of October next, and until their successors are elected and qualified. On the third Tuesday of October next, and every year thereafter, an election shall be held for five trustees of said town, who shall hold their office for one year and until their successors are elected and qualified. And notice of all elections of trustees shall be given by the president or clerk of said board of trustees, in the same manner in which notices of general elections are now required by law to be given. No person shall be elected as such trustee who shall not be qualified to vote for state and county officers, and who shall not have been a *bona fide* resident of said town for one year preceding such election.

Election of  
president.

§ 4. The trustees of said town shall, at their first meeting after their election, as aforesaid, elect one of their number president, and also appoint a clerk of said board of trustees, and also shall be judges of the election and qualifications of their own members. A majority of said trustees shall constitute a quorum to do business, but a less number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and make such other rules and regulations for their government, not inconsistent with the constitution and laws of the United States and this state, as they may deem proper and expedient; and they shall have power to fill any vacancies in their own number, occasioned by death, resignation, removal or otherwise. Said trustees, before entering upon the duties of their office, shall take and subscribe an oath to support the constitution of the United States and of this state and that they will, to the best of their abilities, faithfully discharge the duties of their office, and also the oath prescribed by article thirteen, section twenty-six, of the state of Illinois. They shall hold at least one regular meeting, each month; and they shall have power to remove any subordinate officer of said town who holds his office by appointment of said board of trustees.

Appointment  
of officers.

§ 5. The board of trustees shall have power to appoint a treasurer, assessor, one or more street commissioners, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation, and to require them to give such bonds and security as may be deemed necessary to insure the faithful performance of their respective duties; and such officers shall, respectively, before entering upon the duties of their offices, take and subscribe the same oath above required to be taken by said trustees.

§ 6. The said president and trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said corporation, which is subject to taxation for state and county purposes, not exceeding one half per cent. upon the assessed value thereof, and may collect and enforce payment of the same in any manner that may be prescribed by ordinance; and they are hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, and also for the sale of real estate for the taxes due thereon, in such manner as they may prescribe by ordinance.

Levy and collection of taxes.

§ 7. All assessments of taxes heretofore made or levied by the president and trustees of said town of Forreston are hereby legalized and declared, in all respects, legal and valid; and all acts heretofore done by said president and trustees are hereby legalized.

Assessment legalized.

§ 8. The president and trustees shall have power :

*First.*—To appropriate money, and provide for the payment of the debts and expenses of said town.

Appropriations.

*Second.*—To make all necessary regulations to secure the health of the inhabitants of the town; to prevent the introduction and spread of contagious diseases, and to determine what shall be deemed a nuisance, and provide for the punishment, removal and abatement of the same, within one mile, each way, of the corporate limits of said town.

General health.

*Third.*—To provide the town with water, and to erect hydrants and pumps in the streets, for the convenience of the public.

Provide water.

*Fourth.*—To lay, open, alter, abolish, widen, extend, grade, establish, pave or otherwise improve and keep in repair the streets, avenues, lanes, alleys and squares within the limits of said town, and to cause sidewalks, crosswalks, and sewers to be laid, relaid and repaired, and to have exclusive power over all of said streets, avenues, lanes, alleys and sidewalks, and to remove and abate any obstructions or encroachments therein, and to compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them, and to establish a uniform grade for streets and sidewalks in said town.

Improvement of streets.

*Fifth.*—To erect and keep in repair bridges; to provide for lighting the streets and erecting lampposts, and to establish, maintain and regulate night watches.

Bridges.

*Sixth.*—To establish markets, erect market houses and places, and provide for the government and regulation of the same.

Markets.

*Seventh.*—To provide for the erection of all needful buildings, for the use of said town, and for inclosing, improving and regulating all public grounds belonging to said town.

Public buildings

*Eighth.*—To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, law-

Auctioneers, peddlers, etc.

kers, peddlers, pawnbrokers, teamsters, brokers, exhibitions, shows and amusements.

Vehicles.

*Ninth.*—To license, tax and regulate hackney carriages, wagons, carts, drays and other vehicles, and fix the rate to be charged for the carriage of persons and for wagonage, cartage and drayage of property.

Prohibit sale of ardent spirits.

*Tenth.*—To license, tax, regulate or prohibit the selling, exchanging, bartering, giving away, or in any manner trafficking or dealing in any wine, rum, gin, brandy, whisky, ale, porter, beer, cider, or other alcoholic, malt, mixed or intoxicating liquors within the limits of said town and within one-half mile of said town.

Suppress disorderly houses.

*Eleventh.*—To restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses, and to suppress gaming of all kinds.

Dogs at large.

*Twelfth.*—To prevent running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance.

Stock at large.

*Thirteenth.*—To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, goats and domestic animals, and to authorize the distraining, impounding and sale of the same; and to prohibit the indecent exhibition of horses and other animals.

Defacing trees.

*Fourteenth.*—To restrain, prohibit and punish, by fines and imprisonment, the cutting or otherwise mutilating of trees or shrubbery upon any of the public grounds or highways, streets or alleys of said town.

Extinguishment of fires.

*Fifteenth.*—To provide for the prevention and extinguishment of fires, and to establish and regulate fire companies.

Chimneys, etc.

*Sixteenth.*—To regulate the fixing of chimneys and of flues thereof, and to regulate the storage of gunpowder and other combustible materials.

Fast driving.

*Seventeenth.*—To prevent horse-racing or other immoderate riding or driving of horses or other animals within the limits of said town, and to compel persons to secure their horses and other animals attached to vehicles or otherwise, while standing or remaining in any street or alley or public place in said town.

Fire works.

*Eighteenth.*—To prevent the firing of guns and other combustibles or fire arms within the limits of said town, and to prevent and restrain lewd and unbecoming, profane or indecent language or other disorderly conduct in said town.

Railroad crossings, etc.

*Nineteenth.*—To require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the board shall deem necessary, and to regulate the speed of locomotive engines within corporate limits of said town.

Weights and measures.

*Twentieth.*—To establish standard weights and measures, to be used in said town, and to regulate the same, and to

provide for the inspection and measurement of hay, coal and firewood, and to provide for the inspection of beef, pork, flour, meal, butter, lard and other provisions.

*Twenty-first.*—To prevent and punish riots, routs, affrays, assaults, batteries, breaches of the peace, disturbances of worshipping assemblies or of the deliberations or proceedings of public meetings, and to prevent and punish battles by agreement, fighting matches, and cock fighting within said town. Riots, affrays and tumults.

*Twenty-second.*—They shall, also, have power to regulate the police of said town, and to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, and to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Regulate police.

§ 9. The style of the ordinances of said town shall be, *“Be it ordained by the President and Trustees of the Town of Forreston.”* Style of ordinances.

§ 10. All ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies thereof in three of the most public places of said town. Publication of ordinances.

§ 11. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed by authority of said corporation, the same shall be received in evidence in all courts and places, without further proof. Evidence of.

§ 12. The said president and trustees shall have power to provide, if necessary, a town jail, for the imprisonment of offenders, and may provide by ordinance that any person or persons convicted under any ordinance of said town, and who fails, neglects or refuses to pay the fine so assessed against him or them, may be confined, either in the county jail of the county of Ogle or in said town jail; and in case of imprisonment in said town jail such person or persons may be compelled, during the term of such imprisonment, to perform labor on the streets and alleys of said town; but no such imprisonment shall be for a longer term than one day for each dollar of such fine and costs. Construction of jail

§ 13. The said president and trustees shall have power to direct the county clerk of said county of Ogle to levy upon the proper books any tax upon the taxable property of said town, not exceeding the rate provided for in this act; and in such case such tax shall be levied, extended and collected in the same manner that other taxes are now collected by law; and all laws now in force relative to the assessment of taxes and the sale of real or personal property therefor shall apply to such town taxes; and such taxes when collected shall be paid into the treasury of said town. Duties of the county clerk.

Exempt from  
road labor out-  
side town limits.

§ 14. The inhabitants of said town of Forreston are hereby exempted from working on any road beyond the limits of said town and from paying any tax to procure laborers to work on the same.

Manner of re-  
quiring and per-  
forming road  
labor

§ 15. The said president and trustees shall have power, and it is hereby made their duty, when it may be necessary, in their opinion, for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when notified so to do, shall forfeit and pay to said town the sum of one dollar and fifty cents for every day during which he shall so neglect or refuse to labor.

Suits instituted  
in name of town

§ 16. All suits, actions and prosecutions, instituted, commenced or brought by the corporation hereby created, for the violation of any ordinance of said town, or otherwise, shall be instituted, commenced and prosecuted in the name of the president and trustees of the town of Forreston. Justices of the peace shall have jurisdiction of all suits and prosecutions under any ordinance of said town, to the amount of one hundred dollars, exclusive of costs.

Appeals may  
be taken.

§ 17. Appeals shall be allowed, in all cases, from judgments and decisions of justices of the peace, under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of said county of Ogle; and every such appeal shall be taken in the same manner and have the same effect as appeals taken from justices of the peace under the laws of this state.

Not required  
to file security  
for cost.

§ 18. Said president and trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of such suit, any security for costs.

Application of  
act.

§ 19. All the provisions of the act incorporating the city of Freeport, in the county of Stephenson, and state of Illinois, and all acts amendatory thereof, including any and all acts amendatory thereof, that have been or may be passed at the present session of the general assembly, so far as the same are not repugnant to this act and are applicable to said town of Forreston, are hereby made parts of this act, and are hereby declared to apply to said town of Forreston.

Act to be sub-  
mitted to legal  
voters.

§ 20. It shall be the duty of the president and trustees of said town of Forreston to submit this act to the vote of the legal voters of said town of Forreston, at an election to be called by them for that purpose. Such election to be held at any time within four months after the passage of this act. And at such election the legal voters of said town shall vote, by ballot, "For the new charter" or "Against the new charter;" and if at such election a majority of all

the votes cast shall be for the new charter, then this act shall be in full force and effect; otherwise void. The votes cast at such election shall be canvassed by said president and trustees, or a majority of them, and a certificate of the result of such election, signed by the persons making such canvass, and filed with the clerk of said corporation, shall be competent evidence in all courts and places whatsoever of the result of such election.

§ 21. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED April 1, 1869.

AN ACT to amend an act entitled "An act to divide the town of Galesburg and West Galesburg." In force March 6, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at each annual charter election in the city of Galesburg there shall be elected as many constables as may be necessary to fill vacancies existing in the office of constable in said city. Such persons, so elected, shall hold office for the unexpired terms of their predecessors. Election of constables.

§ 2. The city council of said city of Galesburg shall have power to fill any vacancies that may exist in the office of constable in said city, in the interval between regular annual charter elections in said city. Such persons, so appointed, shall hold office until the next regular annual charter election. Vacancies, how filled.

§ 3. The overseer of the poor in said city shall not be elected at the annual charter election in said city, but shall be appointed by and hold office during the pleasure of the city council. Overseer of poor

§ 4. The supervisor of said city may be elected by wards or districts, or by the city at large, as the common council of said city may from time to time determine. Election of supervisor.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 6, 1869.

In force March 9, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Galva, in Henry county," approved Feb. 16, 1867.

SECTION 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 Galva shall have power and authority to levy, assess and collect taxes, upon all the property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding one-half per centum upon the assessed value thereof, annually; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States.

Levy and collect tax. § 2. They shall, also, have power to appropriate money and to provide for the payment of all debts and expenses of the said incorporation.

Appropriations. § 3. Section nine of said act shall be and the same is hereby repealed.

Sec. 9 repealed. § 4. This act shall be a public act, and shall take effect and be in force from and after its passage.

APPROVED March 9, 1869.

In force March 26, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Harrisburg, Saline county, Illinois," approved Feb. 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of said town shall have power to pass all ordinances necessary for the protection of public buildings and grounds and shade trees in said town.

Protect public buildings. § 2. *Be it further enacted,* that actions for the recovery of fines, forfeitures and penalties, shall be an action of debt, in the name of said town.

Suits instituted in name of town. § 3. *Be it further enacted,* that the police magistrate shall make quarterly reports, on the first Monday of the months of April, July, October and January, to the president and trustees of said town, of all judgments rendered by him for or against said town, together with the amount of such judgments and costs, and also the amount of money received by him on account of said town; and a failure to make such report, shall be taken and deemed as a palpable omission of duty. And all moneys collected by the police magistrate or any justice of the peace or by the town constable or other officer of Saline county, on account of said town, shall be paid over to the treasurer of said town, within ten days after such money came to the hands of any

Report of the police magistrate



such officer; and any failure so to do shall be taken and deemed a palpable omission of duty.

§ 4. *Be it further enacted*, that the boundaries of said town shall consist of and include that district of country in the county of Saline, state of Illinois, and described as follows, to-wit: The west half of section fifteen and the east half of section sixteen, in township nine south, range six east of the third principal meridian.

Boundaries of corporation.

§ 5. *And be it further enacted*, that the president and trustees of said town shall have power to borrow money, on the credit of said town, for the purposes of erecting market houses or other public buildings, for the use of said town, for the improvement of the streets and alleys of said town, and for providing water for said town; and, to secure the payment of such money, may issue bonds of said town, and to pay the interest and principal of such bonds, may levy and collect a tax of fifty cents on each hundred dollars worth of taxable property in said town.

May borrow money.

§ 6. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 26, 1869.

AN ACT to amend the charter of the town of Havana.

In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the office now designated in the original and amended charter of the town of Havana, Mason county, Illinois, as "Town Constable," be hereafter designated and known as "Town Marshal," and that said town marshal shall hereafter be, *ex officio*, street commissioner of said town.

May change name.

§ 2. Hereafter, the office of town marshal shall be filled by election, in the same manner and at the same time that the trustees of said town are now elected by law, and, when elected, shall hold his office for one year and until his successor is elected and qualified.

Election of town marshal.

§ 3. The town marshal shall be required to give bond in the sum of one thousand dollars, payable to said town, with security, to be approved by the trustees of said town, conditioned for the faithful discharge of all his duties as marshal and street commissioner of said town; which bond may be increased, by order of the trustees of said town.

Give bond and security.

§ 4. The town marshal, when duly elected and qualified, shall have the same authority and jurisdiction as constables have under the general laws of this state.

Jurisdiction of.

§ 6. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 26, 1869.

In force March 26, 1869. AN ACT to revise the charter of the town of Hyde Park, in Cook county.

SECTION 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 Hyde Park, in the county of Cook, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Hyde Park;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure; may sue and be sued, plead and be impleaded, in all courts of law and equity, in all actions whatsoever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for public grounds, or to supply materials for making or repairing public grounds or public roads in said town; and may sell, lease or dispose of town property, real and personal, for the benefit of said town, and improve and protect such property, and do such things in relation thereto as natural persons may lawfully do.

Name and style.

Boundaries.

§ 2. The boundaries of said town shall include within their limits all that district of country now known as the town of Hyde Park, in the county of Cook, and state of Illinois. The election for the officers contemplated by this act shall be at the same time as the election for county officers.

Election of officers.

§ 3. The officers of said town shall consist of a supervisor, assessor, collector, treasurer, town clerk, and four justices of the peace and four constables, who shall be elected at the same time, and in the same manner, and hold their offices for the same length of time, and perform the duties provided by law for such officers, respectively, in other towns in Cook county, except as otherwise provided by this act.

Government vested in board of trustees.

§ 4. The government and corporate powers of said town shall be vested in and be exercised by a board of trustees, to consist of the supervisor of said town, who shall be a member of the board, *ex officio*, and eight trustees, to be elected as provided by this act.

Election of president.

§ 5. The said board shall elect from their number a president, (*Provided*, that the supervisor shall not be eligible to such office of president) who shall preside at the meetings of the board, and preserve order; but the board may, in the absence of the president, elect a chairman *pro tem*. The town clerk shall be the clerk of said board, and it shall be his duty to keep correct minutes of all their proceedings. He shall, also, record, in a book to be kept for that purpose, all the ordinances, orders or regulations passed by said board, of a police or sanitary nature; and he shall, also, record in a separate book, to be kept for that

Duties of the town clerk.

purpose, all orders for special assessments; which said minutes, books and records shall be opened to the inspection of any inhabitant of said town. A certified copy of any order, ordinance or proceeding of said board, under the hand of the clerk and the seal of the town, shall be evidence, in all courts and places, of the truth of the matter therein stated.

§ 6. The treasurer shall be elected by the people, and shall hold his office for one year and until his successor shall be elected and qualified. It shall be the duty of the treasurer to receive all moneys belonging to said town, arising from general or special taxes, special assessments, fines, penalties, or otherwise, and to keep a correct account of all moneys received and paid out by him, and to keep the books and accounts pertaining to said office, in such manner as the board of trustees may prescribe; which said books and accounts shall always be subject to the inspection of the board of trustees or their committees or representatives. The treasurer shall, also, at the end of each month, and oftener, if required, render an account to the board of trustees, under oath, if required, showing the state of the treasury at the date of such account, and the balance of moneys in the treasury. He shall, also, accompany such account with a statement of all moneys received into the treasury, and on what account. He shall, also, report to said board, annually, on the fifteenth day of October, before the election, and oftener, if required, a full and detailed account of all receipts and expenditures during the preceding year, and the state of the treasury, together with any and all vouchers held by him; which vouchers shall be delivered over to said board, on final settlement, and filed with the clerk.

Duties of the treasurer.

§ 7. The treasurer shall, before entering on the duties of his office, execute a bond to the said town, in such sum and with such sureties as shall be determined by the board, conditioned that he will faithfully account for all moneys that may come into his hands, and will pay the same over, pursuant to the provisions of law or the orders or resolutions of the board, and that he will faithfully perform the duties of his office; which bond shall be approved by the board of trustees and filed in the town clerk's office, and entered on record. The treasurer shall receive a commission of one per cent. on all moneys of which he shall have the custody.

Treasurer to give bonds and security.

§ 8. At the general election in said town, for the election of town officers, in the year eighteen hundred and sixty-nine, and annually thereafter, there shall be elected by the legal voters of said town four trustees, who shall hold their office for two years and until their successors shall be elected and qualified.

Election of officers.

Present trustees to continue.

§ 9. The four trustees, members of the board of trustees of said town, as now constituted, shall continue in office until the general election for town officers of said town, in the year eighteen hundred and seventy, and until their successors shall be elected and qualified. The election of town officers and trustees may be contested, as in other cases of town officers. When the office of any town officer or trustee shall become vacant, the same may be filled by the board of trustees.

Contested election.

Terms of office

§ 10. The board of trustees of said town, as at present organized, shall continue until said election in the year eighteen hundred and sixty-nine; and the supervisor and collector of said town shall be liable on their respective bonds, as is now provided by law.

Duties of the collector.

§ 11. It shall be the duty of the collector of said town to collect all taxes and assessments which may be levied by said town, and to perform such other duties as may be herein prescribed or ordained by the board of trustees of said town. And he shall keep, besides his collection and revenue warrants, such other books, vouchers, records and accounts, as the board of trustees shall direct and prescribe; which books and records, together with all other papers pertaining to his said office, shall be handed over to the successor or successors of said officer, or be deposited in the office of the clerk of said town. And the said collector shall, monthly, or oftener, if required, pay over all town moneys collected by him of any person or persons or corporation or officer, to the treasurer of said town, taking his receipt therefor.

Report of the collector.

§ 12. The collector of said town shall make report, in writing, to the board of trustees, monthly, or oftener, if desired, of the amount of all moneys collected by him, the account upon which collected, and shall at such time exhibit to said board the receipts or vouchers of the treasurer for the amounts so paid over to the treasurer. And he shall, also, in the month of September, in each year, before the annual election, submit to the board of trustees a statement of all moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and of the balance of moneys uncollected on the warrants in his hands, and he shall also file a copy of such statement with the town clerk.

Bond and security required.

§ 13. The collector shall, before entering on the duties of his office, execute a bond to the said town, in such sum and with such sureties as the board shall determine, conditioned that he will well and truly pay over and account for all moneys and other property that may come into his hands, as collector, to the party or parties entitled thereto, and that he will faithfully discharge the duties of his said office; which bond shall be approved by the board of trustees and filed in the town clerk's office, and entered on

record. Any person, corporation, county or other body or officer, who shall be entitled to receive any such moneys, may have and maintain an action, in the name of the said town, to the use of such persons, corporations, county, or other body or officer, against the said collector and his sureties on said bond, to recover the amount so due; and he shall not be required to return the warrant in his hands for the collection of any tax or assessment before the first day of May in each year.

§ 14. A majority of said board shall constitute a quorum to do business; and the said board are authorized to make rules and regulations for their government and order of business, and may appoint such standing or special committees as they shall deem proper. They may hold meetings, from time to time, as they shall determine by their rules, and may adjourn the same; and may hold special meetings, when the president or any four members shall file with the clerk a written request for a special meeting; and the clerk shall thereupon give each member of the board at least five days' notice, in writing, in such manner as the board, by its rules, shall determine. Each member of said board shall, before entering upon the duties of his office, take an oath, in manner and form as in case of town officers. The board of trustees may divide the town into two or more election districts, and define the limits thereof, which they may change, from time to time, for the greater convenience of voters; they shall appoint three inspectors of election in each district, and such inspectors shall, in their respective districts, have and exercise all the powers and perform all the duties in and about the registration of voters, the manner of conducting the election, and the returns thereof to be made, and be subject to the penalties provided by the election laws of this state, so far as the same relate to the registration of voters and the duties of judges of election in other towns in Cook county. If, on the day of election, there shall be a vacancy in the office of inspector, such vacancy shall be filled by the electors present; and clerks of election may be designated by the inspectors. No legal voter shall be entitled to vote in said town at any election except in the district in which he may reside on the day of election; and any person whose vote shall be challenged shall, in addition to the oath now required by law, make oath or affirmation that he is a resident of the district in which he offers his vote. The board of trustees shall designate the voting places in the different districts.

Quorum to do business.

Oath of office.

Manner of voting, and conducting election.

Vacancies, how filled.

Appropriations.

§ 15. The board of trustees may, from time to time, appropriate so much money as they shall deem necessary for the purpose of making the improvements which they are authorized by this act to make and in carrying out the provisions hereof and their orders, by-laws, resolutions or ordinances; and such amount shall be deemed a tax on the

taxable property of said town. It shall be the duty of the clerk of said board to file with the clerk of the county court of Cook county a certified statement of the amount appropriated by said board, as aforesaid; and he shall include such amount under the head of "Town Tax" in the next general warrant issued by him for the collection of state and county taxes in said town; and the same proceedings, in all respects, shall be had for the collection of the same as is now provided by law for the collection of state and county taxes; and in no other manner, nor by any other vote or authority, shall money be appropriated or collected, except in cases of fines and licenses, and except in cases of special assessment, as hereinafter provided.

Money paid out  
on warrant.

§ 16. No money shall be paid out by the treasurer of said town, unless the same shall have been ordered by the board, and then only upon a warrant drawn on him by the clerk, countersigned by the president, specifying what particular fund the same shall be paid out of. And it shall be the duty of the clerk to keep an account of all such warrants drawn by him. The said board shall, at such annual elections, present to the voters a printed report, showing the amount of moneys ordered and collected, and from what sources derived, and the manner in which the same have been disbursed, and file the same with the clerk, and shall, also, cause to be posted, at least ten days prior to the annual election, in each year, five copies of said printed report, in five public places in said town, to be so distributed that at least one copy thereof shall be posted in each election district in said town. No member of said board shall be interested in any contract made by them for the purpose of making any of the improvements contemplated by this act, nor shall any member of said board hold any office which shall be created by said board.

Statement of  
trustees.

Proceedings of  
trustees.

§ 17. Upon the passage of all orders, ordinances or resolutions, appropriating or ordering the payment of money, imposing taxes or for levying special assessments, the yeas and nays shall be called and entered on the record; and the yeas and nays shall, in like manner, be recorded, whenever called for by any member on any question before said board. The members of said board shall be entitled to receive the sum of two dollars and fifty cents for each day's attendance at the meetings of the board, to be certified to by the clerk.

Trustees.

Compensation.

§ 18. The said board shall have, subject to the provisions of this act, the general management and control of the finances and all the property, real, personal and mixed, of the town, and shall, likewise, have power, within the territory aforesaid, by ordinance, regulation or by-law:

Gambling and  
other devices.

*First.*—To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with betting.

*Second.*—To regulate and license the selling or giving away of any ardent spirits, by any shop-keeper, grocer, trader or other person, to be drunk in any shop, store, out-house, yard or other place in said town. License sale of liquors.

*Third.*—To license, regulate and restrain tavern-keepers, grocers and keepers of ordinaries or victualing or other houses, gardens or other places, for selling or giving away wines or other liquors, whether ardent, vinous or fermented. Tavern keepers and ordinaries.

*Fourth.*—To license and regulate billiard tables, pin alleys, nine or ten-pin alleys, ball alleys, and shooting galleries. Billiards, bowling, etc.

*Fifth.*—To authorize the president of the board to grant licenses, and direct the manner of issuing the same, and the registry thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year: *And provided*, that not more than one hundred dollars per year shall be charged for any license granted under this act by said board. Bond may be taken, payable to the town, on the granting of license, for the due observance of the ordinances and regulations of the board. Authorize proper officer to grant licenses.

*Sixth.*—To prevent any riot or noise, disturbance or disorderly assemblage. Riots, affrays, noises, etc.

*Seventh.*—To suppress and restrain disorderly houses and groceries, and houses of ill-fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming. Suppress disorderly houses.

*Eighth.*—To compel the owner or occupant of any grocery or cellar, tallow chandler shop, soap factory, tannery, or other unwholesome, nauseous houses or places, to cleanse, or remove, or abate the same, from time to time, as often as may be necessary for the health, convenience and comfort of the inhabitants of said town. Cleanliness.

*Ninth.*—To restrain, regulate or prohibit the running at large of cattle, horses, or other animals, or the driving or herding the same upon the public highways, or alleys, or lands in said town, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings, and also to impose penalties on the owners, or drivers, or herdsmen of any such animals, for a violation of any ordinances relative thereto. Running at large of horses, cattle etc.

*Tenth.*—To prevent and regulate the running at large of dogs; to tax and authorize the destruction of the same when at large contrary to the ordinances. Dogs at large.

*Eleventh.*—To make regulations to prevent the introduction or spread of contagious diseases into the town. Contagious diseases.

*Twelfth.*—To control and regulate the streets, alleys and other public places, and abate any obstructions, encroachments or nuisances thereon. To have exclusive power over streets.

*Thirteenth.*—To establish and regulate public pounds, appoint poundmasters and prescribe their duties and fees. Public pound.

- Shade trees. *Fourteenth.*—To direct and regulate the planting and preserving ornamental trees in the streets and public grounds in said town.
- Abate nuisances. *Fifteenth.*—To define and abate nuisances, which are or may be injurious to the public health, in any manner they may deem expedient.
- Breweries, tanneries, etc. *Sixteenth.*—To regulate, restrain, prohibit or license breweries, tanneries, packing houses, distilleries, slaughter houses, butcher shops, stock yards, or the establishments for the steaming or rendering of lard, tallow, offal, manure, or such other substances as can or may be rendered, boiled or steamed, and all establishments or places where any nauseous, offensive, unwholesome or immoral business may be carried on: *Provided, however,* that the sanitary and police powers conferred by this act shall not be exercised by said board of trustees as against the Northwestern Fertilizing Company or the Union Rendering Company, located at or near the Calumet river, in said town, until the full expiration of two years from and after the passage of this act.
- Offensive matter. *Seventeenth.*—To restrain and prohibit the deposit of any night soil, dead animals, manure, or other filthy, offensive or nauseous substances, upon any lot, street, alley, highway or other place in said town.
- Defacing trees. *Eighteenth.*—To restrain, prohibit and punish, for the cutting, destroying, marring or defacing of any shade tree or ornamental shrub or other tree, upon any street, highway or other public place, and to restrain and prohibit the defacing of any depot or other building, and to prevent the writing of bawdy or indecent words or the making of obscene pictures on such depots or other buildings.
- Fire-arms. *Nineteenth.*—To regulate, restrain and prohibit shooting, or the shooting of small birds in said town, or in any portion or district thereof, or the discharge of fire-arms in said town, or in any part or portion or district thereof.
- Resisting an officer. *Twentieth.*—To punish all persons who shall resist any officer of said town, or policeman, or other officer or agent appointed by said board, in the discharge of his official duties.
- Dog fights, etc. *Twenty-first.*—To prevent public dog-fights, bull-fights, prize-fights, or any public or private fighting, and to restrain loud or unbecoming, profane or indecent language or disorderly conduct in said town.
- Railroad tracks, bridges, etc. *Twenty-second.*—To require railroad companies to construct and keep in repair suitable crossings at the intersection of their roads with streets and alleys, when the board of trustees shall deem it necessary, and to require them to keep open and in repair, ditches, drains, sewers and culverts, on the sides of their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, to the injury of said town or of the health of the inhabitants or residents thereof; and to regulate the



speed of locomotive engines in said town, or any part thereof, and to prevent any railroad company, officer, or employee thereof from leaving cars or engines on or across any highway or alley.

*Twenty-third.*—To prohibit any indecent exhibition of horses or other animals. Indecencies.

*Twenty-fourth.*—To define and punish vagrancy. Vagrants.

*Twenty-fifth.*—To make, publish, ordain, amend and repeal all such ordinances, orders, by-laws, police and health regulations, for the good government of the town and the public health, as may be necessary and expedient to carry into effect the powers vested in said board or any officer of said town, or officer or agent of said board, and to enforce observance of the same, by fine or imprisonment, in the discretion of the magistrate or court before which conviction may be had: *Provided*, such fine shall not exceed one hundred dollars, nor shall such imprisonment exceed thirty days. Every ordinance, regulation or by-law, imposing a penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be posted in at least three of the most public places in said town. Power to pass ordinances.

§ 19. Any justice of the peace in said town shall have jurisdiction of any offense committed under this act or the rules, by-laws or ordinances of said board; and a change of venue may be taken, as in other cases. All fines and penalties, when collected, shall be paid to the treasurer of said town. Jurisdiction of justice of peace.

§ 20. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view, or on complaint being made to him, on oath, of the violation of any ordinance, by-law or police regulation of said town, to issue his warrant, directed to any constable, policeman or authorized person, to apprehend the offender or offenders, and bring him or them before him forthwith, and, after hearing the evidence, if it shall appear that the accused has been guilty of a violation of any such ordinance, by-law or regulation, to impose such fine or imprisonment as is provided in such ordinance, by-law or regulation. Any fine or penalty may be remitted, or any person imprisoned may be discharged, by a vote of the board of trustees. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant, resident or frecholer of said town, in any action or proceeding in which the said town shall be a party. All officers of said town, and such policemen as said board may appoint, shall have power to arrest or cause to be arrested, with or without process, any person who shall break or be found by them in the act of breaking the peace, or who shall be found by them in the act of violating any of the regulations, ordinances or by-laws of said board, and, if necessary, to detain such persons in custody over night, Duties of the justice of peace.

in some place to be provided by said board; and shall have and exercise such other powers, as conservators of the peace, as the board may prescribe, not extending to the arrest or imprisonment of offenders, unless taken in the act of breaking the peace or violating some ordinance of said board. And the said board may appoint one or more policemen, and prescribe their duties; and the said policemen, or any constable in said town, may serve any process or make any arrest authorized by this act, or the regulations, by-laws or ordinances of said board.

Punishment of offenders.

§ 21. The board of trustees are hereby authorized to provide some safe place for the imprisonment of such persons as shall have been convicted and sentenced to imprisonment, and appoint a keeper thereof. All such persons, so convicted, shall be confined therein for the period fixed by such sentence, unless sooner discharged. And every person or persons who shall have been fined in any sum, and who shall neglect or refuse to pay the same, shall stand committed, and be imprisoned, as aforesaid, until such fine is paid: *Provided*, that for each day such person or persons shall be so imprisoned, the sum of two dollars shall be remitted from the fine. Any person escaping from such imprisonment may be arrested by any policeman, constable or other officer, without process, and returned to prison; and the time during which such prisoner was absent shall not be taken as a part of the time for which he was sentenced.

§ 22. The said board of trustees shall have power, from time to time:

Improvement of streets, alleys and highways.

*First*—To cause any street, alley or highway to be opened, altered, widened, extended, laid out, vacated, bridged, graded, macadamized, paved, planked, clayed, graveled, or to be otherwise improved, and to keep the same in repair.

Construction of sidewalks.

*Second*—To cause sidewalks, crosswalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, re laid, cleansed and repaired, and to connect them, or any of them, with any drain or sewer running through said town, and to regulate the same: *Provided*, that no improvement, the expense and cost of which is to be paid, in whole or in part, by special assessment, shall be ordered by the board, unless the same shall first be petitioned for, in writing, by one-half, numerically, of the resident owners of the real estate abutting on the line of the proposed improvement, or, in want of such petition, unless such improvement shall be ordered by said board by a two-thirds vote in favor thereof—the vote to be by yeas and nays, and to be entered on the records of the proceedings of the board.

Special tax for sidewalks.

§ 23. The expense of any improvement mentioned in the foregoing section shall be defrayed, except as otherwise provided by this act, by a special assessment upon the real

estate benefited thereby, to be levied in the manner hereinafter provided.

§ 24. Whenever the board of trustees shall have ordered any improvement, the damage, expense and cost of which is to be paid by special assessment, they shall make an estimate of the expense and cost of such improvement, and shall thereupon, by ballot, elect from the freeholders residing in said town two commissioners, who, with the town assessor, shall constitute the commissioners to make such assessment. And it shall be the duty of the clerk to deliver to said commissioners a certified copy of the order of said board, ordering such improvement, together with such estimated expense and cost, before said commissioners shall proceed to make such assessment.

Benefits and damages estimated.

§ 25. The commissioners, before proceeding to make such assessment, shall make oath, before the town clerk, or some officer authorized to administer oaths, that they will faithfully and impartially make such assessment, according to the best of their ability. They shall then give six days' notice, by posting up notices in three of the public places in said town, (one of which shall be at the post-office in said town,) nearest to the proposed improvement, and by publication in one of the daily newspapers printed in the English language, and published in the city of Chicago, Illinois, of the time and place of making such assessment, to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall, in cases where no lands or real estate are to be condemned or appropriated, assess the estimated expense and cost thereof upon the real estate by them deemed specially benefited by such improvement, to the extent of such benefit, in proportion to the benefits resulting thereto, as nearly as may be, and briefly describe, in the assessment to be made by them, the real estate upon which the assessment is made; and in case the said commissioners shall not find lands or real estate specially benefited by such improvement to the full amount of such estimated expense and cost, they shall certify, in the assessment so to be made by them, the amount of such deficiency.

‡ Assessment for improvements.

§ 26. Whenever any order is passed by the board of trustees for the making of any public improvement, which shall require the condemnation or appropriation of any lands or real estate, the commissioners shall proceed to ascertain and assess the damages and recompense due the owners of such lands, respectively, together with the expense and cost of the proceedings, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages and expenses, together with the costs of the proceeding, on the real estate by them deemed specially benefited by such improvement, to the extent of such benefits, in proportion, as nearly as may

Condemn law 1.

be, to the benefits resulting to each separate lot or parcel, and shall briefly describe the lands and real estate upon which their assessments for benefits shall be made; and in case the said commissioners shall not find lands or real estate specially benefited by such improvement, to the full amount of such estimated damage, expense and cost, they shall certify, in the assessment so by them to be made, the amount of such deficiency.

Commissioners  
to appraise the  
value of land.

§ 27. The commissioners, in making the assessment, shall determine or appraise to the owner or owners the actual cash value of the real estate appropriated for the improvement, and the injuries arising to them, respectively, from the condemnation thereof; which shall be awarded to such owners, respectively, as damages, after making due allowance for any benefit to the portions of such real estate not taken or appropriated, which such owners may, respectively, derive from such improvement.

Damages and  
benefits.

§ 28. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioners shall strike the balance, and carry the difference forward to another column, to be designated as "net benefits" or "net damages," as the case may be, so that the assessment may show what amount is to be received or paid by such owners, respectively; and the difference only shall in any case be collected of them, or paid to them.

Where only a  
part of the land  
is taken.

§ 29. In the assessment of damages and benefits, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be appropriated has been theretofore donated for such improvement by any person or persons, to appraise the value of the land so donated, and to apply the value thereof, so far as the amount so appraised shall go, as a set-off to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the town the amount of such appraisal, except as a set-off, as herein provided. And where the assessment is one for the widening of any street or alley which may have been heretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall be lawful for said commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall to them seem just and equitable.

Buildings.

§ 30. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners shall add to their estimate of damages for the land the damages, also, for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the

building shall be assessed separately. The value of such building to the owner, to remove, or of the part thereof necessary to be taken, shall also be determined by the commissioners, and notice of such determination shall be given by them to the owner, when known, if a resident of the town, or left at his usual place of business or abode. If the owner is not known or is a non-resident, notice to all persons interested shall be given by the commissioners, by posting up notices in three public places in the town, for thirty days, and by publication of notice six days in a daily newspaper printed in the English language and published in the city of Chicago, Illinois. Such owner may, at any time, within ten days' after service or within ten days after the first day on which such notice shall be posted or published, notify the said commissioners, in writing, his election to take such building or part of building at their appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damage to the building, where they belong to different owners, if known; and the owner shall have such reasonable time for the removal of the building, after the confirmation of the assessment, as the board of trustees may allow. If the owner shall refuse to take the building at the appraisal, and fail to give notice of his or her election, as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid; and the board of trustees shall, after the confirmation of the assessment and after the money is collected, or otherwise provided, and in the hands of the treasurer to be paid over to the owner for his or her damages, proceed to sell such building, or part of building, at public auction, for cash, giving at least ten days' notice of such sale, by posting notices in three of the public places in said town, and cause such building to be forthwith removed. The proceeds of such sale shall be placed into the town treasury, to the credit of the special assessment fund, for the said improvement. In cases of special assessments, where buildings shall be involved, as aforesaid, the commissioners shall not be required to return the assessment roll before the expiration of sixty days from the ordering of the improvement.

Notice by  
commissioners.

When dama-  
ges cannot be  
agreed upon.

§ 31. When any assessment, requiring the condemnation or appropriation of lands or real estate shall have been confirmed, the town clerk shall preserve a copy thereof in his office, which copy shall be evidence of the amount due the several owners of land or real estate to whom damages have been awarded.

Confirmation of  
special assess-  
ment.

§ 32. Any person whose property has been appropriated and who has filed objections to said assessment, as hereinafter provided, shall have the right, at any time,

Objections may  
be filed.

Appeal taken.

within ten days after the confirmation of the same, and not after that time, having first given notice, in writing, of his or her intention so to do, to the town clerk, specifying in such notice the court to which the appeal is to be taken, to pray an appeal to any court of general jurisdiction in Cook county, from the order of the board confirming such assessment, upon filing a bond, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the town harmless from all actual damages by the taking of such appeal: *Provided*, that in case of assessments, where no land or real estate is condemned or appropriated, no appeal shall be had or taken. In case of appeal, a copy of the assessment roll, as confirmed by the board, to be paid for by the party applying for the same, shall be filed in the office of the clerk of the court to which such appeal be taken; and the cause shall be docketed by such clerk, in the name of the person taking such appeal, against the town of Hyde Park, as "an appeal from assessment." The said cause shall be then at issue, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and, on such trial, the only questions to be passed upon shall be whether the board had jurisdiction in the case, and whether the valuation and assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment; from which judgment no appeal or writ of error shall lie.

Confirmation of assessments.

§ 33. When any special assessment, requiring the condemnation of property, shall have been confirmed by the board and no appeal taken therefrom, or if an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property appropriated. The board of trustees shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall, in all cases, furnish satisfactory evidence of title, showing himself entitled to the damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for the land taken, the board may require of the claimant a bond, with good and sufficient sureties, to save the town harmless from all damages, costs and expenses, in case any other person should claim said damages. In all cases, the title to the land taken and condemned, in manner aforesaid, shall be vested in the town, in fee simple, absolute.

§ 34. As soon as the money is collected and ready in the hands of the treasurer to be paid over to parties entitled to damages for property condemned, the town may then, and not before, enter upon, take possession of, and appropriate the property condemned.

Payment for damages.

§ 35. When any special assessment shall come before the board for confirmation, pursuant to the notice required by law to be given by the town clerk, and the same shall, for any reason, not be acted upon at the time specified, no new notice shall be required by the clerk, but such assessment shall stand over as unfinished business, to be disposed of at such time as the board shall at that time publicly determine.

New notice not required

§ 36. If, from any cause, the town shall fail to collect the whole or any portion of any special assessment which may be levied and which shall not have been canceled or set aside by competent authority, the board of trustees may, at any time, within two years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency; which assessment shall be made, as near as may be, in the manner prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments, they shall be credited or allowed on the new assessments to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment shall prove insufficient, either in whole or in part, the board, at any time within the period of one year after the confirmation of such new assessment, may order a third, and so on, to be levied in the same manner and for the same purpose. And it shall constitute no legal objection to such re-assessments that the property may have changed hands or been incumbered.

When town fails to collect assessments.

When assessment insufficient.

§ 37. When the commissioners shall have completed any assessment, they shall deliver the same to the town clerk of said town within forty days after the ordering of such improvement by the board, signed by the commissioners, except as provided in section twenty-nine of this act. The town clerk shall thereupon file the same in his office, and cause notices to be posted up in three public places of said town, for the space of six days, to all persons interested, of the completion of the assessment, and the filing of the roll. Time and place shall be designated therein, for hearing objections. Objections shall be heard before the board. The board of trustees may adjourn such hearing from day to day, and shall have power, in their discretion, to confirm or correct the assessment, or to order a new one. All assessments, when confirmed, shall be a lien on the lands and premises assessed for benefits, and shall be final and conclusive on all parties interested, unless an appeal be taken,

Return of assessment list to town clerk.

Assessments a lien on lands.

as hereinbefore provided, and they shall be collected as hereinafter provided.

New assessment § 38. If the first assessment prove insufficient, another may be made, in the same manner, or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Duties of town clerk. § 39. When any special assessment shall have been confirmed by the board of trustees and no appeal has been taken, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of the said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes, to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of land or real estate upon which assessments have been made for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall thereupon be the duty of the collector of said town to collect the said assessments and enforce the payment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the treasurer of said town, as hereinbefore provided, and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of land or real estate, for the non-payment of the said assessments and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes, and the assessments aforesaid.

Collector's duty. § 39. When any special assessment shall have been confirmed by the board of trustees and no appeal has been taken, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of the said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes, to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of land or real estate upon which assessments have been made for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall thereupon be the duty of the collector of said town to collect the said assessments and enforce the payment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the treasurer of said town, as hereinbefore provided, and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of land or real estate, for the non-payment of the said assessments and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes, and the assessments aforesaid.

Sale of land. The sale shall be conducted upon the same notice and judgment and in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any special assessments levied under this act shall be executed by the same persons and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force or hereafter to be enacted, providing for the collection of state and county taxes in counties adopting the township organization.

Town plat valid § 40. No plat hereafter made of any real estate in said town shall be valid unless the same shall be approved by the board of trustees, nor shall any such plat be entitled to be recorded in the recorder's office of Cook county without such approval.

Former acts to remain in force. § 41. The present town officers of said town shall continue in office for the period for which they were elected. All acts and things done by the present town officers and board of trustees, which were lawful for them to do, shall continue in full force and effect, except as otherwise herein provided.



§ 42. The act entitled "An act to reduce the several Act repealed. acts relating to the town of Hyde Park, in Cook county, into one act, defining the limits of said town, and the powers and duties of the officers thereof," approved March 5th, 1867, except so far as the same defines the limits of said town, is hereby repealed: *Provided, however,* that the said town shall have the right to continue and complete all proceedings, in respect of special assessments or public improvements, which have been commenced under any former law or ordinance and shall have and enjoy all the rights, accrued or to accrue thereunder, the same as if said act and the provisions thereof remained in full force and effect.

§ 43. This act shall be a public act, and take effect and be in full force from and after its passage.

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Industry, in McDonough county, state of Illinois," passed and approved February 19th, 1867. In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 19, of said act, relating to the sale of spirituous liquors, be so amended that regular licensed druggists shall be permitted to sell any of the liquors specified in said act, for purely medical, mechanical or sacramental purposes, any thing in said act to the contrary notwithstanding. Sec. 19 amended

§ 2. This act to be in force from and after its passage.

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to incorporate to the town of Industry, McDonough county, Illinois," approved February 19th, 1867. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the citizens of the town of Industry, in the county of McDonough, and state of Illinois, be and they are hereby authorized and empowered, at their next regular election, in May, 1869, for town trustees, and at their regular election for town trustees every four years thereafter, to elect a police justice of the peace, who shall be similarly qualified and have the same jurisdiction and authority as a precinct justice of the peace. And whenever there shall occur a va- Election of justice of peace.

cancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

May change  
boundaries.

§ 2. That the president and trustees of said town shall have power to re-locate the boundaries of said town, fixing the centre at such points as to them may seem best: *Provided*, that the boundaries shall not exceed one mile square.

§ 3. This act shall take effect from and after its passage.

APPROVED March 29, 1869.

In force March 27, 1869. AN ACT to amend an act entitled "An act to amend an act to incorporate the town of Keokuk Junction," in force March 5th, 1867.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eight (8) of an act to incorporate the town of Keokuk Junction, be hereby amended to read as follows: "On the first Monday in April, in each year, an election shall be held in said town for one town constable and five (5) trustees, who shall, at their first meeting, proceed to elect one of their own body president, and who shall hold their office for one year and until their successors are elected and qualified; which election shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of the same day. The present trustees shall appoint the judges and clerks of said election, who shall receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for the justices of the peace hereinafter mentioned, when necessary, and constables, to the clerk of the county court, and lay the poll books of such elections before the board at its first meeting, on the first Monday in April, 1871. There shall also be elected one justice of the peace, who shall hold his office for the term of four years; and at the election, every fourth year thereafter, his successor shall be elected."

Sec. 8 amended.

Judges and  
clerk of election

[§ 2.] This act to be a public act, and to be in force from and after its passage.

APPROVED March 27, 1869.

AN ACT to amend the charter of the town of Lake View, in Cook county. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That, hereafter, no new cemetery shall be opened or established in the town of Lake View, in Cook county, or any existing cemetery in said town be enlarged beyond the limits now actually inclosed or fixed by ordinance now in force, except in the manner herein prescribed. Whenever any person or corporation shall desire to open such new cemetery or enlarge an old one, an application shall be made to the board of trustees, supported by the petition of at least twenty legal voters of the town, when it shall be the duty of the board to cause the question to be submitted to the legal voters of the town, at the next annual election for town officers; and if a majority of all the legal voters voting at said election shall vote in favor of the proposition then it shall be lawful to open and establish the new cemetery or enlarge the old one, as the case may be, in accordance with the proposition submitted, but not otherwise.

No new cemeteries opened.

Question submitted to legal voters.

§ 2. If any person, association or corporation shall attempt to or shall open and establish a new cemetery or enlarge an old one, contrary to the provisions of this act, it shall be deemed a misdemeanor, and punished as now provided by the ordinances of said town or as may be provided by ordinance hereafter passed; and the steps now allowed by the ordinances of the town to prevent, abate and remove the same, may also be taken, as therein provided.

Violation, how punished.

§ 3. It shall be the duty of any court of competent jurisdiction, on application of any resident tax-payer of the town, or of the town itself, to prevent the opening or establishment of any new cemetery or the enlargement of any old one, contrary to the provisions of this act, by injunction.

Jurisdiction of court.

§ 4. The board of trustees may license and regulate the use of all wagons and teamsters engaged in hauling for hire within the town, whether the owners and teamsters reside or keep such wagons and teams in the town or elsewhere, and may enforce such regulations by penalties and imprisonment.

License vehicles

§ 5. This act shall take effect from and after its passage.

APPROVED March 29, 1869.

In force March 29, 1869. AN ACT to amend an act entitled "An act to incorporate the town of La Moille," approved February 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers already conferred upon it, the town council of the town of La Moille, in the county of Bureau, and state of Illinois, shall have power to cause the expenses of any improvement heretofore ordered or hereafter to be ordered by it and authorized to be made under the provisions of the charter of said town, with the costs of the proceeding thereon, to be collected by general taxation, as other taxes in said town are collected, or by assessment upon the real estate benefited by such improvements, in proportion to the special benefits resulting to such real estate and the several parts thereof, in such manner as the said town council may by ordinance direct, and to provide for the collection, by taxation, as aforesaid, of any excess of such expenses over and above the amount of special benefits assessed.

Adoption of the township assessment. § 2. The town council of the town of La Moille may adopt the assessments of property taxation made by the township assessors of the townships of La Moille and Clarion on all property within the bounds of said corporation for state and county purposes as the basis of all general taxes levied by said corporation, and, in that event, they shall cause the clerk of the said town council to certify, under his hand and the seal of said corporation, to the county clerk of Bureau county, on or before the second Monday in September, the rate of taxes ordered to be levied and collected by said town council for corporation purposes, with a list of the resident tax-payers in said corporation limits aforesaid, for personal property; and the said county clerk shall extend the corporate taxes upon the collector's books for said townships of La Moille and Clarion, respectively, as said property shall lie in one or the other township, in the same manner as school taxes are extended, in accordance with the rate so certified to him; and it is hereby made the duty of the township collectors of La Moille and Clarion townships and the county collector to collect such taxes and enforce the payment thereof at the same time and in the same manner as the other taxes, and, for that purpose, they shall each have the same power and rights that they have to collect the other taxes, and shall pay the same over to the treasurer of the said corporate town of La Moille at the same time they are required to pay over the other taxes. And the court shall render judgment and order the sale of any lot or other real estate for the non-payment of the said corporation taxes the same as for other taxes; and the judgment may be for the aggregate of all the other taxes,

including state, county, corporation taxes, etc., as for the aggregate of the said town corporation taxes separately from the others, and not even in that respect shall invalidate any judgment or sale. The several collectors shall be liable on their bonds for the faithful performance of their duties under this act.

§ 3. The tax levied by the said town council, for the year 1868, for corporation purposes, and extended by the county clerk on the collector's book of the township of La Moille, is hereby made and declared a legal and valid tax, and it is hereby made the duty of the said collector to collect the same. Levy of tax legal

§ 4. So much of section 6, article 3, of the act to which this is amendatory, as makes the town constable, *ex officio* collector of the corporation taxes, and all other acts or parts of acts in conflict with this act, are hereby repealed. Section re-pealed.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Lanark," approved March 26, 1869. In force April 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Lanark, in the county of Carroll, shall be exempt from working on any roads or streets beyond the corporate limits of said town or paying any tax for labor thereon. Exempt from road labor outside town limits.

§ 2. The town or corporation constable of said town of Lanark shall have the same power and authority to serve process, in all cases, throughout said county of Carroll, as other constables, and shall receive the same fees therefor. Jurisdiction of constable.

§ 3. The president and trustees of said town of Lanark shall have power, by suitable ordinance, to fix and regulate the time that railroad locomotives, engines and cars shall remain upon or obstruct the crossings of the streets, alleys or public grounds within the corporate limits of said town. Railroads.

§ 4. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state, without proof. Evidence of act.

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

APPROVED April 19, 1869.

In force March 27, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Lebanon, St. Clair county, Illinois," approved February 16, 1857.

Ext. n-sion limits' Submitted legal voters. o

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the said town of Lebanon may, at the annual election prescribed by the eighth section of said act, submit to the legal voters of the said town and those residing in the limits hereinafter named, a proposition to extend the limits of said town, so as to include an extent not exceeding two (2) miles square, taking the public square of said town for the center; and if at said election a majority of the legal voters within said limits shall vote so to extend said town limits, then the corporate limits of said town of Lebanon shall thereafter embrace the aforesaid two (2) miles square, and shall be subject to the charter and laws of said town.

May borrow money and issue bonds.

§ 2. The president and trustees of said town shall have power to borrow money and issued bonds for the same, bearing interest at a rate not exceeding ten (10) per cent., per annum, and to levy and collect an annual tax for the payment of the same: *Provided, however,* that a majority of the legal voters of the said town, at an election called for that purpose, and the ordinance providing for which election, the specific sum to be borrowed shall be particularly stated, shall have first voted in favor of the borrowing such sum of money and the issue of said bonds: *And provided, further,* that the rate of taxation, in any one year, shall not exceed two (2) per cent. on the assessed value of the property of said town.

Punishment of offenders.

§ 3. The president and trustees of said town shall have power to provide for the punishment of offenses in violation of any ordinance of said town, and may issue executions forthwith against the body of any offender, and may commit any such offender to any jail or workhouse within St. Clair county.

Tax on dogs.

§ 4. The president and trustees shall have power to impose a tax upon the owners or keepers of all dogs within said town.

Failure to hold first election not to work a forfeiture.

§ 5. If at any time or for any cause the annual election shall not be held on the day named in the eighth section of the act to which this is an amendment, it shall be lawful to hold said election on a subsequent day; and the president shall not continue to hold office beyond the term for which he shall have been elected.

Conflicting acts repealed.

§ 6. All parts of the act to which this is an amendment, inconsistent herewith, are hereby repealed.

§ 7. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 27, 1869.

AN ACT to amend the charter of the town of Lena, Stephenson county, Illinois. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Lena, in the county of Stephenson, and state of Illinois, are hereby made a body corporate and politic, by the name and style of "The President and Trustees of the Town of Lena;" and, by that name and style shall have perpetual succession, and be capable of suing and be sued, of complaining and defending in any court of law or equity, and shall have power to have and use a corporate seal, which they may change and alter at pleasure, and to purchase, receive, hold and grant real and personal property, within the limits of said town, and no other, except for burial grounds, and use, sell and lease the same, and do all other acts, as natural persons, which may be necessary to carry out the powers hereby granted.

Name and style.

§ 2. The corporate boundaries of said town of Lena shall include all the following described territory, to-wit: Commencing at the northeast corner of the west half of the northeast quarter of section thirty-three (33), township twenty-eight (28) north, of range six (6) east of the fourth principal meridian, being in the county of Stephenson and the state of Illinois; running thence west, along the north line of said section and along the north line of section number thirty-two (32), in the township and range aforesaid, to the northwest corner of the east half of the northeast quarter of said section number thirty-two (32); thence south, to the south line of said section thirty-two (32), on the township line between township number twenty-seven (27) and twenty-eight (28), range six (6) east of the fourth principal meridian; thence east, along said township line, to the southeast corner of the west half of the southeast quarter of the aforesaid section number thirty-three (33); thence north to the place of beginning, containing one mile square.

Boundaries.

§ 3. The president and trustees of said town, now in office, shall hold their offices until the third Tuesday of April next, and until their successors are elected and qualified. On the third Tuesday of April next, and every year thereafter, an election shall be held for five trustees of said town, who shall hold their office for one year and until their successors are elected and qualified. And notice of all elections of trustees shall be given by the president or clerk of said board of trustees, in the same manner in which notices of general elections are now required by law to be given. No person shall be elected as such trustee who shall not be qualified to vote for state and county officers and who shall not have been a *bona fide* resident of said town for sixty days preceding such election.

Term of office of the present trustees.

Election  
president  
clerk.

of  
and

§ 4. The trustees of said town shall, at their first meeting after their election, as aforesaid, elect one of their number president, and also appoint a clerk of said board of trustees, and also shall be judges of the election and qualification of their own numbers. A majority of said trustees shall constitute a quorum to do business, but a less number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and make such other rules and regulations for their government, not inconsistent with the constitution and laws of the United States and this state, as they may deem proper and expedient; and they shall have power to fill any vacancies in their own number, occasioned by death, resignation, removal, or otherwise. Said trustees, before entering upon the duties of their office, shall take and subscribe an oath to support the constitution of the United States and of this state and that they will, to the best of their abilities, faithfully discharge the duties of their office, and also the oath prescribed by article thirteen, section twenty-six, of the state of Illinois. They shall hold at least one regular meeting each month; and they shall have power to remove any subordinate officer of said town, who holds his office by appointment of said board of trustees.

Appointment  
of officers.

§ 5. The board of trustees shall have power to appoint a treasurer, assessor, one or more street commissioners, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation, and to require them to give such bond and security as may be deemed necessary to insure the faithful performance of their respective duties; and such officers shall, respectively, before entering upon the duties of their offices, take and subscribe the same oath above required to be taken by said trustees.

Power to levy  
asses and col-  
lect taxes.

§ 6. The said president and trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said corporation, which is subject to taxation for state and county purposes, not exceeding one-half per cent. upon the assessed value thereof, and may collect and enforce payment of the same in any manner that may be prescribed by ordinance; and they are hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, and also for the sale of real estate for the taxes due thereon, in such manner as they may prescribe by ordinance.

Assessment not  
to be invalid.

§ 7. All assessments of taxes, heretofore made or levied by the president and trustees of said town of Lena, are hereby legalized and declared, in all respects, legal and valid; and all acts heretofore done by said president and trustees are hereby legalized.

Appropriations.

§ 8. The president and trustees shall have power:  
*First*—To appropriate money and provide for the payment of the debts and expenses of said town.



*Second*—To make all necessary regulations to secure the health of the inhabitants of the town, to prevent the introduction and spread of contagious diseases, and to determine what shall be deemed a nuisance, and provide for the punishment, removal and abatement of the same, within one mile each way of the corporate limits of said town. General health.

*Third*—To provide the town with water; and to erect hydrants and pumps in the streets, for the convenience of the public. Provide water.

*Fourth*—To lay, open, alter, abolish, widen, extend, grade, establish, pave, or otherwise improve and keep in repair the streets, avenues, lanes, alleys and squares, within the limits of said town, and to cause sidewalks, crosswalks and sewers to be laid, relaid and repaired, and to have exclusive power over all of said streets, avenues, lanes, alleys and sidewalks, and to remove and abate any obstructions or encroachments therein, and to compel all persons to keep the snow, ice and occupied by sidewalks in front of the premises owned or dirt from the them, and to establish a uniform grade for streets and sidewalks in said town. Alterations of streets.

*Fifth*—To erect and repair bridges; to provide for lighting the streets and erecting lamp posts, and to establish, maintain and regulate night watches. Lighting streets

*Sixth*—To establish markets, erect market houses and places, and provide for the government and regulation of the same. Markets and market houses.

*Seventh*—To provide for the erection of all needful buildings for the use of said town, and for inclosing, improving and regulating all public grounds belonging to said town. Needful buildings.

*Eighth*—To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers, pawnbrokers, teamsters, brokers, exhibitors, shows and amusements. Auctioneers, peddlers, etc.

*Ninth*—To license, tax and regulate hackney carriages, wagons, carts, drays, and other vehicles, and to fix the rates to be charged for carriage of persons, and for the wagonage, cartage and drayage of property. Hackmen and draymen.

*Tenth*—To license, tax, regulate or prohibit the selling, exchanging, bartering, giving away, or in any manner trafficking or dealing in any wine, rum, gin, brandy, whisky, ale, porter, beer, cider, or alcoholic, malt, mixed or intoxicating liquors, within the limits of said town and within one-half mile of said town. Prohibit sale of liquor.

*Eleventh*—To restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses, and to suppress gaming of all kinds. Gambling, etc.

*Twelfth*—To prevent running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance. Dogs at large.

*Thirteenth*—To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, and cattle. Running at large of horses and cattle.

goats and domestic animals; and to authorize the distraining, impounding and sale of the same, and to prohibit the indecent exhibition of horses and other animals.

Defacing trees. *Fourteenth*—To restrain, prohibit and punish, by fines and imprisonment, the cutting or otherwise mutilating of trees or shrubbery upon any of the public grounds or highways, streets or alleys of said town.

Provide for extinguishment of fires. *Fifteenth*—To provide for the prevention and extinguishment of fires, and to establish and regulate fire companies.

Chimney flues. *Sixteenth*—To regulate the fixing of chimneys and of flues thereof, and to regulate the storage of gunpowder and other combustible materials.

Horse-racing and fast driving. *Seventeenth*—To prevent horse-racing or other immoderate riding or driving of horses or other animals, within the limits of said town, and to compel persons to secure their horses or other animals attached to vehicle or otherwise, while standing or remaining in any street or alley or public place in said town.

Fire-arms. *Eighteenth*—To prevent the firing of guns or other combustible or firearms within the limits of said town, and to prevent and restrain loud and unbecoming, profane or indecent language or other disorderly conduct in said town.

Railroad crossings, etc. *Nineteenth*—To require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the board shall deem necessary, and to regulate the speed of locomotive engines within the corporate limits of said town, and to prevent the obstruction of public streets and highways by railroad cars.

Weighing and measures. *Twentieth*—To establish standard weights and measures, to be used in said town, and to regulate the same, and to provide for the inspection and measurement of hay, coal and firewood, and to provide for the inspection of beef, pork, flour, meal, butter, lard, and other provisions.

Public peace. *Twenty-first*—To prevent and punish riots, routs, affrays, assaults, batteries, breaches of the peace, disturbances of worshipping assemblies or of the deliberations or proceedings of public meetings, and to prevent and punish battles by agreement, fighting matches and cock fighting within said town.

Police. *Twenty-second*—They shall also have power to regulate the police of said town, and to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, and to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Style of ordinances. § 9. The style of the ordinances of said town shall be, "*Be it ordained by the President and Trustees of the town of Lena.*"

§ 10. All ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies thereof in three of the most public places of said town.

Publication of ordinances.

§ 11. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed by authority of said corporation, the same shall be received in evidence in all courts and places, without further proof.

Evidence of validity of ordinances

§ 12. The said president and trustees shall have power to provide, if necessary, at own jail, for the imprisonment of offenders, and may provide, by ordinance, that any person or persons convicted under any ordinance of said town, and who fails, neglects or refuses to pay the fine so assessed against him or them, may be confined, either in the county jail of the county of Stephenson or in said town jail; and in case of imprisonment in said town jail such person or persons may be compelled, during the term of such imprisonment, to perform labor on the streets and alleys of said town; but no such imprisonment shall be for a longer term than one day for each dollar of such fine and costs.

Construction of jail.

§ 13. The said president and trustees shall have power to direct the county clerk of said county of Stephenson to levy upon the proper books any tax upon the taxable property of said town, not exceeding the rate provided for in this act; and in such case such tax shall be levied, extended and collected in the same manner that other taxes are now collected by law. And all laws now in force relative to the assessment of taxes and the sale of real or personal property therefor, shall apply to such town taxes; and such taxes, when collected, shall be paid into the treasury of said town.

County tax to be levied.

§ 14. The inhabitants of said town of Lena are hereby exempted from working on any road beyond the limits of said town and from paying any tax to procure laborers to work on the same.

Exempt from road labor outside town limits.

§ 15. The said president and trustees shall have power, and it is hereby made their duty, when it may be necessary, in their opinion, for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when notified so to do, shall forfeit and pay to said town the sum of one dollar and fifty cents for every day during which he shall so neglect or refuse to labor.

Inhabitants to labor on streets.

§ 16. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, for the violation of any ordinance of said town, or otherwise, shall be instituted, commenced and prosecuted in the name

Suits vested in trustees.

of the president and trustees of the town of Lena. Justices of the peace shall have jurisdiction of all suits and prosecutions under any ordinance of said town, to the amount of one hundred dollars, exclusive of costs.

Appeal taken.

§ 17. Appeals shall be allowed, in all cases, from judgments and decisions of justices of the peace, under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of said county of Stephenson; and every such appeal shall be taken in the same manner and have the same effect as appeals taken from justices of the peace under the laws of this state.

Not required to enter security for cost.

§ 18. Said president and trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of such suit, any security for costs.

Provisions of an act apply.

§ 19. All the provisions of the act incorporating the city of Freeport, in Stephenson county, state of Illinois, and all acts amendatory thereof, including any and all acts amendatory thereof, that have been or may be passed at the present session of the general assembly, so far as the same are not repugnant to this act and are applicable to the said town of Lena, are hereby made parts of this act, and hereby declared to apply to said town of Lena.

Act submitted to the people.

§ 20. It shall be the duty of the president and trustees of said town of Lena to submit this act to the vote of the legal voters of said town of Lena, at an election, to be called by them for that purpose. Such election to be held at any time within four months after the passage of this act; and at such election the legal voters of said town shall vote, by ballot, "For the new charter" or "Against the new charter;" and if, at such election, a majority of all the votes cast shall be "For the new charter" then this act shall be in full force and effect; otherwise void. The votes cast at such election shall be canvassed by said president and trustees, or a majority of them, and a certificate of the result of such election, signed by the persons making such canvass and filed with the clerk of said corporation, shall be competent evidence, in all courts and places whatsoever, of the result of such election.

§ 21. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Lewistown." In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In all prosecutions hereafter commenced for any violation of the ordinances of said town of Lewistown, it shall be lawful for any defendant to take a change of venue from the police justice of said town, upon filing affidavit that said defendant does not believe that he can have a fair and impartial trial before said police justice; and it shall be the duty of said police justice, upon said affidavit being filed, to grant said change of venue, and immediately to transmit all the papers in said case to the next nearest justice of the peace, residing within the corporate limits of said town, who shall proceed to hear and determine the same and render such judgment, as authorized by the ordinances of said town. Change venue.

§ 2. Any and all portions of the charter of said town, inconsistent with the provisions of this act, are hereby repealed. Conflicting acts repealed.

§ 3. This act shall be a public act and take effect and be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to amend an act entitled "An act to extend the corporate powers of the town of Lexington." In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, on the second Monday of April next, ensuing the date hereof, an election shall be held in said town of Lexington, for five members of the town council, three of whom shall hold their office for two years, and two for one year; and the next succeeding year there shall be two members of said council elected for said town, for the term of two years; and on the next year succeeding, there shall be three members of said council elected for the term of two years, and so on, alternately, forever thereafter. The first election shall be held, conducted and returns thereof made as is now provided by ordinance of the said town; and all succeeding elections to be provided by ordinance of the town council by this act created. Election of town council.

§ 2. That in all suits and prosecutions brought by the town of Lexington against any person or persons for the violation of any of the ordinances of said town or regula- Appeals allowed

tions thereof, or for the violation of any of the provisions of the charter of said town, the right of appeal shall be allowed to the circuit court of McLean county, Illinois, by the person or persons desiring to appeal executing bond, with good security, as is now provided by law in other cases before police magistrates and justices of the peace: *Provided*, that in cases which the town shall wish to appeal the bond may be executed, in the name of the town, by the president or clerk of the town council, without security.

Evidence to be written out.

§ 3. The police magistrate or justice of the peace, before whom any such suit or prosecution is brought or pending, shall have full power to cause all the evidence given on such trial to be written down, and shall be by him preserved; and he shall append thereto a certificate, certifying that the same is all the evidence offered on the trial of said cause before him, by either party. It shall be the duty of the police magistrate or justice of the peace, when any such suit or prosecution is appealed, to file said evidence, with the other papers in the case, with the clerk of the circuit court of said county. On the trial of such appeal, neither party shall have the right to introduce any other evidence, except the written evidence so certified from the police magistrate or justice of the peace, before whom the said trial was had, without giving the opposite party five days' previous notice. For writing down said evidence, the justice shall be entitled to charge twenty (20) cents for each one hundred words, to be taxed and collected as other costs in the case.

Levy tax.

§ 4. That for the purpose of keeping in repair the streets, alleys and avenues of said town, the town council of said town shall have the power to levy, annually, a tax, not to exceed one-half of one per cent. on each dollar's worth of taxable property in said town, both real and personal, which shall be levied and collected as other taxes, to be expended on said streets and alleys of said town, for their improvement and repair, and for no other purpose, which shall be in lieu of all street labor for said year: *Provided*, that persons residing in said town, not owning any taxable property liable to corporation tax, shall labor on said streets and alleys one day in each year, or pay, in lieu of said labor, one dollar and fifty cents.

Moneys go into town treasury.

§ 5. That, hereafter, all fines and forfeitures collected for penalties incurred within the incorporated limits of said town of Lexington shall be paid into the treasury of said town by the officers collecting the same.

Part of act repealed.

§ 6. That so much of the act of the general assembly of the state of Illinois, entitled "An act to extend the corporate powers of the town of Lexington," approved February 25th, 1867, as conflicts with the provisions of this act, is hereby repealed.

§ 7. This act shall be taken and deemed a public act, and be in full force from and after its passage.

APPROVED March 30, 1869.

AN ACT to amend the charter of the village of Lockport, passed February 12th, A. D. 1853. In force Feb. 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the village of Lockport shall have power to license and regulate hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others who may pursue like occupations, with or without vehicles, and prescribe their compensation, and to license, tax and regulate hawkers and peddlers. Hackmen, draymen and carters.

§ 2. The president and trustees shall order the keeping in repair and good condition of all sidewalks heretofore ordered to be constructed or may be hereafter ordered by said president and trustees; and if the owner or owners of any lot or lots, in front of which any such sidewalk is ordered to be repaired or put in good condition, shall neglect or refuse to repair and put the same in good condition, for the space of six days after notified by the commissioner, then it shall be the duty of said president and trustees to cause the same to be repaired and put in good condition, and assess the property in front of which said sidewalk shall be repaired for the amount of the cost of such repairs. Sidewalks.

§ 3. The president and trustees shall have power to levy and collect a tax, in any one year not to exceed one per cent., on all lots, improvements and personal property, lying and being within the corporate limits of said village, according to the valuation of the same. Levy and collect taxes.

§ 4. There shall be elected, at the next annual election, and at each annual election hereafter, in addition to the five trustees, as is now provided by law, one street commissioner, who shall have charge of the road labor and of all streets and alleys in said incorporation, and who shall, also, have charge of all the public landings, and see that said landings are kept clear from all materials and things, that the same may be in condition, at all times, for the use of the public; and no person shall use or occupy the same, at the exclusion of the public; and that all streets ending at the canal, that are used by any person or persons, said street commissioner shall see are kept open, or, in case the public wants do not require said streets kept open, then the said street commissioner shall cause any and all persons using said street or streets to pay a reasonable rent for the Street commissioner, annual election of.

Election of  
police constable

same; and such rent shall be collected by said street commissioner and paid into the treasury of said village, for the use of said incorporation. And at said election there shall be elected one police constable, who shall give bonds and in all things comply with the law relating to constables of the county, and shall have all rights and privileges of county constables and subject to the same laws, who shall be collector of the taxes in and for said incorporation. And the president and trustees may pay said constable such a salary as to them may seem proper, over and above his costs in the discharge of his police duties; and said constable shall have full power to serve all processes that any and all other constables of the county now have.

Jurisdiction of  
police magis-  
trate.

§ 5. The police magistrate of said village, and all justices of the peace residing therein, shall have jurisdiction in Will county, in all actions in which justices of the peace in the state of Illinois have jurisdiction, and in which the amount claimed does not exceed five hundred dollars. The jurisdiction above conferred upon the police magistrate and justices of the peace, residing within said village, shall, as well to cases arising for the violation of the ordinances of said village as to other cases.

Appropriation  
legalized.

§ 6. That the appropriations made by the president and trustees and orders drawn by the clerk, in February, A. D. 1867, be and the same are hereby fully legalized in all respects.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 26, 1869.

in force March  
26, 1869.

AN ACT to revise the charter of the town of Lake, in Cook county.

Name and style.

SECTION 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 Lake, in the county of Cook, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Lake;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure; may sue and be sued, plead and be impleaded, in all courts of law and equity, in all actions whatsoever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for public grounds or town purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of town property, real and personal, for the benefit of said town, and improve*



and protect such property, and do all things in relation thereto as natural persons may lawfully do.

§ 2. The boundaries of said town shall include within their limits all that district of country now known as the town of Lake, in the county of Cook, and state of Illinois. The election for the officers contemplated by this act shall be held on the second Tuesday in April.

Boundaries.

§ 3. The officers of said town shall consist of the following officers, only, to wit: A supervisor, assessor, collector, town clerk, and such justices of the peace and constables, as are now provided by law, who shall be elected in the [same] manner, and hold their office for the same length of time, and perform the duties provided by law for such officers, respectively, in other towns in Cook county, except as otherwise provided by this act. The government and corporate powers of said town shall be vested in and exercised by a board of five trustees, to consist of the supervisor, assessor, collector, and two trustees, to be elected as provided in this act. The election of town officers and trustees may be contested as in other cases of town officers. When the office of any town officer or trustee shall become vacant, the same shall be filled by the board of trustees; and the board shall fix the place of holding all elections in said town.

Election of officers.

Government vested in board of trustees.

§ 4. The said board shall elect from their number a president, (*Provided*, that the supervisor shall not be eligible to such office of president) who shall preside at the meetings of the board, and preserve order; but the board may, in his absence elect a chairman *pro tem*. The town clerk shall be the clerk of said board, and it shall be his duty to keep correct minutes of all their proceedings. He shall, also, record, in a book to be kept for that purpose, all the ordinances, orders or regulations passed by said board, of a police or sanitary nature; and he shall, also, record in a separate book, to be kept for that purpose, all orders for special assessments; which said records shall be opened to the inspection of any inhabitant of said town. A certified copy of any order, ordinance or proceeding of said board, under the hand of the clerk and the seal of the town, shall be evidence, in all courts and places, of the truth of the matter therein stated.

Election of president.

Duties of the town clerk.

§ 5. The assessor shall be, *ex officio*, one of the commissioners of special assessments, and shall perform the duties required of such officer by the terms of this act. The supervisor shall be the treasurer of the town, and shall receive and hold all moneys belonging to the town, arising from general or special taxes, special assessments, fines, penalties or otherwise; and he shall, before entering on the duties of his office, execute a bond to the town of Lake, in such sum and with such sureties as shall be approved by the clerk of the county court of Cook county, conditioned

Assessor ex-officio commissioner.

Supervisor to be treasurer.

that he will faithfully account for all moneys that shall come into his hands and will pay the same over pursuant to the provisions of law or the orders or resolutions of the board, and that he will faithfully perform the duties of his office. It shall be his duty to keep a correct account of all moneys received and paid out by him, and, when required, to furnish from time to time to the board a statement of the moneys in his hands. The board of trustees shall be authorized to allow such compensation as they shall deem proper, not exceeding two per cent. on the amount of money received by him.

Collector to  
give bonds and  
security.

§ 6. The collector shall, before entering on the duties of his office, execute a bond to the town of Lake, in such sum and with such sureties as shall be approved by the clerk of the county court of Cook county, conditioned that he will well and truly pay over and account for all moneys that may come into his hands, as collector, to the party or parties entitled thereto, and that he will faithfully discharge the duties of his said office. Any person, corporation, county or other body or officer, who shall be entitled to receive any such moneys, may have and maintain an action, in the name of the town of Lake to the use of such persons, corporations, county, or other body or officer, against the said collector and his sureties on said bond, to recover the amount so due. The collector shall receive a compensation on all town moneys and special assessments collected by him, not to exceed five per cent., to be determined by the board of trustees of said town of Lake.

Quorum to do  
business.

§ 7. A majority of said board shall constitute a quorum for business; and the said board are authorized to make rules and regulations for their government and order of business, and may appoint such standing or special committees as they shall deem proper. They may hold meetings, from time to time, as they shall determine by their rules, and may adjourn the same; and may hold special meetings, when the president or any two members shall file with the clerk a written request for a special meeting; and the clerk shall thereupon give each member of the board at least one day's notice, in writing, in such manner as the board, by its rules, shall determine. Each member of said board shall, before entering on the duties of his office, take an oath, in manner and form as in case of town officers.

Appropriations.

§ 8. The board of trustees may, from time to time, appropriate so much money as they shall deem necessary for the purpose of making the improvements which they are authorized by this act to make and in carrying out the provisions hereof and their orders, by-laws, resolutions or ordinances; and such amount shall be deemed a tax on the taxable property of said town. It shall be the duty of the

clerk of said board to file with the clerk of the county court of Cook county a certified statement of the amount appropriated by said board, as aforesaid; and he shall include such amount under the head of "Town Tax" in the next general warrant issued by him for the collection of state and county taxes in said town of Lake; and the same proceedings, in all respects, shall be had for the collection of the same as is now provided by law for the collection of state and county taxes; and in no other manner, nor by any other vote or authority, shall money be appropriated or collected, except in cases of fines and licenses, and except in cases of special assessment, as hereinafter provided.

§ 9. No money shall be paid out by the treasurer of said town, unless the same shall have been ordered by the board, and then only upon a warrant drawn on him by the clerk, countersigned by the president, specifying what particular fund the same shall be paid out of. And it shall be the duty of the clerk to keep an account of all such warrants drawn by him. The said board shall, at the annual election, present to the voters a printed report, showing the amount of moneys ordered and collected, and from what sources derived, and the manner in which the same have been disbursed. No member of said board shall be interested in any contract made with them for the purpose of making any of the improvements contemplated by this act, nor shall the supervisor or collector be entitled to a vote in said board on any question regarding their respective official bonds or accounts.

Money paid out  
on warrant.

§ 10. Upon the passage of all orders, ordinances or resolutions, appropriating or ordering the payment of money, imposing taxes or for special assessments, the yeas and nays shall be called and entered on the record; and the yeas and nays shall, in like manner, be recorded, whenever called for by any member on any question before said board. The members of said board shall be entitled to receive the sum of three dollars for each day's attendance at the meetings of the board, to be certified to by the clerk.

Vote by yeas  
and nays neces-  
sary.

§ 11. The said board shall have, subject to the provisions of this act, the general management and control of the finances and all the property, real, personal and mixed, of the town, and shall, likewise, have power, within the territory aforesaid, by ordinance, regulation or by-law:

Compensation  
of trustees.

*First.*—To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with betting.

Gambling and  
other devices.

*Second.*—To regulate and license the selling or giving away of any ardent spirits, by any shop-keeper, grocer, trader or other person, to be drunk in any shop, store, out-house, yard or other place in said town.

License sale of  
liquors.

*Third.*—To license, regulate and restrain tavern-keepers, grocers and keepers of ordinaries or victualing or other

Tavern keep-  
ers and ordina-  
ries.

houses, gardens or other places, for selling or giving away wines or other liquors, whether ardent, vinous or fermented.

Billiards, bowling, etc.

*Fourth.*—To license and regulate billiard tables, pin alleys, nine or ten-pin alleys, ball alleys, and shooting galleries.

Authorize proper officer to grant licenses.

*Fifth.*—To authorize the president of the board to grant licenses, and direct the manner of issuing the same, and the registry thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year: *And provided, further*, that not more than one hundred dollars per year shall be charged for any license granted under this act by said board. Bond may be taken, payable to the town, on the granting of license, for the due observance of the ordinances and regulations of the board.

Riots, affrays, noises, etc.

*Sixth.*—To prevent any riot or noise, disturbance or disorderly assemblage.

Suppress disorderly houses.

*Seventh.*—To suppress and restrain disorderly houses and groceries, and houses of ill-fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Cleanliness.

*Eighth.*—To compel the owner or occupant of any grocery or cellar, tallow chandler shop, soap factory, tannery, or other unwholesome, nauseous houses or places, to cleanse, or remove, or abate the same, from time to time, as often as may be necessary for the health, convenience and comfort of the inhabitants of said town.

Running at large of horses, cattle etc.

*Ninth.*—To restrain, regulate or prohibit the running at large of cattle, horses, or other animals, or the driving or herding the same upon the public highways, or alleys, or lands in said town, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of proceedings, and also to impose penalties on the owners, drivers, or herdsmen of any such animals, for a violation of any ordinances relative thereto.

Dogs at large.

*Tenth.*—To prevent and regulate the running at large of dogs; to tax and to authorize the destruction of the same when at large contrary to the ordinances.

Contagious diseases.

*Eleventh.*—To make regulations to prevent the introduction or spread of contagious diseases into the town.

To have exclusive power over streets.

*Twelfth.*—To control and regulate the streets, alleys and other public places, and abate any obstructions, encroachments or nuisances thereon.

Public pound.

*Thirteenth.*—To establish and regulate public pounds, appoint poundmasters and prescribe their duties and fees, and to define and punish vagrancy.

Shade trees.

*Fourteenth.*—To direct and regulate the planting and preserving ornamental trees in the streets and public grounds in said town.

Abate nuisances

*Fifteenth.*—To define and abate all nuisances, which are or may be injurious to the public health, in any manner they may deem expedient.

*Sixteenth.*—To regulate, restrain, prohibit or license breweries, tanneries, packing houses, distilleries, slaughter houses, butcher shops, stock yards, or the establishments for the steaming or rendering of lard, tallow, offal, manure, or such other substances as can or may be rendered, boiled or steamed, and all establishments or places where any nauseous, offensive, unwholesome or immoral business may be carried on. Breweries, tanneries, etc.

*Seventeenth.*—To restrain and prohibit the deposit of any night soil, dead animals, manure, or other filthy, offensive or nauseous substances, upon any lot, street, alley, highway or other place in said town. Offensive matter

*Eighteenth.*—To restrain and prohibit the cutting, destroying, marring or defacing of any shade tree or ornamental shrub or other tree, upon any street, highway or other public place, and to restrain and prohibit the defacing of any depot or other building, and to prevent the writing of bawdy or indecent words or the making of obscene pictures on such depots or other buildings. Defacing trees.

*Nineteenth.*—To regulate, restrain and prohibit shooting, or discharge of fire arms in said town. Fire-arms.

*Twentieth.*—To punish all persons who shall resist any officer of said town, or policeman, or other officer or agent appointed by said board, in the discharge of his official duties. Resisting an officer.

*Twenty-first.*—To prevent public dog-fights, bull-fights, prize-fights, or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town. Dog fights, etc.

*Twenty-second.*—To require railroad companies to construct and keep in repair suitable crossings at the intersection of their roads with streets and alleys, when the board of trustees shall deem it necessary, and to require them to construct and keep open and in repair, ditches, drains, sewers and culverts, on the sides of their railroad tracks, so that no water can stand on their grounds or right of way, and to regulate the speed of locomotive engines in said town, or any part thereof, and to regulate, restrain and prohibit the standing of cars or locomotives on or across any highway or alley. Railroad tracks, bridges, etc.

*Twenty-third.*—To prohibit any indecent exhibition of horses and other animals. Indecencies.

*Twenty-fourth.*—To appoint watchmen and policemen, and prescribe their powers and duties. Vagrants.

*Twenty-fifth.*—To make, publish, ordain, amend and repeal all such ordinances, orders, by-laws, police and health regulations, for the good government of the town and the public health, as may be deemed necessary and expedient by said board to carry into effect the powers vested in said board or any officer of said town, or officer or agent of said board, and to enforce observance of the same, by fine or im-

prisonment, in the discretion of the magistrate or court before which conviction may be had: *Provided*, such fine shall not exceed one hundred dollars, nor such imprisonment thirty days. Every ordinance, regulation or by-law, imposing a penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be posted in at least three of the most public places in said town.

Jurisdiction of justice of peace.

§ 12. Any justice of the peace in said town shall have jurisdiction of any offense committed under this act or the rules, by-laws or ordinances of said board. A change of venue may be taken, as in other cases: *Provided*, it shall be the duty of the justice immediately to transmit all the papers and documents belonging to the suit to the nearest justice of the peace in said town. All fines and penalties, when collected, shall be paid to the treasurer of said town.

Duties of the justice of peace

§ 13. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view, or on complaint being made to him, on oath, of the violation of any ordinance, by-law or police regulation of said town, to issue his warrant, directed to any constable, policeman or authorized person, to apprehend the offender or offenders, and bring him or them before him forthwith, and, after hearing the evidence, if it shall appear that the accused has been guilty of any violation of any such ordinance, by-law or regulation, to impose such fine or imprisonment as is provided in such ordinance, by-law or regulation. All officers of said town, and such policemen as said board may appoint, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or be found in the act of breaking the peace, or who shall be found by them in the act of violating any of the regulations, ordinances or by-laws of said board, and, if necessary, to detain such persons in custody over night, in some place to be provided by said board; and shall have and exercise such other powers, as conservators of the peace, as the board may prescribe, not extending to the arrest or imprisonment of offenders, unless taken in the act of breaking the peace or violating some ordinance of said board. And the said board may appoint one or more policemen, and prescribe their duties; and the said policemen, or any constable in said town, may serve any process or make any arrest authorized by this act, or the regulations, by-laws or ordinances of said board.

Punishment of offenders.

§ 14. The board of trustees are hereby authorized to provide some safe place for the imprisonment of such persons as shall have been convicted and sentenced to imprisonment, and appoint a keeper thereof. All such person or persons, so convicted, shall be confined therein for the period fixed by such sentence, unless sooner discharged. And every

person or persons who shall have been fined in any sum, and who shall neglect or refuse to pay the same, shall stand committed, and be imprisoned, as aforesaid, until such fine is paid: *Provided*, that for each and every day such person or persons shall be so imprisoned, the sum of two dollars shall be remitted from the fine. Any person escaping from such imprisonment may be arrested by any policeman, constable or other officer, without process, and returned to prison; and the time during which such prisoner was absent shall not be taken as a part of the time for which he was sentenced.

§ 15. The said board of trustees shall have power, from time to time:

*First*—To cause any street, alley or highway to be opened, altered, widened, extended, laid out, vacated, bridged, graded, macadamized, paved, planked, clayed, graveled, or to be otherwise improved, and to keep the same in repair. Improvement of streets, alleys and highways.

*Second*—To cause sidewalks, crosswalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, re laid, cleansed and repaired, and to connect them, or any of them, with any drain or sewer running through any other town, on paying a reasonable compensation therefor, and to regulate the same: *Provided*, that no improvement, to be paid for by special assessment, shall be ordered by the board, unless the same shall first be petitioned for, in writing, by one-half, numerically, of the resident owners of the real estate abutting on the line of the proposed improvement, or, in want of such petition, unless such improvement shall be ordered by said board by a two-thirds vote in favor thereof—the vote to be by yeas and nays, and to be entered on record. Construction of sidewalks.

§ 16. The expense of any improvement mentioned in the foregoing section shall be defrayed, except as otherwise provided by this act, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter provided. Special tax for sidewalks.

§ 17. Whenever the board of trustees shall have ordered any improvement, the damage, expense and cost of which is to be paid by special assessment, they shall make an estimate of the damages, expense and cost of such improvement, and shall thereupon, by ballot, elect from the freeholders residing in said town two commissioners, who, with the town assessor, shall constitute the commissioners to make such assessment; and the clerk shall deliver to said commissioners a certified copy of the order of said board, ordering such improvement, together with such estimated expense and cost. Benefits and damages estimated.

§ 18. The commissioners, before proceeding to make such assessment, shall make oath, before the town clerk, or some officer authorized to administer oaths, that they will faithfully and impartially make such assessment, according Assessment for improvements.

Notice by publication.

to the best of their ability. They shall then give six days' notice, by posting up notices in three of the public places in said town, (one of which shall be at the post-office in said town,) and by publication in one of the daily newspapers printed in the English language, and published in the city of Chicago, Illinois, of the time and place of making such assessment, to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall, in cases where no land or real estate are to be condemned or appropriated, assess the estimated expense and cost thereof upon the real estate by them deemed specially benefited by such improvement, to the extent of such benefit, in proportion to the benefits resulting thereto, as nearly as may be, and briefly describe, in the assessment to be made by them, the real estate upon which the assessment is made; and in case the said commissioners shall not find lands or real estate specially benefited by such improvement to the full amount of such estimated expense and cost, they shall certify, in the assessment so to be made by them, the amount of such deficiency.

Condemn land.

§ 19. Whenever any order is passed by the board of trustees for the making of any public improvement, which shall require the condemnation or appropriation of any lands or real estate, the commissioners shall proceed to ascertain and assess the damages and recompense due the owners of such lands, respectively, together with the costs of the proceedings, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages, together with costs of the proceeding, on the real estate by them deemed benefited to the extent of the benefits, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel, and shall briefly describe the lands and real estate upon which their assessments for benefits shall be made; and in case the said commissioners shall not find lands or real estate specially benefited by such improvement, to the full amount of such estimated damage, expense and cost, they shall certify, in the assessment so by them to be made, the amount of such deficiency.

Commissioners to appraise the value of land.

§ 20. The commissioners, in making the assessment, shall determine or appraise to the owner or owners the actual cash value of the real estate appropriated for the improvement, and the injuries arising to them, respectively, from the condemnation thereof; which shall be awarded to such owners, respectively, as damages, after making due allowance for any benefit to the portions of such real estate not taken or appropriated, which such owners may, respectively, derive from such improvement.

Damages and benefits.

§ 21. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioners shall strike a bal-



ance, and carry the difference forward to another column, to be designated as "net benefits" or "net damages," as the case may be, so that the assessment may show what amount is to be received or paid by such owners, respectively; and the difference only shall in any case be collected of them, or paid to them.

§ 22. In the assessment of damages and benefits, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be appropriated has been theretofore donated for such improvement by any person or persons, to appraise the value of the land so donated, and to apply the value thereof, so far as the amount so appraised shall go, as a set-off to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the town the amount of such appraisal, except as a set-off, as herein provided. And where the assessment is one for the widening of any street or alley which may have been heretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall be lawful for said commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall to them seem just and equitable.

Where only a part of the land is taken.

§ 23. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the cost of proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessment may be made.

Estimate value of land taken.

§ 24. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners shall add to their estimate of damages for the land the damages, also, for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner, to remove, or of the part thereof necessary to be taken, shall also be determined by the commissioners, and notice of such determination shall be given by them to the owner, when known, if a resident of the town, or left at his usual place of business or abode. If the owner is not known or is a non-resident, notice to all persons interested shall be given by the commissioners, by posting up notices in three public places in the town, for six days. Such owner may, at any time, within ten days' after service or the first day such notice shall be posted, notify the said commissioners, in writing, his election to

Buildings.

Notice by commissioners.

take such building or part of building at their appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damage to the building, where they belong to different owners; and the owner shall have such time for the removal of the building, after the confirmation of the assessment, as the board of trustees may allow. If the owner shall refuse to take the building at the appraisal, and fail to give notice of his or her election, as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid; and the board of trustees shall, after the confirmation of the assessment and after the money is collected, or otherwise provided, and in the hands of the treasurer, to be paid over to the owner for his or her damages, proceed to sell such building, or part of building, at public auction, for cash, giving at least ten days' notice of such sale, by posting notices in three of the public places in said town, and cause such building to be forthwith removed. The proceeds of such sale shall be placed into the town treasury, to the credit of the special assessment fund, for the said improvement.

When damages cannot be agreed upon.

Confirmation of special assessment.

§ 25. When any assessment, requiring the condemnation or appropriation of land shall have been confirmed, the town clerk shall preserve a copy thereof in his office, which copy shall be evidence of the amount due the several owners of land or real estate to whom damages have been awarded.

Objections may be filed.

§ 26. Any person whose property has been appropriated and who has filed objections to said assessment, as hereinafter provided, shall have the right, at any time, within ten days after the confirmation of the same, and not after that time, having first given notice, in writing, of his or her intention so to do, to the town clerk, specifying in such notice the court to which the appeal is to be taken, to pray an appeal to any court of general jurisdiction in Cook county, from the order of the board confirming such assessment, upon filing a bond, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the town harmless from all damages by the taking of such appeal: *Provided*, that in case of assessments, where no land or real estate is condemned or appropriated, no appeal shall be had or taken. In case of appeal, a copy of the assessment roll, as confirmed by the board, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which such appeal shall be taken; and the cause shall be docketed by such clerk, in the name of the person taking such appeal, against the town of Lake, as "an appeal from assessment." The said cause shall be then at issue,

Appeal taken.

and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and, on such trial, the only questions to be passed upon shall be whether the board had jurisdiction in the case, and whether the valuation and assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment; from which judgment no appeal or writ of error shall lie.

§ 27. When any special assessment, requiring the condemnation of property, shall have been confirmed by the board and no appeal taken therefrom, or if an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The board of trustees shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall, in all cases, furnish satisfactory evidence of title, showing himself entitled to the damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for the land taken, the board may require of the claimant a bond, with good and sufficient sureties, to hold the town harmless from all damages, costs and expenses, in case any other person should claim said damages. In all cases, the title to the land taken and condemned, in manner aforesaid, shall be vested in the town, in fee simple, absolute.

Confirmation of assessments.

§ 28. As soon as the money is collected and ready in the hands of the treasurer to be paid over to parties entitled to damages for property condemned, the town may then, and not before, enter upon, take possession of, and appropriate the property condemned.

Payment for damages.

§ 29. Whenever any special assessment shall come before the board for confirmation, pursuant to the notice required by law to be given by the town clerk, and the same shall not, for any reason, be acted upon at the time specified, no new notice shall be required by the clerk, but such assessment shall stand over as unfinished business, to be disposed of at such time as the board shall at that time publicly determine.

New notice not required

§ 30. If, from any cause, the town shall fail to collect the whole or any portion of any special assessment which may be levied and which shall not have been canceled or set aside by competent authority, the board of trustees may, at any time, within two years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such

When town fails to collect assessments.

deficiency; which assessment shall be made, as near as may be, in the manner prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments, they shall be credited or allowed on the new assessments to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment shall prove insufficient, either in whole or in part, the board, at any time within the period of one year after the confirmation of such new assessment, may order a third, and so on, to be levied in the same manner and for the same purpose. And it shall constitute no legal objection to such re-assessments that the property may have changed hands or been incumbered.

When assess-  
ment insuffi-  
cient.

Return of as-  
sessment list to  
town clerk.

§ 31. When the commissioners shall have completed any assessment, they shall deliver the same to the town clerk of said town within forty days after the ordering of such improvement by the board, signed by the commissioners, except as provided in section twenty-four of this act. The town clerk shall thereupon file the same in his office, and cause notices to be posted up in three public places of said town, for the space of six days, to all persons interested, of the completion of the assessment, and the filing of the roll. Time and place shall be designated therein, for hearing objections. Objections shall be heard before the board. The board of trustees may adjourn such hearing from day to day, and shall have power, in their discretion, to confirm or correct the assessment, or to order a new one. All assessments, when confirmed, shall be a lien on the lands and premises assessed for benefits, and shall be final and conclusive on all parties interested, unless an appeal be taken, as hereinbefore provided, and they shall be collected as hereinafter provided.

Assessments a  
lien on lands.

New assessment

§ 32. If the first assessment prove insufficient, another may be made, in the same manner, or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Compensation  
of commission-  
ers.

§ 33. The commissioners shall be allowed three dollars per day for each day of actual service, which, together with all other actual expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.

Duties of town  
clerk.

§ 34. When any special assessment shall have been confirmed by the board of trustees in cases where appeal is allowed, as provided by this act, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of the said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate of said town, to set down in a column for that purpose provided, opposite the

several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessments and enforce the payment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the officer entitled to receive the town tax, at the same time that he is required to pay over the county revenue; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate, for the non-payment of the said assessments and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes, and the assessments aforesaid. The sale shall be conducted upon the same notice and judgment and in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any special assessment levied under this act shall be executed by the same persons and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force or hereafter to be enacted, providing for the collection of state and county taxes in counties adopting the township organization.

Collector's duty

Sale of land.

§ 35. The board of trustees of said town shall have the power, within the jurisdiction of said town, by ordinance, to direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within said town, and to regulate the conveying and keeping of gunpowder and other combustible and dangerous materials within said town.

Gunpowder etc.

§ 36. The present officers and trustees of said town shall continue in office and shall continue to exercise the duties of their office, respectively, during the term for which they were respectively elected: *Provided*, that the two trustees thereof shall so continue until the election, as provided in this act, on the second Tuesday of April, in the year eighteen hundred and seventy; and such officers shall exercise the powers and perform the duties in the same manner as before the passage of this act, except as otherwise provided in this act; and all acts and things done by the present town officers and board of trustees, which were lawful for them to do, shall continue in full force and effect, except as otherwise herein provided.

Present officers to continue.

§ 37. An election shall be held in said town, on the second Tuesday of April, 1870, and on the second Tuesday of April, in each year thereafter, for the election of

Time and place of election.

trustees and town officers, except justices of the peace and constables.

Organization to continue as at present. § 38. From and after the passage of this act and until the first election, as hereinafter provided, the board of trustees of said town shall continue to be organized as at present, and all officers who have given bonds heretofore shall be liable on their respective bonds, as now provided by law; and such officers shall be obliged to give additional bonds, as herein provided, for the time such officers, respectively, hold over. All acts and things done by the present town officers and board of trustees, which were lawful for them to do, shall continue in full force and effect, except as otherwise herein provided.

Election of officers. § 39. At the election on the second Tuesday of April, eighteen hundred and seventy, as herein provided, there shall be elected by the legal voters of said town two trustees, who, together with the supervisor, assessor and collector, shall thereafter constitute the said board. One of said trustees shall hold his office for two years and one shall hold his office for one year, and they shall determine by lot, in the presence of the board of trustees, which one shall serve for one year and which one for two years; and there shall be elected, annually thereafter, one trustee, who shall hold his office for two years.

Town plat valid § 40. No plat hereafter made of any real estate in said town of Lake shall be valid, unless the same shall be approved by the board of trustees, nor shall any such plat be entitled to be recorded in the recorder's office of Cook county, without such approval.

Act repealed § 41. The act entitled "An act to incorporate the town of Lake, in county of Cook, and state of Illinois," approved February 28th, 1867, except so far as the same defines the limits of said town, is hereby repealed: *Provided, however,* that the said town shall have the right to continue and complete all proceedings, in respect of special assessments or public improvements, which have been commenced under any former law or ordinance, and shall have and enjoy all the rights, accrued or to accrue thereunder, the same as if said act and the provisions thereof remained in full force and effect.

§ 42. This act shall be a public act, and take effect and be in full force from and after its passage.

APPROVED March 26, 1869.

AN ACT to repeal an act entitled "An act to incorporate the town of Macedonia," (now Webster) approved March 3, 1843, and all acts amendatory thereof. In force March 27, 1869.

SECTION 1. *Be enacted by the People of the State of Illinois, represented in the General Assembly,* That the act incorporating the town of Macedonia (now Webster), in the county of Hancock, and state of Illinois, approved March 3, 1843, and all acts amendatory thereof, be and the same are hereby repealed. Act repealed.

§ 2. This act shall be a public act, and be in force from and after its passage.

APPROVED March 27, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Marine, in the county of Madison and state of Illinois." In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois; represented in the General Assembly,* That the boundaries of said town of Marine shall be as follows, to-wit: Beginning at the northwest corner of the northeast quarter of the southeast quarter of section seventeen; thence one mile east, to the northeast corner of the northwest quarter of the southeast quarter of section sixteen; thence one mile south, to the southeast corner of the southwest quarter of the northeast quarter of section twenty-one; thence one mile west, to the southwest corner of the southeast quarter of the northeast quarter of section twenty; and thence one mile north to the place of beginning. Boundaries of the town.

§ 2. The town council shall have power and authority to assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half of one per cent. upon the assessed value thereof; and said council may assess and collect a tax greater than one-half of one per cent. upon the taxable property in said town: *Provided*, a majority of the legal votes cast at an election held for that purpose so decide; and may enforce the collection of the same by ordinance. Said council may borrow money, at a rate not exceeding ten per cent., and in an amount not greater than the income of said town for the year next preceding that in which it is borrowed; and the aggregate sum of borrowed money shall at no time exceed the income of the preceding year; also, to appropriate money and provide for the payment of debts and expenses of the town. The assessment of the taxable property of said corporation shall be the same as that made by the Levy and collect tax.

county assessor, a copy of which is to be procured by the clerk of the council, at the expense of the town.

Appointment of  
attorney.

§ 3. The town council shall have power to appoint a town attorney, auditor, treasurer, one or more street commissioners, collectors, and such other officers as they may deem expedient, and require them to give bond and security, as may be deemed necessary to insure the faithful performance of their respective duties before entering upon the discharge of the same. Both of the duly elected and qualified constables of the Marine precinct may be authorized to act as town constables.

Proceedings in  
case of opening  
streets, alleys,  
and highways.

§ 4. To open, widen, alter, abolish, extend, establish, improve and keep in repair roads, streets, alleys, and public grounds in said town, and erect, maintain and keep in repair bridges drains and sewers. For this purpose, the said council shall have power to collect road taxes; to require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, roads and alleys, from two to four days, in each year; and every person failing or refusing to perform such road labor shall forfeit and pay into the treasury of said town one dollar and twenty-five cents per day for each day he refuses or neglects to perform such labor; also, to establish, improve and keep in repair all roads, bridges, culverts and drains that are or may be constructed within one-half mile of the corporate limits of said town, and, for this purpose, shall have power to collect the road taxes and compel all male inhabitants, over the age of twenty-one years, of the aforesaid district, to labor on the roads from one to two days in each year; and every person failing or refusing to perform road labor shall forfeit and pay into the treasury of said town one dollar per day for each day he fails or refuses to work on the roads, as required by this act.

Style of ordi-  
nances.

§ 5. The style of the ordinances of said town shall be, "*Be it ordained by the President and Council of the Town of Marine.*" And all ordinances shall, within one month after they are passed, be published, by posting four written or printed copies of the same at four public places within the limits of said town, or in some newspaper published in said town, (or county, if none are published in town); and the certificate of the publisher of said paper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication. But no ordinance shall take effect until five days after its publication.

Incumbering  
of trees, lanes  
and alleys.

§ 6. To prevent the incumbering of streets, alleys and public grounds of said town, to protect shade, ornamental trees and shrubbery; to compel persons to fasten horses attached to vehicles or otherwise used, while standing upon the streets, alleys, public square or unincumbered lots of said town.



§ 7. The government of said town shall be vested in a town council, which shall consist of five trustees. The term of office of said trustees shall be for one year, excepting the first term, from and after the first Monday in April, A. D. eighteen hundred and sixty-nine, when three of the trustees shall hold their office for one year, and two trustees shall hold their office for two years. The council shall determine, by lot, which two of the members shall hold office for two years. And on the first Monday in April, of each year, thereafter, an election shall be held for either three or two trustees, as the case may be, so that for one year three members of said council shall be elected, and for the succeeding year two members shall be elected.

Powers ve-ted  
in town council.

Term of office.

§ 8. It shall be the duty of the town treasurer to make, on the first Wednesday of March, annually, a statement of the receipts and expenditures of said town, and post copies of the same in at least two public places within the corporate limits.

Annual state-  
ment of the re-  
ceipts and ex-  
penditures.

§ 9. That all acts, ordinances and proceedings of the council of said town, done, made and held prior to the passage of this act, shall be and the same are hereby declared legal and valid.

Former acts  
legalized.

§ 10. Section two of this act shall be submitted to a vote of the people of said town, at an election held for that purpose; and if a majority of the votes cast are in favor of its provisions, then it shall be good and valid; but if a majority of votes are against it, then it shall be null and void.

Submitted to  
legal voters.

§ 11. So much of the act to which this is an amendment as conflicts herewith is hereby repealed.

Conflicting acts  
repealed.

§ 12. This act to be in force from and after its passage.  
APPROVED March 31, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Marion, in the county of Williamson," approved February 16, 1865.

In force April  
19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual election for the election of officers of the town of Marion shall be held on the second Monday in May, in the year A. D. 1869, and on the second Monday in May, in each and every year thereafter, at the court house, in said town of Marion; and said election shall be conducted by three judges, who shall be selected by the trustees of said town from among the qualified voters thereof: *Provided, however,* that if the trustees shall fail to select said judges, the legal voters present at the time of opening said election may select them.

Election of offi-  
cers.

Notice of election.

§ 2. That the trustees of said town shall cause ten days' notice to be made of any election to be held in said town for town officers by publishing said notice in a public newspaper, if one shall be published in said town, and by written or printed notices of said election, posted in five of the most public places in said town; and that, if for any cause said election shall fail to be held on the day and time provided in section one of this act and the trustees of said town shall fail or refuse, within ten days thereafter, to call an election, then any five legal voters of said town may call an election for the election of such officers as shall then be required to be elected, by giving the notice prescribed in this section. All elections for officers of said town shall be opened at nine o'clock, A. M., on the day appointed for such election, and shall close at 4 o'clock, P. M. of said day.

Names of the trustees.

§ 3. That William W. Clemens, Charles M. Edwards and James Jackson, three of the present trustees of said town, shall hold and continue in office, as trustees of said town, until the second Monday in May, A. D. 1870, and until their successors shall be elected and qualified; and that at the annual election to be held at the time provided in section one of this act, there shall be three other trustees elected, who shall hold their office for two years and until their successors shall be elected and qualified; and that at each and every annual election, after the second Monday in May, A. D. 1869, there shall be elected three trustees of said town, who shall hold their offices for two years and until their successors are elected and qualified.

Term of office.

§ 4. That the term of office of president of said town shall, from and after the passage of this act, be for the term of two years and until his successor shall be elected and qualified; and the treasurer, assessor, and collector of said town, shall hold their offices, respectively, for the term of one year and until their successors shall be elected and qualified.

Officers to be chosen by trustees.

§ 5. All the officers of said town, which are not required by the act to which this is an amendment to be elected by the qualified voters of said town, shall be appointed by the trustees.

Fines recovered before the police magistrate.

§ 6. All suits and actions for the recovery of any fine, penalty or forfeiture, arising under this act or the act to which this is an amendment or the ordinances of said town, where the amount sued for and in controversy does not exceed one hundred dollars, may be brought before the police magistrate or before any justice of the peace in the town; and such police magistrate and all such justices of the peace, when an action under this act or the act to which this is an amendment shall be brought before them for the recovery of any moneys due the town, shall, immediately upon collection being made, pay the same over to the town

treasurer or other officer designated by said board of trustees.

§ 7. The police magistrate and justices of the peace in said town shall have the power to hear and determine all violation of the ordinances of said town. Jurisdiction of justices of peace

§ 8. The president, trustees, treasurer, assessor, and collector, of said town, holding and exercising their respective offices at the time of the passage of this act, shall hold and continue in their respective offices until the second Monday of May, A. D. 1869, and until their successors shall be elected and qualified, except William W. Clemens, Charles M. Edwards and James Jackson, three of the present trustees, who shall hold and continue in office until the second Monday in May, A. D. 1870, as is provided in section three of this act. Term of office.

§ 9. That the several provisions of an act entitled "An act for the registry of elections and to prevent fraudulent voting," approved February 15, 1865, shall not be required nor be applicable to any election held in said town, under and by virtue of this act or of the act to which this is an amendment. Manner of conducting election

§ 10. That sections seven, eight, ten, twenty and twenty nine, of an act entitled "An act to incorporate the town of Marion, in the county of Williamson," approved February 16, 1865, and all other provisions of said act, inconsistent herewith, are hereby repealed. Sections not in force.

§ 11. This act shall take effect and be in force from and its passage, and shall be deemed a public act.

APPROVED April 19, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Maroa, Macon county, state of Illinois." Ir. force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section five of an act entitled "An act to incorporate the town of Maroa, Macon county, state of Illinois," approved March 7, A. D. 1867, be amended, by striking out all of said section, after the word "States," and inserting in lieu thereof as follows: "All white male citizens of the United States, who shall have resided in said town thirty days next before any election held in said town, in pursuance of the provisions of said act, shall be qualified voters at such election." Sec. 5 amended.

§ 2. That section nineteen of said act be so amended, as, that after the passage of this act, the police magistrate of said town shall be elected on the first Monday in April, A. D. 1869, and shall hold his office for four years or until Sec. 9 amended.

his successor shall have been elected and qualified. Elections for police magistrate of said town shall be held on the first Monday in April every fourth year after the year A. D. 1869. The bond required of the police magistrate, in said section nineteen, shall be in the sum of one thousand dollars; and no person, not a citizen of the United States and who shall not have resided in said town one month next before any election for police magistrate, shall be eligible to said office.

§ 3. This act to be a public act, and to be in force from and after its passage.

APPROVED March 26, 1869.

In force March 30, 1869. AN ACT to repeal an act entitled "An act for the benefit of the town of McLeansboro."

Act repealed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act for the benefit of the town of McLeansboro," approved February 28, 1867, be and the same is hereby repealed.

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

APPROVED March 30, 1869.

In force March 11, 1869. AN ACT to amend the charter of the town of Mendon, in Adams county.

Publication of ordinances. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all ordinances hereafter adopted by the trustees of the town of Mendon, in the county of Adams, and state of Illinois, shall be published, by posting copies of the same at three of the most public places in said town, as soon after the adoption of such ordinance or ordinances as found practicable and convenient.

When ordinances take effect. § 2. The publication herein set forth shall be deemed a sufficient and legal publication of any ordinance or ordinances of said town; but no ordinance shall become effective and operative until after the expiration of twenty days from the time the publication provided for in this act shall have first been made.

Conflicting acts repealed. § 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall be in force and take effect from and after its passage.

APPROVED March 11, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Mt. Morris," approved Feb. 13, 1837. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* Act amended.  
said act be and the same is hereby amended, as follows: On the first Monday of March next, and on the first Monday of March of every year thereafter, an election shall be held for a president and four trustees, who shall be successors to the present board of trustees of said town: *Provided*, the first election held under this act may be held on any day previous to the first day of April, A. D. 1869.

§ 2. The fourth item of section seven (7), of this act, is hereby amended, so as to read as follows: "To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding two per cent., per annum, upon the assessed value thereof, and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state. But until they provide by ordinance for enforcing the payment thereof, they shall be collected in the manner provided by the ninth section of the act aforesaid." Sec. 7 amended.

§ 3. The twentieth item of section seven (7), of this act, is hereby amended, so as to read as follows: "To suppress and prohibit the selling, bartering, exchanging and traffic, of any wine, rum, gin, brandy, whisky, beer, cider, or other intoxicating liquors, within the limits of said town: *Provided*, they may allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes, and for no other purpose." Sec. 7 amended.

§ 4. Section fifteen (15) of said act is hereby amended, so as to read as follows: "Any person can commute for road labor, by paying to the street commissioner, at the rate of one dollar for each day." Sec. 15 amended

§ 5. Section sixteen (16) of said act is hereby amended, so as to read as follows: "Every person who, after having three days' notice from the street commissioner to perform such labor, shall neglect or refuse to perform the same, and shall also neglect to commute therefor, shall be liable to a penalty of two dollars for each day's labor." Sec. 16 amended

§ 6. The certificate of the clerk of the board of trustees, setting forth that any ordinance or by-law of said incorpo- Certificate of the clerk prima facie evidence.

ration, or any notice required by the provisions of said act, has been duly posted up, as required by said act, shall be deemed *prima facie* evidence of the facts so set forth: *Provided*, such certificate of such clerk shall be appended thereunto.

Conflicting  
acts repealed.

§ 7. So much of the act to which this is an amendment as conflicts with this act is hereby repealed.

§ 8. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED March 29, 1869.

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In force March 29, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Nilwood, in the county of Macoupin," approved March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so

Election of police  
magistrate.

much of section four of said act as relates to the election of police magistrates shall be so construed as to mean that police magistrates shall be elected every four years.

Jurisdiction of  
constable

§ 2. Also, that so much of section five of said act as relates to town constable be so amended as to give the said town constable the same jurisdiction and powers, and he is hereby required to perform the same duties, as other constables throughout the county of Macoupin.

Mode of collection  
of revenue

§ 3. Also, that so much of section seven of said act as relates to the manner of collecting revenue is hereby changed so as to require the president and board of trustees of said town to return the assessment list to the county clerk of said county by the first day of August of each year, to be copied by him in the collector's book and be collected by the sheriff the same as other taxes.

Licenses and  
taxes.

§ 4. Also, that section nine of said act, authorizing the trustees of said town to tax or license saloons and tippling houses, be and the same is hereby so amended as to authorize the said board of trustees to fix the license or tax on saloons or tippling houses at the rate of one hundred dollars per annum.

Conflicting  
acts repealed.

§ 5. So much of the act to which this is an amendment as is inconsistent with this act be and the same is hereby repealed.

§ 6. This act to be in force from and after its passage.  
APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Nokomis, in Montgomery county, Illinois." In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundaries of said corporation shall extend one-half a mile east, west, north and south, from the center of the public square of the original plat of said town, and that the corporate limits of said town be one mile square. May enlarge boundaries of the town.

§ 2. In addition to the remedies now in force in said town, for violating the by-laws or ordinances of said town of Nokomis, the penalties or penalty therefor may be recovered by action of debt, in the name of the president and board of trustees of the town of Nokomis, before the police magistrate or any justice of the peace of said town. And in all actions of debt the first process shall be by summons, to be issued, served and returned as other summons in actions of debt, issued by justices of the peace of Montgomery county; and the proceedings thereunder shall be the same as in civil causes; and in all actions of debt, for offenses committed against the by-laws or ordinances of said town, it shall be lawful for the plaintiff, in the same suit, to allege, prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars; and that no written complaint shall be necessary in proceedings under this section. Actions of debt for offenses.

§ 3. The president and board of trustees of the town of Nokomis are vested with full power totally to prevent the sale of intoxicating liquors within the corporate limits of said town, under such penalties and punishments for the violation of any by-law or ordinance upon the subject as they may choose to inflict, not contrary to the constitution of this state; and, also, that any fine under any of the ordinances or by-laws of said corporation shall not be less than three dollars nor more than one hundred dollars, nor shall any imprisonment for any violation of any ordinance or by-law exceed twenty days. Prohibit sale of ardent spirits.

§ 4. When any fine shall be imposed upon any person, for the violation of any of the ordinances or by-laws of said corporation, execution shall be issued by the police magistrate or justice of the peace imposing the same, immediately upon the rendition of such judgment, for the amount of such fine and costs of suit: *Provided*, that no execution shall be issued immediately upon the rendition of judgment if the defendant shall pray an appeal and execute bond, to the satisfaction of the police magistrate or justice, at any time during the day the judgment shall be rendered. And in all cases in which there shall be a conviction for a violation of any of the ordinances or by-laws of said town, and if Jurisdiction of police magistrate.

the person so convicted shall fail to pay the fine and costs so recovered, such person shall stand committed until such fine and costs are paid or is otherwise discharged by law: *Provided*, that the said police magistrate shall have power and authority to commute, at his discretion, at the rate of one dollar per day, on the day of trial, said imprisonment to labor of the streets and alleys of said town.

To license gro-  
ceries.

§ 5. The president and board of trustees of said town shall have the exclusive privilege of granting licenses to groceries within the incorporated limits of said town.

Power to tax  
attorney fee.

§ 6. Upon all convictions for any violations of the ordinances and by-laws of said town, it shall be lawful for the police magistrate or justice, before whom such conviction is had, to tax as costs in such cases, against the party or parties convicted, such an attorney fee as may be provided by ordinances of said town by the president and board of trustees thereof.

Evidence of  
validity of ordi-  
nances.

§ 7. All ordinances and by-laws of said town of Nokomis may be proven by the seal of the corporation, their enactment verity and due publication; and when printed or published in book or pamphlet form, or any other form, purporting to be the ordinances and by-laws of said corporation, the same shall be received in evidence in all courts and places, without further proof.

§ 8. This act shall be in force from and after its passage; and the same, as well as the act to which this is an amendment, is hereby declared to be a public act.

APPROVED March 27, 1869.

In force March  
30, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Normal," approved Feb. 25, 1867.

Sec. 10 amended

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the proviso in article (8) eight, section ten (10), of said charter, be so amended as to allow the town council to levy and collect, for school purposes, a tax not to exceed three (3) per cent., in any one year, of the taxable property of said town, according to its assessed value.*

APPROVED March 30, 1869.



AN ACT to amend "An act to incorporate the town of Odin, in Marion in force March county," approved Feb. 16, 1865. 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Amend section one of said act of incorporation and wherever else the words "The President and Trustees" occur in said act, and insert, for use, "The Town of Odin;" by which latter name said corporation shall be hereafter known in all courts and places whatsoever. Amend in section two of said act, by inserting "three-fourths ( $\frac{3}{4}$ ) of one mile," in place and stead of "one-half mile," so as to extend the limits of said town of Odin three-fourths of a mile from the centre of the square formed by the crossing of the Chicago Branch of the Illinois Central Railroad and the Ohio and Mississippi Railroad, so as to include within the said corporate limits of said town of Odin all lots and parcels of ground lying and being within three-fourths of a mile, in each direction, of said railroad crossing. Amend, so as to confer upon said corporate authorities of the town of Odin the power, as conferred upon other towns and cities, as provided for and conferred by an act to amend an act entitled "An act for the better government of town and cities and to amend the charters thereof," approved February 27th, 1867, session laws, page 174. Amend section three of said act of incorporation, relating to the punishment of offenders and for breaches of town ordinances, so as to empower police or other magistrates of said town of Odin, before whom, upon trial, such offender or offenders may be adjudged guilty, to cause such offender or offenders to work and labor upon the streets of said town of Odin, under the direction of the street commissioner, in liquidation and extinguishment of all fine or fines that may be assessed against such parties, when adjudged guilty. That, in addition to the jurisdiction now conferred upon the police or other magistrates of said town of Odin, they shall have an extended jurisdiction in all actions of debt to the sum of two hundred dollars.

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

APPROVED March 30, 1869.

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AN ACT to amend the charter of Ogle Station.

In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-three (23) of an act entitled "An act to amend an

act incorporating the town of Ogle Station, in the county of Lee," approved March 5th, 1867, be and the same is hereby repealed.

§ 2. This act shall be a public act, and be in force from and after its passage.

APPROVED March 30, 1869.

IN force April 1, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Paxton."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of said act be amended by adding after the words, "and the Railroad Addition to Prospect City," the following: "And all the territory included within the following limits, to wit: Commencing at the north-west corner of the south-west quarter of the north-east quarter of section seven, (7), town twenty-three, (23), range ten (10) east of third principal meridian; thence east to the north-east corner of the south-west quarter of the north-east quarter of section eight, (8), town twenty-three, (23), range ten (10) east of third principal meridian; thence south to the south-east corner of the north-west quarter of the south-east quarter of section seventeen, (17), town twenty-three, (23), range ten, (10); thence west to the south-west corner of the north-west quarter of the south-east quarter of section eighteen, (18), town twenty-three, (23), range ten (10) east of third principal meridian; thence north to the place of beginning. And all tracts of land lying adjacent to and joining the line of the boundaries of said town, as herein described, containing less than one-sixteenth part of a section, may be made a part of said corporation, at the discretion of the president and trustees, by ordinance; and all pieces or parcels of land which may hereafter be deeded, in quantities less than one-sixteenth part of a section, may be made a part of said corporation, in the manner hereinbefore provided."

§ 2. That section eight of said act be and the same is hereby so amended as to fix the limit of the rate per cent. of the taxes to be levied on property of all kinds, within said corporation, at not more than one per cent.

§ 3. The president and trustees may define what shall be deemed a misdemeanor, and provide by ordinance for the punishment and prevention of the same; and all ordinances heretofore passed for the prevention and punishment of misdemeanors, not repugnant to the provisions of this act, shall be and the same are declared valid, and shall

be and remain in force until the same are repealed by the president and trustees, and shall be admitted as evidence in all courts of law or equity, without proof.

§ 4. The president and trustees may, within the jurisdiction of the town, borrow money for the purpose of improving the streets and highways, or for any purpose for which they are authorized to expend money; but they shall not, in any one year, borrow an amount to exceed one-half the revenue collected the previous year, nor for a longer time than one year, nor at a greater interest than ten per cent.; nor shall the bonds be negotiated at less than their par value, nor shall more than one loan be outstanding at any one time.

May borrow money.

Improvement of streets, alleys and all public grounds.

§ 5. That section twenty of said act be so amended that all suits for the recovery of fines and penalties for the violation of ordinances shall be brought in the form of a criminal action.

Sec. 20 amended

§ 6. Any person upon whom any fine or penalty shall be imposed, or against whom any judgment shall be rendered, shall stand committed until such fine or judgment and all costs shall be paid, and, in default thereof, shall be imprisoned in the county jail, or be required to labor on the streets, alleys or other public works of said town, for such time and in such manner as shall be provided by ordinance: *Provided*, the time in no case shall exceed one day for each dollar of the fine and costs assessed, or judgment and costs rendered: *And, provided, further*, that execution shall issue forthwith on all fines or judgments, as aforesaid; and no property of the defendant, either real or personal, shall be exempt from levy and sale under the execution so issued.

Fines and penalties.

§ 7. The president and trustees shall be, *ex officio*, fire wardens and conservators of the peace within the said town of Paxton, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.

Conservators of the peace.

§ 8. That each of the officers of said town, and also a city attorney, shall be elected the same as the board of trustees; hold his office for the same term, take a similar oath, and give bond, as required of the police constable and treasurer in section fourteen of the original act.

Election of officers.

§ 9. The president and trustees may provide for the payment of any officer not otherwise paid, and of the city attorney, out of the fines and penalties for violations of ordinances; and such attorney shall perform all professional services incident to his office, and, when required, furnish written opinions upon questions and subjects submitted to him by the president and trustees, or their committees.

Compensation of officers.

§ 10. The treasurer of said town of Paxton shall receive all moneys belonging to said town, and shall keep an accu-

Duties of the treasurer.

rate account of the same, and of all receipts and expenditures, in such manner as the president and trustees shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the president and trustees, signed by the president and attested by the clerk; and such warrant shall specify for what purpose or service the amount therein named is paid. The treasurer shall exhibit to the president and trustees, at least twenty days before the annual election of each year, and oftener if required, a full detailed account of the receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed with the clerk.

Compensation  
of president and  
trustees.

§ 11. The president and trustees may receive such compensation for their services as they may provide; but no member shall receive more than two dollars for any regular nor more than one dollar for any special meeting, nor shall any member receive pay for any meeting at which he is not present.

Railroad tracks.

§ 12. The president and trustees shall have power to direct and control the laying and construction of railroad tracks, bridges, turn outs and switches in the streets and alleys, and the location of depot grounds within the town; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to prohibit railroad companies from obstructing or incumbering any street, alley, sidewalk or street crossing within the corporate limits of said town, by stopping or allowing any cars or engines to remain on or across said street, alley, sidewalk or street crossing for more than ten minutes at any one time; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys, and ditches, sewers and culverts, when the president and trustees of said town shall deem necessary; to direct the use and regulate the speed of locomotive engines within the inhabited parts of said town; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Ordinances  
shall be evi-  
dence.

§ 13. All ordinances of the town of Paxton, when printed, and sealed by the corporate seal, shall be received in all courts of law or equity, without proof, and the certificate of the printers shall be evidence of printing; and all acts inconsistent with this act are hereby repealed.

§ 14. This act shall be a public act, and shall be in force and take effect from and after its passage.

APPROVED April 1, 1869.

AN ACT to extend the corporate powers of the town of Piper City. In force March 13, 1869.

## ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Piper City, in the county of Ford, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Piper City;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style

§ 2. The boundaries of said town shall include within their limits the north-east quarter of section four, (4), north half of south-east quarter of section four, (4), east half of the north-west quarter of section four, (4), and the north-east quarter of the south-west quarter of section four, (4)—all being in township twenty-six (26) north, range nine (9) east of the third principal meridian. Boundaries of corporation.

§ 3. Whenever any tract of land adjoining the town of Piper City shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Piper City. Additional territory annexed.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons. General corporate powers.

## ARTICLE II.

## OF THE TOWN COUNCIL.

SECTION 1. There shall be a town council, to consist of a president and five trustees, to be chosen annually, on the first Monday in April, by the qualified voters of said town. Council.

§ 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections. Office declared vacant.

§ 4. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent mem- Qualifications and returns of members.

bers, under such fines and penalties as may be prescribed by ordinance.

Rules of proceedings.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

Journal of proceedings.

§ 6. The town council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Vacancies, how filled.

§ 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint.

Oath of office.

§ 8. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his knowledge and ability.

Tie vote, how determined.

§ 9. Whenever there shall be a tie in the election of the members of the town council, the judges of the election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Stated meetings

§ 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinances.

### ARTICLE III.

#### ELECTIONS.

Election of president and trustees.

SECTION 1. On the first Monday of April next, an election shall be held in said town for the president and five members of the town council, and forever thereafter, on the first Monday in April, in each year, there shall be an election held for said officers. The first election shall be held, conducted and returns thereof made, as may be provided by ordinance, by the present president and trustees of the town of Piper City; and all succeeding elections as may be provided by ordinance of the town council by this act created.

Qualification of electors.

§ 2. All persons who may be entitled to vote for state officers and who shall have been actual residents of said town for sixty days immediately preceding said election, shall be entitled to vote for said officers.

### ARTICLE IV.

#### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Levy and collection of taxes.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one

per centum, per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, commissioner of streets, and such other officers as may be necessary, and to require all officers appointed in pursuance of this charter to give bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient, and also to require all officers appointed as aforesaid, before entering upon the discharge of their respective official duties, to take an oath or affirmation, in the same manner provided in section 8 of article 2 of this act.

Appointment of officers.

§ 3. To appropriate money, and provide for the payment of the debt and expenses of the town.

Appropriations.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town, and enforce the same within five miles thereof.

Contagious diseases.

§ 5. To establish hospitals, and make regulations for the government of the same.

To establish hospitals.

§ 6. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

General health.

§ 7. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Provide water.

§ 8. To lay out, open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair public squares, streets, avenues, lanes and alleys, and to establish a building line thereon.

Improve streets

§ 9. To establish, erect and keep in repair bridges.

Erect bridges.

§ 10. To provide for lighting the streets and erecting lamp posts.

Lighting streets

§ 11. To establish, support and regulate night watchmen.

Night watches.

§ 12. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

Markets and market houses.

§ 13. To provide for the erection of all needful buildings for the use of the town.

Needful buildings.

§ 14. To provide for the inclosing, improving and regulating all public grounds belonging to the town.

Public grounds

§ 15. To license, tax and regulate auctioneers, merchants, retailers, taverns or ordinaries, hawkers and peddlers: *Provided*, that no fees shall be charged for any such license, or other tax imposed on account of such occupation, where the person having or receiving the same is a resident of said town, and assessed therein.

Auctioneers peddlers, etc.

§ 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and fix the

License vehicles

rates to be charged for the carriage of persons and for the wagonage, cartage or drayage of property.

- Porterage. § 17. To license and regulate porters, and fix the rates of porterage.
- Exhibitions. § 18. To license, tax, regulate and suppress theatrical and other shows and amusements.
- Tippling houses § 19. To tax, restrain, prohibit and suppress tippling houses and other disorderly houses within said town, and within one mile thereof, but not to license any house or place for the sale of intoxicating drinks as a beverage.
- Incumbering streets. § 20. To prevent the incumbering of the streets, squares and alleys of said town; to plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep, cattle and other animals, and provide for distraining and impounding the same, and to provide for the forfeiture and sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinances; and to prevent the firing of squibs, rockets, guns or other combustibles or fire-arms within the limits of said town.
- Extinguishment of fires. § 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Chimneys, etc. § 22. To regulate the fixing of chimneys and the flues thereof.
- Combustibles. § 23. To regulate the storage of gunpowder, tar, pitch, rosin, spirits, wine and other combustible materials, and also ashes.
- Parapet walls and fences. § 24. To regulate and order parapet walls and partition fences.
- Inspection of lumber. § 25. To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work.
- Inspection of forage and fuel. § 26. To provide for the inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, fire-wood and other fuel, to be sold or used in said town.
- Inspection of produce. § 27. To regulate the inspection of lard, butter and other provisions.
- Census. § 28. To provide for the taking the enumeration of the inhabitants of the town.
- Regulate election of officers. § 29. To regulate the election of town officers, and to provide for removing from office any person holding an office created by this act or by ordinance.
- Officers' fees § 30. To fix the compensation of all town officers, and regulate the fees of jurors and witnesses and others, for services rendered under this act or any ordinance.



§ 31. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Regulate police.

§ 32. To suppress, restrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races, and all other means of gambling within said town, or within three miles thereof. Billiard tables and ten pin alleys.

§ 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or this state. Pass and enforce ordinances.

§ 34. The style of the ordinances shall be, "*Be it ordained by the Town of Piper City.*" Style of ordinances.

§ 35. All ordinances passed by the town council shall, within one month after they have been passed, be published in some newspaper published in the town, or posted up in three public places in said town, and shall not be in force until they have been published or posted as aforesaid; and the certificate of the clerk of said town, or a certified copy of said certificate, shall be held in all courts and places sufficient evidence of such publication. Publication of ordinances.

§ 36. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Evidence and proof of.

## ARTICLE V.

### OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and in case of his absence at any meeting, the council shall appoint one of their members chairman *pro tem*. President to have casting vote, only.

§ 2. The president or any two members of the town council may call special meetings of the town council. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished. He shall, from time to time, communicate to the council such information, and recommend such measures, as, in his opinion, may tend to the improvement of the finances, police, health, security and ornament of the town. Active and vigilant in the performance of duties.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof or in preserving Inhabitants to aid in enforcing the laws.

the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars.

Exhibit of books and papers. § 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books and papers, or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

## ARTICLE VI.

### OF PROCEEDINGS IN SPECIAL CASES.

Private property taken for opening streets. SECTION 1. Whenever it shall be necessary to take the property of any person, corporation or body politic, for the purpose of [opening,] altering, widening, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make a just compensation to the owners of such property, and shall pay or tender the same before taking such property; and in case the amount of such compensation cannot be agreed upon, the police magistrate of said town shall cause the same to be ascertained by a jury of three disinterested freeholders of the town, in such manner as the council shall by ordinance direct.

Petition for opening streets. § 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered, shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall in such case be allowed for such property so taken.

Jury to estimate damages. § 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading or otherwise improving any public square, street or alley, or any other improvement in this article named (except sidewalks and private drains,) shall first be sworn to that effect, and shall return to the police magistrate their inquest or assessment, in writing, signed by such jurors, or a majority of them: *Provided, always*, that in such assessments the jury shall take into consideration the benefits as well as injury happening to the owners of property taken for or affected by any such improvements.

Improvement of streets and alleys. § 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers and private drains and aqueducts, to be constructed, and laid, relaid, cleansed and repaired, and to regulate the same, and to lay out public squares, and to grade, improve, protect and ornament any public square, street or alley now or hereafter laid out.

§ 5. The expenses of any improvement mentioned in this article (except sidewalks and private drains) may be assessed upon the real estate in any natural division affected thereby, with the costs of the proceedings thereon, in proportion, as nearly as may be, to the benefits resulting thereto, in such manner as the town council may by ordinance direct.

Expenses paid by special assessments.

§ 6. Whenever the inhabitants of said town, in special town meeting assembled, upon the call of said council or of ten legal voters of the same, shall, by a majority present, vote in favor of any public improvement therein, and of appropriating therefor any sum, not exceeding in any one year one-fourth of one per centum of all the taxable property of said town, the council shall be authorized to levy a special tax therefor, not exceeding the sum so voted, upon all the taxable property of said town, and collect, hold and expend the same in such manner as the council may direct.

Question submitted to legal voters.

§ 7. All owners or occupants upon whose premises the town council shall order and direct private drains to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such private drains at their own costs and charges, in the manner and within the time prescribed by ordinance or otherwise; and upon their failure so to do, the council may cause the same to be done, and assess the expenses thereof upon the lots, respectively, and collect the same as the other assessments and taxes. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses, as for money paid to his use at his request.

Construction of private drains.

§ 8. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation; and taxes may be levied and collected upon the same, for the use and benefit of said town, in such time and manner as the council shall by ordinance provide.

Real estate subject to taxation.

§ 9. The town council may, by ordinance, direct that the assessments of the township assessor of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the corporation shall certify to the clerk of the county court all persons and property taxable therein, with the taxes and assessments levied thereon; in which case they shall, by the county clerk, be entered on the tax books of the county, and be collected with the county and state taxes; and the same fees shall be paid by said town for actual services herein, as may be provided by the revenue laws of the state for similar services.

Clerk to file assessment with county clerk.

## ARTICLE VII.

SECTION 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every male inhabitant

Inhabitants to labor on streets.

of said town, over the age of twenty-one years, to do labor on [said] streets and alleys and public squares, not exceeding three days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar and fifty cents to said town, for each day so neglected or refused.

Exempt from road labor outside town.

§ 2. The inhabitants of the town of Piper City are hereby exempted from working on any road beyond the limits of said town.

Punishment of offenders.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by fines or forfeitures; and in [all] cases where such offenders shall fail or refuse to pay such fines, forfeitures and costs which may be recorded or adjudged against them, (and) it shall be competent for the magistrate or other court before whom the same may be tried, to direct that such offenders shall be committed to the county jail until such fines, forfeitures and costs shall be paid or otherwise discharged by due process of law.

Statement of money received and expended.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all money received and expended during the preceding year, and on what account received and expended.

All ordinances in full force.

§ 5. All ordinances and resolutions passed by the present president and trustees of the town of Piper City shall remain in force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.

Suits instituted in name of town.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Piper City.

Actions vested in corporation.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Piper City shall be vested in and prosecuted by the corporation hereby created.

All property vested in corporation.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Piper City, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Not to invalidate previous acts.

§ 9. This charter shall not invalidate any act done, or to be done, by the president and trustees of the town of Piper City, nor divest them of any rights which have accrued to them prior to the passage of this act.

Appeals taken to circuit court.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the county or circuit court of Ford county; and every such appeal shall be taken and

granted in the same manner as appeals are taken [from] and granted by justices of the peace to the circuit courts, under the laws of this state; and all such appeals shall be taken, and the bond filed with the police magistrate or justice of the peace, within five days from such trial: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation, directing such an appeal, or approving the same, shall be sufficient evidence of authority to sign said bond.

§ 11. The president and trustees of the town of Piper City shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town. Promulgation of act.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof. Evidence of act.

§ 13. The town marshal or constable, or any other officer authorized to execute writs or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Ford, and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases. Jurisdiction of marshal and constable.

§ 14. The town council may, at any time hereafter, provide by ordinance for future elections by the inhabitants of said town of such town officers as they may deem it advisable to have so elected. Provide for future elections.

§ 15. All fines and penalties, recoverable by indictment or actions, for any offenses committed within the limits of said town, and which are now required by law to be paid into the county treasury, or to the school commissioner of said county, shall hereafter be paid into the town treasury, for the use of said town. Fines and penalties paid to county treasurer.

§ 16. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Piper City, to sell, traffic, exchange, barter or give away any strong beer, ale, porter, lager beer, wine, rum, gin, brandy, whisky, or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's stomach bitters, Plantation bitters, Roback's bitters, Red Jacket bitters, Swain's Bourbon bitters, or any other bitters, of whatever name or kind, containing intoxicating liquors; and no person shall be permitted to bring into the town, or keep about his, her or their premises, saloon, cellar, dwelling-house, out-house, or in any other place in said town, or within one mile thereof, any of the above-named Sale of liquors.

drinks, liquors or intoxicating beverages, for the purpose of trafficking therein, in any way whatever: *Provided*, the town council may grant license to two discreet persons (and no more) in said town, to sell wine or other spirituous liquors for mechanical, medicinal and sacramental purposes only; and the said council shall have power, at any regular meeting, to revoke said license.

Willful viola-  
tions, how per-  
ished.

§ 17. Any persons violating any of the provisions of this section of this charter shall forfeit and pay into the treasury of the corporation, for the use of the inhabitants of said town, not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by an action of debt before any police magistrate or other justice of the peace in said town; and in case any offender shall fail or refuse to pay such fine or fines and costs as may be adjudged or assessed against him, her or them, by the said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail, until said fine and costs are paid, or otherwise discharged by due process of law.

Sec. 16 modified.

§ 18. Section sixteen of this act shall be so modified that, at the annual election of town council of this town, the electors may vote for or against license for the sale of ale, porter or beer by two discreet persons, to be chosen by the town council of said town; and the said council shall have power, at any regular meeting, to revoke said license.

§ 19. This act to be in force from and after its passage.  
APPROVED March 13, 1869.

In force March  
30, 1869.

AN ACT to extend and define the corporate limits of the town of Pittsfield, and for other purposes therein named.

Act valid.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts and proceedings done, for the purpose of incorporating the town of Pittsfield, in Pike county, Illinois, be and the same are hereby declared legal and valid; and all the ordinances passed by the board of president and trustees of said town, not inconsistent with the constitution of this state or of the United States, be and the same are hereby declared to be legal and binding, and shall remain until the same be amended or repealed by said president and trustees. And the introduction of the record book, containing the proceedings of said board, duly proved, shall be deemed and taken as evidence of the existence of said corporation, in all the courts of this state, and in addition to the modes now existing by law. All ordinances of said town may be

Proof of ordi-  
nances.

proved by the seal of said corporation, and when printed or published in book or pamphlet form, purporting to be so printed or published by authority of the corporation, the same shall be received, in all courts or places, as *prima facie* evidence of their due passage and publication.

§ 2. The corporative limits of said town shall be and they are hereby so extended and adjusted as to embrace and include the following described territory, to-wit: The south half of section No. twenty-four (24), the north half of the northwest quarter of section No. twenty-five (25), the south half of the northeast quarter of section No. twenty-four (24), and the southeast quarter of the northwest quarter of said section No. twenty-four (24), and lots No. thirty-three, thirty-four, thirty-eight and thirty-nine, of Peters' addition to the town of Pittsfield, all in township No. five south of the base line, range No. four west of the fourth principal meridian, in Pike county, Illinois. And all the ordinances aforesaid, heretofore passed or that may be hereafter enacted by said board, shall be in full force and effect throughout the whole of said territory: *Provided*, nothing herein shall be so construed as to limit the powers of said board to declare what shall be a nuisance and to prevent and remove the same, as much as one-half mile beyond the limits of said corporation: *And be it further provided*, that nothing herein contained shall be so construed as to deprive said corporation of all powers and benefits conferred by the general incorporation laws of this state and by the laws amendatory thereof.

Boundaries extended.

§ 3. *And be it further enacted*, that the town constable of said town shall have the same power and authority to serve all warrants, process, writs, executions, &c., and exercise, generally, all other powers possessed by the constables in said state, and shall be entitled to and receive the same fees therefor as other constables: *Provided*, he shall hold said office only during the pleasure of said board: *And, provided, further*, that said board shall have power to fix and regulate said fees, so far as relates to his official acts for said corporation.

Powers of the constable.

§ 4. Any justice of the peace, within and for the township of Pittsfield, in said county, having his office in said corporation limits, shall have jurisdiction of all complaints, suits and all other questions whatsoever, arising under the ordinances of said corporation, as fully and completely as the police magistrate now has by law.

Jurisdiction of justice of peace

§ 5. The corporate authorities of said town are hereby released and discharged from working, repairing or maintaining roads, highways and bridges outside of the said corporative limits.

Exempt from road labor beyond the limits.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED March 30, 1869.

In force March 27, 1869. AN ACT to amend an act entitled "An act further to amend an act to extend the corporate powers of the town of Princeton, and to amend the several amendments thereto," approved February 16th, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, As follows:*  
 Sec. 4 amended. Section four (4), of said act, shall be amended to read as follows: "Section four (4).—The town council shall have power and authority to license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys, and to prohibit lotteries, horseraces and other means of gambling within said town and within one mile of the bounds thereof.  
 Portions of act repealed. § 2. So much of the act to which this is an amendment as conflicts herewith is hereby repealed.

Evidence of. § 3. This act shall be deemed a public act, and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 27, 1869.

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In force March 21, 1869. AN ACT in relation to ordinances of the town of Plymouth.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the*  
 Enforcing ordinances, etc. president of the town of Plymouth, in Hancock county, incorporated under the general law of the state, shall have power to enforce the ordinances, known as the revised ordinances of the town of Plymouth, from number one to number thirty-nine, recorded in the book of ordinances of the town of Plymouth.

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

APPROVED March 31, 1869.

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In force Feb. 19, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Richview," approved February 16th, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the*  
 Boundaries of the corporation. common center of the town of Richview shall be at the corner stone of section two (2), three (3), ten (10) and eleven (11), township two (2) south, of range one (1) west of the



third (3) principal meridian; and that the boundaries of said town shall extend and include three-fourths of a mile, each way, with the four cardinal points of the compass, from said corner stone, so as to be in a square form; and the president and trustees of said town shall have and exercise full corporate control over all the territory included in the limits of said boundaries, of one and a half miles square, for all purposes, for the good of the inhabitants of the town of Richview.

§ 2. That so much of section 2 of the act to which this is an amendment as conflicts with or is inconsistent with this amendment is hereby repealed. Part of section 2 repealed.

§ 3. That the president and trustees of said town of Richview shall not have power or authority, nor shall the county court of Washington county, in said state of Illinois, to grant license to any person or persons to sell, at retail, any spirituous, vinous, mixed or malt liquors, within the boundaries of the corporate limits of said town of Richview, hereby created, except to druggists, who shall be regulated in their sales thereof by ordinance of the president and trustees of said town; and in no case shall druggists be allowed to sell such liquors in said town for other than medicinal, sacramental or mechanical purposes. Prohibit sale of liquors.

§ 4. The police magistrate of said town shall have, in addition to the jurisdiction already vested in him by said act, hereby amended, jurisdiction in all actions of debt and assumpsit, in said county of Washington, in all sums not exceeding three hundred dollars: *Provided, however,* defendant or defendants reside in said town and service of process be had therein; and in said actions said police magistrate shall be governed by and conform to the laws now governing justices of the peace in similar actions, and shall have the same fees as justices of the peace in all such actions. Jurisdiction of police magistrate.

§ 5. That section 10 of the act hereby amended shall be amended hereby, so that said president and trustees shall have power to restrain and prohibit the sale of intoxicating liquors in said town, and also have power to restrain and prohibit billiard tables, for public use, within the limits of the said town of Richview. Billiards, etc. Liquors.

§ 6. All ordinances of said town of Richview, passed by said president and trustees, may be proven by the seal of said corporation, or by the oath of the clerk of said corporation, and when said ordinances are printed in book or pamphlet form, by authority of said corporation, the same shall be received in evidence in all courts of this state. Evidence of validity of ordinances.

§ 7. This act, and the act to which it is an amendment, may be read in evidence in all the courts of this state. Evidence of act.

§ 8. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 19, 1869.

in force March 25, 1869. AN ACT to amend the town charter of the town of Rochelle, in the county of Ogle, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 35 of the original act to incorporate the town of Lane, (now called Rochelle), passed February 22, 1861, be so amended as to read as follows: "All actions for fines, penalties and forfeitures, for the breach of any ordinance of said town, shall be instituted and prosecuted in the name of the board of trustees of the town of Rochelle, upon complaint of any person before any justice of the peace residing in said town, by action of debt. The ordinary process shall be by summons; but in all cases of violation of any ordinance of said town to prohibit drunkenness, riotous conduct or any breach of the peace or threatening to break the peace, any officer of the town shall have power to arrest or cause to be arrested, with or without process, any such offender, and detain him or her, if necessary, over night or the Sabbath, in the calaboose or other safe place in said town, or until such offender can be brought before any justice of the peace of said town; and such officers of said town shall have and exercise such other powers, as conservators of the peace, as the board of trustees of said town may prescribe.

§ 2. That section 12 of the said original act to incorporate said town, be so amended as to allow the board of trustees of said town of Rochelle to levy, annually, any sum not exceeding three per cent. upon all real estate and personal property of the inhabitants of said town within the said town; which taxes shall constitute the general fund of said town.

§ 3. The board of trustees of said town shall have power to provide for the imprisonment of offenders, for a term not exceeding sixty days, in the town or county jail, in all cases where such offenders shall fail or refuse to pay the fines or forfeitures which may be recovered against them.

§ 4. All acts or parts of acts contrary to or inconsistent with the provisions of this amendment are hereby repealed.

§ 5. This act is hereby declared to be a public, and shall be in force from and after its passage.

APPROVED March 25, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of in force June  
Rushville," approved March 2, 1839. 19, 1869.

## ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Rushville, in the county of Schuyler, be and they are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Rushville;" and, by that name, shall be known in law, have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure. Name and style.

§ 2. The boundaries of said town shall be one mile square, the center of which shall be the center of the public square, in said town; and all lands within said limits shall be considered as the town of Rushville: *Provided*, that when any lands adjoining said town, as bounded aforesaid, shall be laid off and platted into town lots and the plat thereof recorded, as by law required, the same shall be annexed to and become part of said town of Rushville. Boundaries

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, within and without the limits of said town, and to sell, lease and convey said property, for the use and benefit of said town, and to do all other acts and things as natural persons. General corporate powers.

## ARTICLE II.

SECTION 1. The municipal government of said town shall be vested in seven trustees, who shall be elected annually by the legal voters of said town, and shall hold their offices for one year and until their successors shall be elected and qualified. Government vested in board trustees.

§ 2. No person shall be eligible to the office of trustee who is not, at the time of his election, twenty-one years of age, a citizen of the United States, and a freeholder within the limits of said town, nor unless he shall have been a *bona fide* resident of said town for one year next preceding his election, and shall have paid a state and county tax. Eligibility of trustees.

§ 3. The board of trustees shall judge of the election and qualification of its own members, and shall determine all contested elections. Contested election.

§ 4. Removal from the limits of the town shall vacate the office of the person removing, and the remaining members of the board shall fill the vacancy by appointment. Office vacated

§ 5. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from day Quorum.

to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

Rules of proceedings.

§ 6. The board of trustees shall have power to determine the rules of its proceedings, punish members for disorderly conduct, and, upon the concurrence of two-thirds of its members, expel a member, for good cause, first notifying him of the charges preferred against him, and affording him opportunity to be heard and produce evidence in his defense.

Journal of proceedings.

§ 7. The board shall keep a journal of its proceedings; and the yeas and nays, when called by any member, shall be entered upon the journal. The journal shall be open to the inspection of any citizen of the town.

Stated meetings.

§ 8. There shall be stated meetings of the board, at least once in each month, at such time and place as they shall from time to time determine; and special meetings may, at any time, be called by the clerk, upon request of two of the members; in which case all other members shall be notified by personal service, or by leaving a written notice at their place of residence.

No compensation.

§ 9. The office of trustee shall be without compensation, and no member of the board shall be chosen to any office, other than clerk, by the board of which he is a member, nor shall any member be interested in any contract let by the board of which he is a member.

Oath of office.

§ 10. Every member of the board, and all officers appointed by them, shall, before entering upon the duties of his office, take an oath that he will support the constitution of the United States and of this state, and that he will faithfully discharge the duties of his office to the best of his ability.

Organization.

Election of president.

§ 11. The board of trustees shall, at their first meeting after their election, organize, by choosing one of their number to act as president, who shall, when present, preside at all their meetings, and may give a casting vote, but no other; and in case of his absence, one of the members present shall be chosen to preside. They shall, also, at their first meeting choose, by ballot, from the qualified voters of the town, a town clerk, town treasurer, town surveyor, town attorney, street commissioner, weigh master and sexton: *Provided*, the board may, in their discretion, unite two or more of the said offices in the same person.

Present trustees to continue.

§ 12. The present board of trustees of said town, holding their offices under the former act of incorporation, approved March 2, 1839, shall be deemed to hold their offices under and by virtue of this act, until their successors shall be elected and qualified, as hereinafter is provided.

## ARTICLE III.

## POWERS OF THE BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall have power—

*First*—To appoint a town clerk, town treasurer, town attorney, town surveyor, street commissioner, weigh master, sexton, and such other officers as they shall deem necessary to carry into effect the powers herein granted, and to define and prescribe their duties, and to require all officers so appointed to take an oath for the faithful performance of their official duties, and to give bonds, with such securities and penalties as may be prescribed by ordinance; to fix the compensation of town officers; regulate the fees of jurors and witnesses, for services rendered under this act, and to remove from office any persons by them appointed. Appointment of officers.

*Second*—To levy and collect taxes, for general purposes, on all property, both real and personal, within the limits of the town, but not exceeding one per cent. of the assessed value thereof; and they may enforce the collection of said taxes, in any manner not repugnant to the constitution and laws of the United States or of this state: *Provided*, that, until otherwise provided by the ordinance of said town, the taxes so levied shall be collected and the payment thereof enforced in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849. Power to levy and collect taxes.

*Third*—To borrow money on the credit of the town, and to issue bonds therefor: *Provided*, that no money shall be borrowed at a greater rate of interest than ten per cent., per annum, nor shall any bonds be issued having more than seven years to run, or negotiated at more than five per cent. discount: *And provided, further*, that the interest payable in any one year on the aggregate of all sums of money so borrowed and outstanding, unpaid, shall never exceed the half of one per cent. of the last assessment value of the real estate of said town, unless authorized by a majority of the voters of said town to do so, at an election to be held for that purpose, as the board may direct. May borrow money.

*Fourth*—To appropriate moneys and provide for the payment of the debts and expenses of the town. Appropriation for expenses

*Fifth*—To provide for the erection of all needful public buildings, for the use of said town, and to levy special taxes for that purpose, when authorized by the voters of the town, at any election, so to do, and to collect such taxes as other town taxes are collected. Public buildings

*Sixth*.—To provide for the inclosing, regulating and improving of all public grounds and cemeteries belonging to said town; and to regulate the planting and preservation Public grounds.

of ornamental and shade trees in the street and other public grounds and places.

Power to improve streets.

*Seventh*—They shall have the exclusive control of the roads, streets and alleys in said town, and shall have the power, and it shall be their duty, to cause the same to be kept in good repair and condition, and, to that end, they may require all able-bodied male inhabitants of the town, above the age of twenty-one years and under fifty, not otherwise exempted by law, to work on said roads, streets and alleys, not exceeding three days in each year, or to pay commutation in lieu thereof at a rate of not exceeding one dollar and fifty cents for each day they may be required so to labor, and to enforce, by ordinance, in such manner as they may deem proper, the payment of said labor or commutation.

Construction of sidewalks, etc.

*Eighth*—To cause the owners of lots or parts of lots or lands, on any street or alley or square in said town, to improve the sidewalks in front of their respective lands, by grading, paving, planking or otherwise, as may be directed by ordinance, and keep the same in good repair and condition; and if any owner or his agent shall refuse to make such improvement, when notified, within the time specified by ordinance, or to repair or clean the same, when notified by the street commissioner so to do, the board of trustees shall have power to cause such improvement, repairs or cleaning to be made at the expense of the town, and to assess a special tax against the owner of such lots or lands, sufficient to cover all costs and charges therefor; which tax shall be a lien upon such lots or lands, and shall be collected in all respects as other town taxes: *Provided*, that the expense of any such improvement, repairs or cleaning, with all costs and charges attending the same, may be collected by suit, brought in the corporate name of the town, against the owner of such lots or lands, as for money paid, laid out and expended for his use and benefit and at his request; which said suit may be brought in any court having jurisdiction of the amount sued for.

Survey and plat

*Ninth*—To provide for the survey, platting, numbering and recording the plat of any and all out-lots or lands within the limits of said town, not previously platted or laid out, and to cause such lots to be designated by numbers in the assessment list, and to sell the same for non-payment of taxes, by such designation.

Improvement of streets.

*Tenth*—To establish, open, extend, widen, alter, vacate, abolish, grade, pave or otherwise change and improve any streets, lanes, alleys, avenues, roads, squares, commons, or other public grounds in said town, and to have exclusive control of the same.

Bridges.

*Eleventh*—To establish, build and keep in repair bridges, culverts, sewers, sidewalks and street crossings, and to regulate the construction and use of the same; to abate and

punish any obstruction or injury thereto ; to establish, alter, change or straighten the channels of water courses and natural drains, to sewer the same, or walk up and cover them over, and to prevent, regulate and control the filling up, obstructing, altering or changing the same, by private persons, and punish them therefor.

*Twelfth*—To provide for lighting the streets and erecting lamp posts and lamps therein ; to establish and erect markets and market houses, and provide for the location, government and regulation thereof ; to provide the town with water ; to make, regulate and establish public wells, pumps and cisterns in the streets and squares of the town, for the extinguishment of fires and the convenience of the inhabitants. Lighting streets

*Thirteenth*—To authorize the clerk or other proper officer to issue license ; to direct the manner of issuing, the terms upon which they shall issue, and the fees to be charged therefor : *Provided*, that not less than one dollar nor more than five hundred dollars shall be required to be paid for any license issued under this act ; and in all cases where any license is granted for the retail of any vinous, spirituous, fermented, mixed, or other intoxicating liquors, a bond, with good and sufficient security, conditioned for the due observance of the ordinances of the town, shall be taken by the clerk, before issuing such license ; and all such licenses shall expire with the term of office of the board of trustees granting the same ; and the board of trustees may provide that all license by them issued shall be subject to revocation at the will of the board, and may impose such other restrictions as they deem necessary and provident. Issue licenses.

*Fourteenth*—To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, bakers, butchery, and other dealers in merchandise and produce. Auctioneers, peddlers, etc.

*Fifteenth*—To license, tax and regulate all hacks, carriages, wagons, cabs and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, cartage or drayage of property. Vehicles.

*Sixteenth*—To license, tax and regulate shows, circuses, theatrical and other exhibitions and amusements. Exhibitions.

*Seventeenth*—To license, regulate, prohibit and suppress billiard tables, ten or nine pin alleys or other ball or bowling alleys. Billiard tables and bowling alleys.

*Eighteenth*—They shall have the exclusive right and power, within the limits of the town, to license, regulate, prohibit, suppress and punish the selling, exchanging, bartering or giving away, trafficking in, or in any manner disposing of any wine, gin, rum, brandy, whisky, ale, beer, or other vinous, spirituous, malt or mixed liquors, or any intoxicating drink whatsoever. Prohibit sale of liquors.

*Nineteenth*—To prohibit and punish gambling of all kinds ; to suppress all gaming houses or places of resort for Gambling and other devices.

the purpose of gambling, and, for that purpose, to provide for entry by the town marshal, by force or otherwise, of the same, and the destruction of all implements or devices for gaming found therein, and the arrest of all persons found gaming within the corporate limits of said town, and for their punishment.

- Bawdy houses.** *Twentieth*—To restrain and prohibit houses of ill-fame and prostitution, to punish persons engaged in the keeping thereof or contributing to the encouragement and support of the same; to suppress all disorderly houses and places of resort for immoral practices.
- Prevent contagious diseases** *Twenty-first*—To make regulations to prevent the introduction of contagious diseases into the town, and to secure the general health of the inhabitants.
- Nuisances.** *Twenty-second*—To abate all nuisances which may injure or affect the public health, comfort or morals; to define and declare what shall be nuisances, to prevent, abate and remove the same one half mile beyond the limits of the town, and to punish the authors thereof.
- Inspection of meat, etc.** *Twenty-third*—To provide for the inspection and regulate the vending of fresh meats, fish, poultry, butter, lard, vegetables and other provisions, when a market shall have been established therefor.
- Butchers.** *Twenty-fourth*—To regulate, license, restrain and prohibit butchering, and to revoke the license of butchers for malconduct in the course of trade.
- Weights and measures.** *Twenty-fifth*—To establish standard weights and measures, to be used in the limits of the town, in all cases not otherwise provided for by law.
- Inspection of hay, coal, etc.** *Twenty-sixth*.—To provide for the inspection and weighing of grain, hay, lime, coal, and regulate the measurement of wood and other fuel sold in the town.
- Prevention and extinguishment of fires** *Twenty-seventh*—To provide for the prevention and extinguishment of fires, to organize and regulate fire companies.
- Combustibles.** *Twenty-eighth*—To regulate the storage of gunpowder, pitch, tar, turpentine, benzine, coal oil and other inflammable and combustible materials.
- Chimneys, etc.** *Twenty-ninth*—To regulate the construction of chimneys and fixing the flues thereof.
- Regulate the police of town.** *Thirtieth*—To establish and support a sufficient police force, for the enforcement of the town ordinances, and to establish night watches.
- Running at large of horses, cattle, etc.** *Thirty-first*—To restrain and prohibit the running at large of horses, mules, cattle, sheep, goats, swine and geese, and to authorize the distraining and impounding of the same, to impose penalties upon the owners thereof for any breach of ordinance in relation thereto, and to provide for the sale of the same for the payment of such penalties and costs, after the same shall be recovered.



*Thirty-second*—To regulate, restrain and prohibit the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinances in relation thereto. Dogs at large.

*Thirty-third*—To preserve the peace, and to maintain good order in the limits of the town, and, to that end, may, by ordinance, provide for the prevention, suppression and punishment of all riots, affrays, assaults, breaches of the peace, routs, disturbances and disorderly assemblies; and may restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the arrest and punishment of persons guilty of disorderly conduct, by making loud and unusual noises in the streets, or guilty of using profane or obscene language in public, or found in a state of intoxication in the streets or other public place, or guilty of any indecent exposure of the person in public. Public peace

*Thirty-fourth*—To prohibit, prevent and punish horse racing, or immoderate driving or riding in the town; to prohibit and punish cruelty to and the abuse of animals; to compel persons to fasten or secure with safety their horses or other animals attached to vehicles or otherwise, while standing on the streets; to prohibit and punish the obstruction of street crossings or sidewalks by the driving and standing thereon of wagons, teams, sleds, or by other means. Fast driving.

*Thirty-fifth*—To control and direct the laying and construction of railroads, tracks, bridges, turn-outs, switches and crossings, on the streets and alleys in the limits of the town, and make rules and regulations for the same; to regulate the speed that railroad engines and trains may run within the corporate limits, and to prevent the obstruction of streets and alleys by the standing of cars upon the same, and to require railroad companies to keep their ditches, culverts and bridges, within the corporate limits, in such condition as shall not endanger the lives or prejudice or affect the health of the inhabitants of said town. Railroad tracks and crossings.

*Thirty-sixth*—To regulate the police of said town; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, by ordinance. Police.

*Thirty-seventh*—The board of trustees of said town shall have power to make all ordinances which may be necessary or proper to carry into effect and execute the powers in this act specified, and which may be necessary for the good government, general health and improvement of said town, not repugnant to the constitution and laws of this state. Make and pass ordinances.

§ 2. The style of ordinances shall be, "*Be it ordained by the President and Board of Trustees of the Town of Rushville;*" and all ordinances shall be signed by the president and clerk, and published by one insertion in some newspaper of Style of ordinances.

the town, or by posting copies thereof in three of the most public places in said town, and shall take effect and be in force from and after such publication.

Publication of ordinances.

§ 3. After publication, all ordinances, together with the clerk's certificate of publication, shall be recorded by the clerk in a book to be kept for that purpose, wherein shall be noted the date of their passage and the time and manner of their publication; and said book of ordinances shall be evidence, in all courts and places, of the adoption, existence and due publication of all ordinances therein recorded; and copies thereof, certified by the town clerk, shall be evidence the same as said book: *Provided*, that in no case shall proof of the adoption and publication of any ordinance of said town be required, unless the same shall be denied, under oath: *And, provided, further*, that when the ordinances of said town shall be printed or published in pamphlet or book form and purporting to be published by authority of the board of trustees of said town, they shall be received in evidence in all courts, without further proof.

Ordinances to remain in full force.

§ 4. All ordinances, rules, regulations or orders, now in force in the town of Rushville, and not inconsistent with this act, shall remain in force, under this act, until altered, amended or repealed by the board of trustees of said town, after this act shall take effect.

#### ARTICLE IV.

##### ELECTIONS.

Election of trustees.

SECTION 1. A general election shall be held in said town, on the second Monday in April in each year, for the election of seven trustees and such other officers of said town as are made elective by this act or by the ordinances of the town. Special elections may be ordered by the board of trustees, to fill vacancies in the office of police magistrate.

Judges of elections.

§ 2. All elections of said town shall be held by one judge, assisted by one clerk, who shall each take an oath, before proceeding to act, that they will faithfully discharge the duties of their offices according to law, and that they will studiously endeavor to prevent fraud in the conducting of the said election. The board of trustees shall appoint the judge and clerk of election; but in case no appointment is made or those appointed decline to serve or fail to be present at the time of opening the polls, the voters present shall select a judge or clerk from the electors present.

Mode and manner of election.

§ 3. The polls shall not be opened earlier than seven o'clock in the forenoon, and shall be closed at six o'clock in the afternoon of the same day. The election shall be conducted, as near as may be, according to the general law of the state, except as herein changed, and also excepting that no law of the state requiring a registry of the voters shall

apply to elections held under this act. After the closing of the polls the judge and clerk shall canvass the ballots and certify the result to the board of trustees of the town; and all the ballots, poll books and affidavits, or other papers relating to said election, shall, within two days thereafter, be filed in the office of the town clerk.

§ 4. All persons entitled to vote at general elections of this state, and who shall have permanently resided in the town for thirty days next preceding the time of the election, shall be entitled to vote thereat.

Qualification  
of electors.

§ 5. If the right of any person offering to vote shall be challenged by any voter of said town, he shall be required, before his ballot is received, to present to the judge of the election an affidavit, subscribed and sworn to by himself, in substance as following: "I, A. B., do solemnly swear (or affirm) that I am a citizen of the United States and of this state, and have resided in this state one year, and am a permanent resident of the town of Rushville thirty days next preceding this election, and that my present place of abode is in said town; and further, that I am above the age of twenty-one years;" and if unknown to the judge of election, he shall also produce the affidavit of some elector, who is known to the judge of election or whose identity is proven, who shall therein swear that he is well acquainted with the person offering to vote (giving his name) and that he knows him to have been a resident of the state one year and of the town of Rushville thirty days next preceding the election. Such affidavits may be sworn to before the judges of the election or before any officer authorized to administer oaths.

Right to vote.

§ 6. Any person who shall swear or affirm to any material fact, as to the qualification of any person voting or offering to vote at any such election held under this act, knowing the same to be false, shall be guilty of perjury, and, upon conviction thereof, shall be punished accordingly.

False swearing.

§ 7. The board of trustees shall hear and determine all cases of contested elections, and in case of a tie, shall decide the same by lot.

Tie vote, how  
decided.

§ 8. All officers elected or appointed shall be notified thereof within five days thereafter by the town clerk, and upon failure to qualify within ten days after such notice the office may be declared vacant and filled by election or appointment, as the case may be.

Notice of elec-  
tion to persons  
elected.

§ 9. The town clerk shall, within five days after the election of any police magistrate, file a certificate thereof in the office of the county clerk of Schuyler county; and the county clerk is thereupon required to take bond from such magistrate and administer to him the oath of office, in the same manner as is provided in case of other justices of the peace, and to certify said election and qualification

Town clerk to  
file certificate in  
the office of the  
county clerk.

to the secretary of state, and the governor shall thereupon commission him the same as other justices of the peace.

## ARTICLE V.

## MAGISTRATE AND MARSHAL.

Term of office  
police magis-  
trate.

SECTION 1. The present police magistrate of said town, holding his office under an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, shall be deemed to hold his office under and by virtue of this act until the expiration of his present term of office; and at the election for trustees to be holden under this act, in April, A. D. 1870, and quadrennially thereafter, there shall be elected in said town a police magistrate, who shall hold his office for four years and until his successor shall be elected and qualified: *Provided*, that the magistrate elected in April, A. D. 1870, shall not enter upon the duties of his office until the expiration of the term of office of the present incumbent. And at the first election for trustees, held under this act, and annually thereafter, there shall be elected from the qualified voters of said town a town marshal, who shall hold his office for one year and until his successor shall be elected and qualified.

Eligibility of  
police magis-  
trates

§ 2. No person shall be eligible to the office of police magistrate who is not a citizen of the United States and of said town, nor unless he has been a *bona fide* resident of the town for one year next preceding his election.

Magistrate  
commissioned  
by the governor

§ 3. The police magistrate shall be commissioned by the governor of the state as a justice of the peace, and, as such, he shall give bond and qualify as other justices of the peace, and, as such, shall possess and exercise all the power, authority and jurisdiction that other justices of the peace of the county possess and exercise; he shall be subject to the same liabilities and penalties, and receive the same fees and compensation as other justices of the peace, in similar cases; he shall have exclusive original jurisdiction of all cases arising under the ordinances of said town, though in case of his absence, sickness or inability to serve, from any cause whatever, any other justice of the peace having an office in said town shall have jurisdiction thereof.

Powers of the  
town marshal.

§ 4. The town marshal elected under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinances of said town, and, for that purpose, his power and authority shall extend over and throughout the county of Schuyler; he shall perform such other duties as shall be prescribed by the board of trustees of the town for the preservation of the peace, collection of license moneys and fines, and the enforcement of the ordinances of the town; he shall possess the

powers of a constable at common law and under the statutes of this state, and receive the same fees for similar services, unless the board of trustees shall, by ordinance, otherwise direct; but shall not execute civil process, without first giving bond and qualifying as by law other constables are required.

§ 5. All fines, penalties or forfeitures incurred under this act or under any ordinance made in pursuance thereof, or of any act that may be passed amendatory thereto, may be recovered in an action of debt, to be brought in the corporate name of the town, before the police magistrate of said town; and several fines, penalties or forfeitures, for breaches of the same or like ordinances, may be recovered in one action, when the amount thus united does not exceed one hundred dollars.

Fines and forfeitures, how recovered.

§ 6. The first process shall be a summons, unless oath or affirmation be made for a warrant, as is provided by statute in other cases, before justices, except that in all cases of assault, assault and battery, affray, riot, and similar offenses, a warrant shall issue for the arrest of the offender, in the same manner as for like offenses against the laws of this state.

First process a summons.

§ 7. Upon the rendition of judgment for the breach of any ordinance, the police magistrate shall immediately issue his execution for the same and costs of suit, which may be levied upon any personal property of the defendant, not exempt from execution. But the issuing of such execution shall not prevent the committal of the defendant, under an order to stand committed until the fine and costs are paid, but shall be taken as a concurrent proceeding. But no such sale of property shall be made until the time for appeal shall have expired.

Execution may issue on rendition of judgment

§ 8. In all cases arising under ordinances of the town, continuances may be granted, for good cause shown, upon affidavit of the accused; but in such case the defendant shall give bail for his appearance at the day of trial, or remain in custody; and in all cases, when the defendant shall be committed to jail, in default of bail or the payment of any fine, the jail fees shall be taxed against him, as costs, and collected as other costs; but if not collected of the defendant the town shall be liable to pay the same.

Continuances.

§ 9. Appeals, writs of certiorari, changes of venue, and trial by jury shall be allowed in all cases arising under this act and the ordinances made in pursuance thereof, the same as is provided by law in similar proceedings: *Provided*, that the town may appeal without bond or security; and a resolution of the board of trustees, authorizing the appeal, shall be sufficient authority therefor.

Appeals may be taken.

§ 10. The town attorney may require of the police magistrate a transcript of the judgment and costs, in any case to be certified to the clerk of the circuit court of

Attorney may require transcript.

Schuylers county, and said transcript, when filed in the clerk's office of said court, shall have the same effect, and execution shall be issued thereon and collected as in case of a transcript from the docket of any other justice of the peace on and in any judgment due individuals.

Not to give security for cost.

§ 11. The town shall not be liable for costs in any suits or proceedings arising under the ordinances of the town, wherein the defendants are discharged or acquitted; and the board of trustees may provide for the payment to the police magistrate or other officer of a sum, in gross, in lieu of all fees and costs against the town; but this provision shall not apply to the sheriff, county or circuit clerk, in cases of appeals.

Moneys paid to town treasurer.

§ 12. All moneys arising from taxes, licenses, fines, penalties, forfeitures or from any source whatever, under and by virtue of this act and any ordinances of said town made in pursuance thereof, shall be paid by the officer collecting the same into the town treasury, as soon as the same are collected, and shall be subject, exclusively, to the control of said corporation.

Rule of proceedings.

§ 13. The practice and proceedings in the police magistrate's court, except as hereinbefore changed and otherwise provided, shall be the same as in other courts of justices of the peace, in similar cases, as is by law provided.

## ARTICLE VI.

### OF PROCEEDINGS IN SPECIAL CASES.

Private property may be taken for opening streets.

SECTION 1. When it shall be necessary to take private property for opening, widening, altering or extending any street, lane, avenue or alley, the corporation shall make just compensation to the owners thereof; and when the same can not be agreed upon, the board of trustees shall cause a jury of twelve disinterested freeholders of the town to be summoned by the town clerk, to ascertain said compensation; and the person whose property is proposed to be taken shall have five days' notice, in writing, to be personally served or left at his usual place of abode, of the time and place when and where said jury are to be selected, and may appear in person, or by attorney, and exercise the same rights of challenge as are allowed in civil cases in the circuit courts in this state; and in case the person interested shall be a non-resident, said notice shall be made by publication in some newspaper of said town, for at least three weeks before the time of their selection; and such parties shall have the same rights of challenge as above provided.

Benefits and damages.

§ 2. The jury so selected shall, before proceeding to act, take an oath faithfully and impartially to execute their duty in the matter submitted to them, and shall, after giv-

ing at least five days' notice to all persons owning property on the street or part of street, lane, alley or avenue proposed to be opened, widened, altered or extended, of the time and place of their meeting for that purpose, proceed to view the premises and make their assessment, and, in so doing, shall inquire into and take into consideration as well the benefits as the injury which will result from the proposed improvement, and shall fix the amount of damages to be paid to the parties injured, and shall assess the amount which other persons will be benefited and shall contribute toward the expense of opening, widening, altering or extending said street, lane, alley or avenue, to determine which they may receive or hear any legal evidence, and, if necessary, adjourn from day to day; and, upon agreement, they shall return their inquest, under their hands and seals, to the board of trustees.

§ 3. When such inquest shall be properly returned, the clerk shall give notice to all parties interested therein that the same has been returned, and that upon a certain day, to be named in the notice, not less than five days from the serving of said notice, said inquest will be confirmed by the board of trustees, unless cause be shown; at which time the board shall hear any objections, and may adjourn from day to day, for that purpose; after which the board may confirm or annul said inquest, making for that purpose the necessary order upon their records; and they may, in their discretion, order a new inquest; in which case the same proceedings shall be had as herein provided; but in no case shall such street, lane, alley or avenue be opened, widened, altered or extended, until the parties to whom damages are awarded shall have been paid the amount awarded.

Deliver assessment roll to the town clerk.

§ 4. Any person interested may appeal from the final order of said board made in such case to the circuit court of Schuyler county, upon giving notice in writing, within twenty days from the passage of said order, and by giving bond with sufficient security conditioned for the payment of the costs of the appeal, in case of affirmance; and the town clerk shall, within ten days from the giving notice and filing bond, transmit to the clerk of the circuit court all the papers connected with said inquest. Upon trial in the circuit court, all questions involved in said proceedings, including the amount of damages and benefits assessed, shall be heard and determined, without formal pleadings, and judgement rendered accordingly. But in no case shall the court dismiss the proceedings or set aside the final order of the board of trustees, for any informality, irregularity or omission, unless manifest prejudice or injury has resulted therefrom.

Appeals allowed

§ 5. When the owner or owners of any real estate, necessary to be taken for the purposes aforesaid, shall be an

When owner a minor, etc.

infant, without guardian, the county court of the proper county may, upon application of the board of trustees or next friend of such infant, appoint a guardian for such infant, taking bond and security from said guardian for the faithful performance of his trust; and all notices and summons required hereby shall be served upon such guardian, and the final order of the board of trustees or judgment of the court, in the premises, shall be conclusive upon such infant, and shall not at any time thereafter be opened or disturbed.

## ARTICLE VII.

## MISCELLANEOUS PROVISIONS.

Powers and  
privileges.

SECTION 1. In addition to the powers herein specifically granted, the board of trustees of said town of Rushville shall have and possess and may exercise all the powers and privileges granted to incorporated towns and cities under the general law of this state, and the several acts amendatory thereto.

Failure to hold  
election.

§ 2. If, for any cause, the regular election of town officers, or any of them, should not be held at the time herein provided therefor, said election may be held at any time thereafter—the board of trustees to fix the time and give ten days' previous notice of the election.

Exempt from  
road labor out-  
side town limits.

§ 3. The inhabitants of the town of Rushville are hereby exempted from working on any road beyond the limits of said town, and from the payment of any tax to procure labor to be done thereon.

Account of all  
taxes collected.

§ 4. From and after the passage of this act, the collectors of the several townships in which said town of Rushville is located and included, shall, in the collection of all bridge or road tax levied and collected for township purposes, by township authorities, keep an account of the amount of all such taxes by them collected on property within the corporate limits of said town of Rushville; and upon the collection thereof, shall pay to the town treasurer of the town of Rushville such amount as shall have been collected upon property within the limits of said town; and the same shall be exclusively expended by said town in improving the streets and highways and in building and repairing the bridges within the corporate limits of the town; and said town is hereby made a road district, under the management and control of the said corporation.

Vested property

§ 5. All property, real and personal, heretofore belonging to the president and trustees of the town of Rushville, for the use of said town, is hereby vested in the corporation hereby created.

Actions vested  
in corporation.

§ 6. All actions, fines, penalties and forfeitures, which have heretofore accrued to the president and trustees of the town of Rushville, shall be vested in and prosecuted by the corporation hereby created.



§ 7. The cemetery lots which may have been or may be hereafter laid out and sold by the town, or by private persons for private places of burial, shall, with their appurtenances, be forever exempt from execution.

Cemeteries.  
Exempt from taxation.

§ 8. No person shall be an incompetent judge, justice, juror or witness in any case wherein said town may be a party in interest, by reason of his being an inhabitant or property holder in said town.

Competent witnesses.

§ 9. No vote of the board of trustees shall be reconsidered, nor any order rescinded at a special meeting, unless such special meeting be called wholly or in part for that purpose and all members so notified, nor unless there be present as large a number of trustees as were present when the original vote was taken.

Reconsideration of vote.

§ 10. Neither the board of trustees nor any officer of the town shall remit any fine, penalty or forfeiture, or any part thereof, nor discharge or release any person from arrest or confinement incurred by a violation of the town ordinances, nor dismiss any suit or proceeding instituted for a breach of the ordinances of the town, unless two-thirds of all the trustees elect shall vote therefor: *Provided, however*, that the town attorney, in case of any informality or irregularity in the proceedings instituted, or in case of failure to procure necessary evidence to secure adjudgment, may, in his discretion, dismiss any suit or proceedings without prejudice to the town, and such dismissal shall not bar any subsequent suit or proceedings for the same cause of action.

Remission of fines.

§ 11. Nothing in this act shall be so construed as to oust any court of jurisdiction to abate any nuisance, by indictment or otherwise, nor to prevent the proper courts from releasing from confinement or discharging from the payment of fines or costs, any person who may be properly brought before them for that purpose, nor shall the circuit court of Schuyler county be hereby deprived of its jurisdiction in cases arising under the laws of the state relating to the sale of liquors, riots, affrays, routs, disorderly houses, gaming and gaming houses; but in case of failure or neglect of the town authorities to proceed against persons guilty of such offenses, the circuit court shall take cognizance thereof: *Provided, however*, that the judgments in either the circuit court or police court of the town shall bar any subsequent prosecution for the same offense.

Jurisdiction of court.

Construction of act.

§ 12. The board of trustees may, by ordinance, enlarge the boundaries of the town: *Provided*, that they shall not pass any ordinances for that purpose until they have submitted the question of such enlargement to the qualified voters of the town and also to the legal voters residing within the proposed enlargement, and shall have been authorized, by a majority of the votes cast, so to do.

Additional territory annexed.

§ 13. The board of trustees shall have power to require that all additions and subdivisions hereafter made to the

Survey and plat

town shall be so laid out and platted as to correspond and conform to the streets and alleys already laid out and established in said town, and no plat or map of any addition or subdivision to said town shall be entitled to record or shall be recorded until the same shall have been approved by the board of trustees.

Arrest without  
warrant.

§ 14. All officers of said town and such policemen as the board of trustees may appoint, shall have power to arrest or cause to be arrested, with or without warrant, or process, all persons who shall break or threaten to break the peace, or who shall be found by them in the act of violating any of the ordinances of the town, and, if necessary, they may detain such person in custody over night or until an examination can be had.

No money paid  
except by war-  
rant.

§ 15. No money shall be paid out by the town treasurer, except upon order of the board, and then only upon a warrant drawn on him by the town clerk and countersigned by the president; and the board shall cause to be published, annually, in the month of March, a statement, showing the whole amount of money collected, from what source derived and the manner in which the same has been expended.

APPROVED March 24, 1869.

In force March  
21, 1869.

AN ACT to repeal part of section 12 of an act to incorporate the town of Scottville, in Macoupin county, and to extend the powers of the board of trustees thereof.

Portions of act  
repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of section 12, of "An act to incorporate the town of Scottville, in Macoupin county, Illinois," prohibiting the sale of intoxicating drinks, passed February 18, 1857, be and the same is hereby repealed; and hereafter the board of trustees of said town shall be and they are hereby authorized and empowered to license and regulate or suppress and prohibit the selling, bartering, exchanging, giving and trafficking in or in any manner disposing of any wine, gin, rum, brandy, whisky, beer or any other vinous, spirituous, malt, mixed or intoxicating beverage, within the limits of said town.

§ 2. This act to be a public act, and be in force from and after its passage.

APPROVED March 24, 1869.

AN ACT to extend the corporate powers of the town of Sheffield, in the county of Bureau. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Sheffield, in the county of Bureau, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The Town of Sheffield;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. The boundaries of said town shall include the following described territory, to-wit: Section nineteen, in township sixteen north, range seven east of the fourth principal meridian, in said Bureau county.

§ 3. Whenever any tract of land adjoining the town of Sheffield shall be laid off into town lots and recorded, as required by law, the same shall be annexed to and form a part of the town of Sheffield.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all things in relation thereto as natural persons.

## ARTICLE II.

### OF THE TOWN COUNCIL.

SECTION 1. There shall be a town council, to consist of a president and four members, to be chosen annually by the qualified voters of said town.

§ 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

§ 4. A majority of the town council 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 fines and penalties as may be prescribed by ordinance.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disor-

derly conduct, and, with the concurrence of two-thirds of the members, expel a member for just cause.

Journal of proceedings.

§ 6. The town council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

Vacancies, how filled.

§ 7. All vacancies that may occur in the town council shall be filled in such manner as it may appoint.

Oath of office.

§ 8. Each member of the town council, before entering upon the duties of his office, shall, in addition to the oaths prescribed by the constitution of this state, take and subscribe an oath that he will well and truly perform the duties of his office to the best of his ability.

Tie vote, how determined.

§ 9. Whenever there shall be a tie in the election of members of the town council, the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot in such manner as may be prescribed by ordinance.

Stated meetings

§ 10. The town council shall hold stated meetings in each year, at such times and places as it shall appoint.

### ARTICLE III.

#### OF ELECTIONS.

Election of president and council.

SECTION 1. On the first Monday of May next an election shall be held in said town for the president and four members of the town council, and forever thereafter on the first Monday in May of each year, there shall be an election held for said officers. The first election shall be held and returns made as may be provided by ordinance by the present president and trustees of the town of Sheffield, and all succeeding elections as may be provided by ordinance of the town council by this act created.

Qualification of electors.

§ 2. All persons who may be entitled to vote under the general election laws of this state, and who shall have been actual residents of said town for thirty days immediately preceding any such election in said town, shall be entitled to vote at any election for corporate purposes held in said town.

### ARTICLE IV

#### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Levy and collection of taxes.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real or personal, within the limits of said town, not exceeding two per centum, per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of officers.

§ 2. The town council shall have power to appoint a clerk, treasurer, marshal, constable, supervisor of streets,

policemen, and such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter, bonds, with such penalties, conditions and security for the faithful performance of their duties as may be deemed expedient, and also to require all officers appointed as aforesaid, before entering upon the discharge of their respective official duties, to take an oath in the same manner as provided in section 8 of article two of this act.

§ 3. To appropriate money and provide for the pay- Appropriations.  
ment of the debts and expenses of the town.

§ 4. To make regulations to prevent the introduction or Contagious dis-  
spreading of contagious diseases within the town and within eases.  
three miles outside the limits of said town.

§ 5. To establish hospitals and make regulations for the To establish  
government of the same. hospitals.

§ 6. To make regulations to secure the general health of General health.  
the inhabitants of said town.

§ 7. To declare what shall be a nuisance, and to restrain, Nuisance.  
prevent or remove the same within said town and within  
one mile outside the limits of said town.

§ 8. To provide the town with water, to sink and keep Provide water.  
in repair wells and pumps in the streets for the convenience  
of the inhabitants.

§ 9. To lay out, open, alter, abolish, widen, extend, Improve streets  
establish, grade, pave or otherwise improve and keep in re-  
pair, public grounds, streets, avenues, lanes, and alleys, and  
to establish a building line thereon.

§ 10. To establish, maintain and regulate a police force. Regulate police.

§ 11. To provide for the inclosing, improving and regu- Public grounds  
lating all public grounds belonging to the town.

§ 12. To provide for the erection of all needful build- Needful build-  
ings for the use of the town; to erect, maintain and sup- ings.  
port a building for the confinement of offenders against the  
ordinances of the town.

§ 13. To license, tax and regulate auctioneers, mer- Auctioneers,  
chants, retailers, taverns and ordinary hawkers or peddlers: peddlers, etc.  
*Provided*, that no fees shall be charged for any such license,  
or other tax imposed on account of such occupation, where  
the person having or receiving the same is a resident of  
said town and is assessed therein.

§ 14. To license, tax, regulate and suppress theatrical Shows and  
and other public shows and amusements. exhibitions.

§ 15. To restrain, prohibit and suppress gambling houses, Gaming houses.  
bawdy houses, disorderly houses, dram shops and tipping  
houses within said town, and within one mile from the lim-  
its of said town.

§ 16. To prevent the obstruction and incumbering of the Obstruction of  
streets, lanes, alleys or public grounds of said town; to plant  
and protect shade trees; to require persons to fasten or se-  
cure horses and other animals attached to vehicles, while  
standing in said town; to prohibit, prevent and restrain

the running at large of horses, hogs, sheep, and other animals in said town, and to provide for distraining and impounding the same, and for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance relating thereto; to prevent the running at large of dogs and swine, and to provide for the forfeiture or destruction of the same when running at large contrary to ordinance; to prevent the exploding or firing of squibs, rockets, guns, fire-arms or other combustibles within the limits of said town.

- Extinguishment of fires. § 17. To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies.
- Chimneys, etc. § 18. To make regulations for the safe keeping of chimneys, flues, pipes and fire-places.
- Combustibles. § 19. To regulate the storage of gunpowder, tar, pitch, rosin, spirits of wine, and other combustible materials, and the depositing of ashes.
- Parapet walls and fences. § 20. To regulate parapet and division walls and partition fences.
- Inspection of lumber. § 21. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.
- Inspection of forage and fuel. § 22. To provide for inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, firewood and other fuel to be sold or used in said town.
- Inspection of produce. § 23. To regulate the inspection of butter, lard and other provisions.
- Census. § 24. To provide for taking enumerations of the inhabitants of the town.
- Regulate election of officers. § 25. To regulate the election of town officers, and to provide for removing from office any person holding office created by this act, or by ordinance.
- Officers' fees § 26. To fix the compensation of all town officers, and regulate the fees of officers, jurors, witnesses and other persons, for services rendered under this act or any ordinance of said town.
- Regulate police § 27. To regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties.
- Billiard tables and ten pin alleys. § 28. To regulate, restrain, suppress, distrain or prohibit billiard-tables, ball-alleys, faro-boards, lotteries, horse races, and any means of gambling within said town, and within one mile from the limits of the town.
- Prohibit sale of liquors. § 29. To prevent or prohibit the introduction, keeping for traffic, manufacturing or selling, of any vinous, malt, fermented, spirituous, mixed or intoxicating liquors within said town and within one mile from the limits thereof, ex-

cept for chemical, medical and mechanical purposes, and to prohibit and prevent the giving the same away with a view to evade any penalty which may be provided for the unlawful sale of such liquors within said town or within one mile thereof.

§ 30. Nothing in this act contained shall be construed to give the town council the power to license the selling, trafficking in, exchanging, bartering or giving away any malt, fermented, mixed, spirituous or intoxicating liquors, or any drinks or beverages whatever containing intoxicating liquors; and no person shall be permitted to bring to the town, or keep about his, her or their premises, saloon, cellar, dwelling house, out-house, or in any other place in said town, or within one mile thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein in any way whatever: *Provided*, the town council may grant license to the druggists in said town, if deemed by the town council to be discreet persons, to sell wines or other spirituous liquors for mechanical, medicinal and sacramental purposes only; and the said council shall have the power at any regular meeting to revoke such license. Any person or persons violating any of the provisions of this section of this charter shall forfeit and pay into the treasury of the corporation, for the use of the inhabitants of said town, such penalty as said council shall prescribe by ordinance, to be recovered by an action of debt in the name of said town, before the police magistrate or other justice of the peace in said town; and in case any offender or offenders shall refuse or fail to pay such fine or fines and costs that may be adjudged against him, her or them by said police magistrate or other justice of the peace, said offender or offenders shall forthwith be committed to the county jail of said Bureau county, or, in the discretion of the magistrate or court, to the place of confinement provided in said town, until said fines and costs are fully paid, or the same be discharged by the provisions of the ordinances of said town.

Prohibit liquor licenses.

Penalty for violations.

§ 31. To license, regulate and control the introduction, keeping for traffic and selling within said town, for chemical, medicinal and mechanical purposes, of any vinous, malt, fermented, spirituous, mixed or intoxicating liquors.

For chemical purposes.

§ 32. The town council shall have power to make all ordinances which shall be necessary and proper for the carrying into operation the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or this state.

Pass and enforce ordinances.

§ 33. The style of the ordinances shall be, "*Be it ordained by the Town of Sheffield.*"

Style of ordinances.

§ 34. All ordinances passed by the town council shall, within one month after their passage, be published in some newspaper in said Bureau county, or posted up in three

Publication of ordinances.

public places in said town, and from and after their publication or posting, as aforesaid, shall be in force; and the certificate of the clerk of said town, or a certified copy of said certificate shall be held in all courts and places sufficient evidence of such publication or posting.

Evidence and proof of.

§ 35. All ordinances of the town may be proven by the seal of said corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town council, shall be received in evidence in all courts and places without further proof.

## ARTICLE V.

### OF THE PRESIDENT.

President to have casting vote, only.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a vote in case of a tie, and no other; and in case of his absence at any meeting the council shall appoint one of their number chairman, *pro tem*.

Special meetings.

§ 2. The president or any two members of the council may call special meetings of the town council.

Active and vigilant in the performance of duties.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances of the town; he shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation of duty to be punished; he shall, from time to time, communicate to the council such information, and recommend such measures, as in his opinion may tend to the general welfare of the town.

Inhabitants to aid in enforcing the laws.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the ordinances and laws thereof, or in preserving public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars, recoverable as other fines are recovered in said town.

Exhibit of books and papers.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books or papers, or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

## ARTICLE VI.

### OF PROCEEDINGS IN SPECIAL CASES.

Private property taken for opening streets.

SECTION 1. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers, and private drains



and aqueducts, to be constructed, and laid, relaid, cleansed and repaired, and regulate the same, and to lay out public squares or grounds, and to grade, improve, protect and ornament any public square, street, alley, or other public improvement now or hereafter established.

§ 2. The expenses of any improvement mentioned in the first section of this article, and costs of proceeding thereon, may be collected by general taxation or by assessment upon the real estate in any natural division of said town affected thereby, in proportion to the special benefits resulting to such real estate, and the several parts thereof, in such manner as the town council may, by ordinance, direct.

Costs of making improvements.

§ 3. The town council shall have power, upon petition of the owners of two-thirds of the property fronting thereon, and without such petition by the unanimous vote of the town council, to open and lay out streets, highways, lanes or alleys, or sections thereof, and to alter, widen, construct, straighten, narrow, extend or discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning lands or lots adjoining said street, alley or highway. The town council shall cause all streets, alleys and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened, shall be public highways or squares, as the case may be.

Petition for opening streets.

§ 4. Whenever any streets, alley, highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation to be paid to the owners of land for taking the same can not be agreed upon, the town council shall give notice of their intention to appropriate and take the land necessary for the same to the owners thereof, by publishing said notice by two insertions printed in a newspaper published in said county or by posting the same in three public places in said town for ten days; at the expiration of which time they shall appoint three disinterested freeholders residing in said town, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and determine what persons will be benefited by such improvement, and to assess the damages and expenses thereof on the real estate benefited by such improvement according to the special benefits resulting to said real estate and the several parts thereof, and to report what amount, if any, shall be paid by general taxation. A majority of the members of the town council shall be necessary to a choice of such commissioners. The commissioners shall be sworn faithfully and impartially to

Compensation for property taken.

Appointment of commissioners.

execute their duties to the best of their ability before entering upon their duties; they shall give at least five days' personal notice of the time and place of their meeting, for the purpose of making their estimates as aforesaid, which notice shall be given to the owners, who are residents of said town, and are known. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

When building standing on lot taken.

§ 5. If there should be any building standing, in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the actual injury to him, if any, in having such building taken from him, and secondly, the value of such building to him to remove.

Notice to owner

§ 6. At least five days' notice shall be given to the owner, when known, and a resident of the town, of such determination of the commissioners, which notice may be given personally or in writing left at his usual place of abode. If a non-resident, or unknown, like notice shall be given to all persons interested by one publication in a newspaper published in said county or by posting in three public places in said town; such notices shall specify the buildings and state the award of the commissioners. It shall also require the persons interested to appear by a day named therein, not exceeding thirty days from the date of the publication of notice, or give notice to the town council of their election either to accept the award of the commissioners and allow such buildings to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building he shall have such reasonable time for that purpose as the town council may direct.

When owner refuses to take at valuation.

§ 7. If the owner refuses to take the building at its appraised value to remove or fail to give notice of his intention as aforesaid, within the time prescribed, the town council shall have the power to direct the sale of such building at public auction, for cash, or on credit, and give five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Value of land.

§ 9. In making their assessment, the said commissioners shall ascertain the value of the land taken and all the expenses of the improvements and damages occasioned hereby, and shall assess upon the real estate benefited by the improvement according to the special benefits resulting to the said real estate and the several parts thereof, a sum sufficient to cover said amount of damages and expenses: *Provided*, said amount does not exceed the whole amount of special benefits, and in case of such excess, said commissioners shall return in their report the amount of such

excess to be levied and collected by general taxation. The said assessments as fixed by said commissioners shall be paid within such time as the town council shall direct, by the owners of property so assessed, and shall be a lien upon such property from the time of assessment and be collected as taxes are collected by sale of the lands or otherwise. The value of the lands taken shall be a credit to the owner thereof on the assessment against him for his share of the improvements, and, if more than the assessment, the difference shall be paid him in money before the land is finally appropriated to public use. Said commissioners shall particularly describe the lands and parcels on which their assessments may be made, and make a return of their proceedings to the town council within ten days after its completion. The town council shall provide for the collection, by general taxation, of any excess reported by said commissioners.

Expenses paid  
by special as-  
sessments.

§ 9. The clerk of said town shall give ten days' notice, by one publication in any newspaper published in said county, or by posting notices in three public places in said town, that such return has been made, and on the day specified in said notice, will be acted upon by the town council unless objections to the same are made by some person interested; objections may be heard before the town council, and the hearing may be adjourned from time to time. The town council shall have power, in their discretion, to amend, alter, confirm or annul the assessments, or refer the same back to the commissioners; if annulled, all the proceedings shall be void; if altered and confirmed, an order shall be entered confirming the same and directing the time within which the same shall be paid, and in default of such payment, that the same be collected as other assessments or taxes in said town are collected; if referred back to the same or other commissioners, the commissioners shall proceed as aforesaid, and make return in like manner; and their said subsequent return shall be acted upon with the same powers, by said town council, as in the first instance.

Duties of the  
town clerk.

§ 10. The town council shall have power to remove the commissioners, and, from time to time, appoint others in the place of such as may be removed, refused, neglect or are unable to serve.

Removal com-  
missioners.

§ 11. The land required to be taken for the making, opening, widening, straightening, or altering any street, alley, lane, highway, public ground or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent can not be found in the town, deposited to his, her or their credit in some safe place of deposit other than in the hands of the town treasurer, in which case such lands may be ta-

When lands  
may be appro-  
priated.

ken and appropriated for the purpose required in making such improvements; and such streets, alleys, lanes, highways, public grounds or squares may be opened.

Appeals allowed

§ 12. Any person legally interested may appeal from any final order of the town council concerning assessments and improvements, as aforesaid, to the same court or courts of said Bureau county which have jurisdiction in cases of appeal from decisions of justices of the peace—such appeals to be taken in manner similar to appeals from justices of the peace. Said appellate court shall determine such appeal and confirm, alter or annul the proceedings of said council. Upon the trial of the appeal, all questions involved in such proceedings, including the amount of damages, shall be opened to investigation by affidavit or oral testimony to the court, or upon application of the town council or any party, the amount of damages may be assessed by a jury in said court without formal pleadings, and judgment and the appropriate order in the premises shall be entered accordingly. The court shall not set aside the proceeding or final order of the town council for omission or informality, unless injury has resulted therefrom.

In case owner is a minor.

§ 13. When any owner known or other persons having interest in any real estate, against which proceedings shall be had under this act, shall be under legal age, and without a guardian, the judge of any court of record of said Bureau county may, upon the application of the town council, such minor, or his next friend, appoint a guardian, and take security of such guardian, for the faithful execution of his duties, and all notices and summons required by this article of this act shall be served upon the guardian of such minor in the same manner as hereinbefore specified; and the final determination of said town council, or court of appeal, in the premises shall be conclusive upon such minor.

All property subject to tax.

§ 14. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation, and taxes may be levied and collected upon the same for the use and benefit of said town, in such time and manner not inconsistent with the constitution of this state, as the town council shall by ordinance direct.

Adopt County assessment.

§ 15. The town council may, by ordinance, direct that the assessment of the county or township assessor, of the property in said town, shall be deemed and taken as the assessment of said town, and that the clerk of the town shall certify to the clerk of the county court of Bureau county all persons and property taxable therein, with the rate of taxation and the assessments levied in each year; in which case the same shall be entered and extended by the clerk of the said county court on the tax book of the county or township, and may be collected with the county and state taxes for said town; and the same fees shall be paid by said town

for actual services, herein, as may be provided by the revenue laws of this state for similar services.

## ARTICLE VII.

## MISCELLANEOUS.

SECTION 1. The town council may have power, for the purpose of keeping in repair the streets, alleys and public grounds of said town, to require every male inhabitant of said town, over the age twenty-one years, to labor on the streets, alleys and public grounds of said town, not exceeding two days in each year; and any such person failing to perform such labor, when duly notified, shall forfeit and pay to said town the sum of one dollar for each day so neglected or refused: *Provided*, that in lieu of said requirement to labor, the said town council shall have power to impose, levy and collect, in the same manner as other taxes are levied and collected by them, or in such other manner as they shall provide by ordinance, a tax for each year of any sum per taxable inhabitant, in their discretion, not exceeding two dollars upon every taxable inhabitant of said town; and the collector of said tax, appointed by said council shall have the same power to distrain and sell the property of all such persons refusing or neglecting to pay such tax as is given to township collectors under the revenue laws of this state.

Inhabitants to labor on streets.

§ 2. The inhabitants of said town of Sheffield are hereby exempted from working on any road beyond the limits of said town, and from paying any assessment for the same.

Exempt from road labor outside town limits.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town; and in all cases where such offenders shall fail, refuse or neglect to pay the fines, forfeitures, penalties and costs which may be recovered or adjudged against them, it shall be competent for the magistrate or other court before whom the same shall be tried, to direct that such offender shall be committed to the county jail of Bureau county, or to the place of confinement provided in said town, as the case may be, until such fines, forfeitures, penalties and costs shall be paid or otherwise discharged by due process of law, Said council shall also have power to prescribe by ordinance, the amount per day at which offenders may board out, in jail, fines and costs.

Punishment of offenders.

§ 4. All ordinances and laws passed by the present president and trustees of the town of Sheffield, shall remain in force until repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested or are conferred by this act until the town council hereby created shall have been elected and qualified.

All ordinances in full force.

§ 5. All suits, actions and prosecutions, instituted or commenced by corporation hereby created shall be commenced and prosecuted in the name of "The town of Sheffield."

Suits instituted in name of town

All actions and suits vested in corporation. § 6. All actions, fines, penalties and forfeitures, which have accrued to the president and trustees of the town of Sheffield, shall be vested in, enforced and prosecuted by the corporation hereby created.

All property vested in corporation. § 7. All property, real and personal, belonging to the president and trustees of the the town of Sheffield, for the use of the inhabitants of said town, shall be and is hereby declared to be vested in the corporation hereby created.

Not to invalidate previous acts. § 8. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Sheffield, nor divest them of any rights, under the general laws relating to the incorporation of towns, or the previous charters of said town, which have accrued prior to the passage of this act, and do not conflict with the provisions of this act.

Appeals taken to circuit court. § 9. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Bureau county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from justices of the peace, to the circuit court, in similar cases under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of the town council directing said appeal or approving the same shall be sufficient evidence of authority to sign said bond.

Jurisdiction of town constable. § 10. The town marshal, constable, or any other officer authorized to execute writs or any other process issued by the police magistrate or any justice of the peace of said town, shall have power to execute the same anywhere within the limits of the county of Bureau, and shall have the same powers to execute any process issued by any justice of the peace of said county, and be entitled to the same fees, as are allowed to constables in similar cases.

Provide for future elections. § 11. The town council may in their discretion provide by ordinance for the election, by the inhabitants of said town, of such town officers as they may deem it advisable to have so elected.

All the fines and penalties paid to treasurer § 12. All fines and penalties recoverable by indictment or action for any offenses committed within the limits of said town, and which are now required by law to be paid to the county treasurer or to the school commissioner of said county, shall hereafter be paid to the treasurer said town for the use of the said town.

Evidence of act. § 13. This act shall be deemed a public act, and may be read in evidence in all courts and places without proof, and shall be in force from and after its passage.

APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Staunton." In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Strike out all of section two (2), after the words "The boundaries of said corporation shall include," and insert the following words, "All of section No. thirty-two (32), the east half ( $\frac{1}{2}$ ) of section thirty-one (31), the southeast quarter of section thirty (30), and the south half of section twenty-nine (29), all in township seven (7) north, of range six (6) west; and that all property within said boundaries be and the same is hereby declared to be within the jurisdiction of the town of Staunton: *Provided*, that all persons who may be, at the date of the approval of this act, residing and shall continue to reside in said town limits, as hereby extended, and who may be qualified voters under the laws of this state, be entitled to vote at any elections held in or by authority of said town: *And it is hereby further provided*, that the said town of Staunton be and the same is hereby declared to be a school district, separate and independent, and the board of trustees of said town shall have and exercise all the power and privileges of school directors for the said town that properly belong to school directors under the laws of this state." Act amended.

§ 2. Strike out of section seven (7), the words "not exceeding fifty (50) cents on the one hundred dollars" and insert, in lieu thereof, the words "not exceeding two dollars (2) on the one hundred dollars (100)." Sec. 7 amended.

§ 3. Strike out of section nine (9), whenever they occur, the words "five (5) days" and insert in lieu thereof the words "ten (10) days." Sec. 9 amended.

§ 4. Add at the end of section eleven (11) the following words: "And the said board of trustees shall have power to appoint and enroll any number of police, not exceeding ten (10), to be called into service under such regulations and at such compensation as the said board may determine; and such police shall have, while on duty, all necessary police power, and be subject to the orders of the president of the board of trustees and of such person or persons under him as the board may direct. The board of trustees shall, also, have power to establish and maintain a calaboose or other place of confinement, which shall be used for the imprisonment of such persons as shall have been properly convicted and sentenced to imprisonment under the charter and ordinances of said town of Staunton, and for the general police purposes of said town: *And it is hereby further provided*, that for the better maintenance of good order, that the board of trustees, or either of them, be and are Sec. 11 amended

hereby authorized and empowered to act as conservators of the peace within the limits and jurisdiction of said corporation."

Sec. 12 amended § 5. Add in section twelve (12), after the words "as by law made and provided for other justices of the peace" the words "And, in addition thereto, all such police powers as may be necessary to carry into effect all such ordinances and regulations as may be, from time to time, properly prescribed by the board of trustees of said town."

Inconsistent acts repealed. § 6. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.  
APPROVED March 25, 1869.

In force April 15, 1869. AN ACT supplemental to an act entitled "An act to incorporate the town of Steelville, in Randolph county," approved March 15, 1869.

Sec. 2 amended. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of said act be amended so as to read as follows: "The boundaries of said town shall include all of section sixteen (16), in township six (6) south, of range five (5) west, in the county of Randolph, and state of Illinois."

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

APPROVED April 15, 1869.

In force when adopted by legal voters. AN ACT to repeal an act, approved February 17, 1851.

Paupers SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to authorize the towns in Tazewell county to support their own paupers," approved February 17th, 1851, is hereby repealed: *Provided,* that a majority of the legal voters of said Tazewell county, voting at any regular election, shall vote in favor of such repeal.

§ 2. This act shall take effect and be in force from and after its adoption by said legal voters in Tazewell county.

APPROVED March 11, 1869



AN ACT to confer additional powers on the board of auditors of town accounts, and the commissioners of highways of the town of Thornton, in the county of Cook. In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of auditors of town accounts of the town of Thornton, in the county of Cook, in addition to the powers now conferred by law, shall have power, and it is hereby made their duty, at any regular or special meeting, to make, ordain and establish such ordinances, rules and regulations, and to fix and determine such fines, penalties and forfeitures and grant license, in and concerning :

*First*—The restraining and prohibiting all descriptions of gaming or fraudulent devices, by the playing of cards, dice or any other thing or things known as games of chance, for money or otherwise. Powers of the board of auditors.  
Gaming houses.

*Second*—The regulating and licensing of all places kept for the purpose of retailing, selling or giving away any rum, gin, brandy, whisky, bitters, wine, ale, lager beer, or any other fermented, spirituous, mixed or intoxicating liquors, in less quantity than one quart. Liquors.

*Third*—The regulating, and to license all tallow chandlers' shops, soap factories, tanneries, or other unwholesome, nauseous houses, shops, cellars or places, and to compel the owners, agents or occupants thereof to cleanse, remove or abate the same. Unwholesome place.

*Fourth*—The regulating and taxing of dogs, and to prohibit their running at large. Dogs.

*Fifth*—The regulating, determining and abating all nuisances in said town. Nuisances.

*Sixth*—The regulating, restraining, prohibiting or licensing all establishments, houses, factories or other places for steaming or rendering of dead animals, lard, tallow, offal or such other animal matter or substances as can or may be rendered, boiled or steamed, and all breweries, distilleries, slaughter houses, butcher shops or stock yards. Construction of objectionable buildings.

*Seventh*—The restraining [or] prohibiting of the deposits of any night soil, dead animals, or other filthy or offensive substances in said town. Night soil, etc.

*Eighth*—The regulating and preventing the netting or seining of fish in the Calumet river and Thorn creek. Netting of fish.

§ 2. A majority of said board shall constitute a quorum for business, and the said board are authorized to make and adopt, from time to time, such rules and regulations for the order of business, and may appoint such committees as they shall deem proper. The supervisor shall be chairman of said board. In case of his absence at any meeting, the members present shall choose one of their number temporary chairman. Quorum

Duties of the town clerk.

§ 3. The town clerk shall be clerk of the board. In case of his absence at any meeting the members present may choose one of their number as temporary clerk. The said town clerk shall provide a well bound book for the purpose of recording the proceedings of said board, which shall be a public record and be kept open for inspection at all times, and shall record all the proceedings of said board in said book; and the said clerk shall keep, preserve and file all papers, books or vouchers belonging to said board or to be by them used; and the said clerk shall issue all license, as directed by the board, and keep a registry thereof.

License fees.

§ 4. The said board shall, at any regular or special meeting, determine and fix such rates, fees or compensation, to be paid for any or all license herein provided for or by any of the ordinances, rules or regulations to be made by virtue of this act, (no license shall issue for a longer term than one year), and to fix and determine such penalties, fines and forfeitures for the violation of any of the ordinances, rules or regulations made or ordained, from time to time, for the purpose of carrying into effect the powers and duties vested in said board of town auditors by virtue of this act: *Provided*, no fine or penalty shall exceed the sum of one hundred dollars.

Fines recovered before the police magistrate.

§ 5. All actions may be brought before any justice of the peace of the town or county to recover any fine, penalty or forfeiture incurred by the violation of any of the ordinances, rules or regulations made in pursuance hereof, in an action of debt in the name of the board of auditors of town accounts of the town of Thornton. Change of venue and appeal may be taken as is now provided for by law. All fines, penalties, forfeitures and licenses, when collected, shall be paid over to the treasurer of the commissioners of highways of said town, to be expended in the construction and maintenance of the roads and bridges.

Appointment of police.

§ 6. The said board may appoint one or more policemen and prescribe their duties and fix their compensation; and any policeman, when appointed, or any constable in said town or county may serve any or all process or make any arrest authorized by any of the ordinances, rules or regulations made in pursuance of this act; and the said board are hereby authorized to adopt a common seal; and a certified copy of any order, ordinance, rule, regulation or proceedings of said board, under the hand of the town clerk and the seal of the board, the same shall be evidence in all courts and places whatsoever.

May change ordinances.

§ 7. The said board of auditors of town accounts may, at any regular or special meeting, or a majority of them, alter, change or amend any of the ordinances, rules or regulations, and may alter or change the rate of fees to be paid for any or all licenses, and they shall have power to commute or set aside any fine, penalty or forfeiture incurred by

the violation of any of the ordinances, rules or regulations made in pursuance of the provisions of this act.

§ 8. The commissioners of highways of said town of Thornton, in addition to the powers and duties now provided by law in relation to the care and superintendence of highways and bridges, may, when petitioned to by a majority of the owners of land lying upon or adjacent to any public highway, street, bridge or causeway, may construct, improve or repair the same in such manner as the petitioners may set forth in their petition, by special assessment upon the lands deemed benefited by such construction, improvement or repairing.

Commissioners  
of highways.

§ 9. Whenever the commissioners shall order any construction, improvement or repairing of any road, street, bridge or causeway, in pursuance of the provisions of section eight hereof, they shall certify what amount or sum of money shall be assessed upon the property deemed benefited.

Amount of  
assessments.

§ 10. The said commissioners, before making any order for a special assessment, as provided by this act, they shall give ten days' notice, by posting up written or printed notices in three of the public places in said town, of the time and place of making such special assessment, when and where all persons may appear and show any reason for or against the making or levying such assessment; and said commissioners may adjourn from day to day, if necessary.

Commissioners  
of special as-  
sessments.

§ 11. Whenever the commissioners of highways shall make an order for the construction, improvement or repairing of any highway, street, bridge or causeway, as before provided for in this act, then the commissioners shall assess the amount by levy, as hereinafter provided, upon the real estate deemed benefited by such improvement or construction, in proportion to the benefit resulting therefrom, as nearly as may be, and briefly describe the same in an assessment roll to be by them made.

Highways? or  
bridges.

§ 12. When the commissioners shall have completed their assessment roll and made a correct copy thereof, they shall certify the same under their hands and deliver it to the town clerk of said town. The town clerk shall thereupon cause notices to be posted up in three of the most public places in said town, at least five days, notifying all persons that the commissioners of highways have completed their assessment rolls and filed the same with the town clerk, and that all persons interested may appear, at the time and place designated in the notices, for the purpose of having said roll corrected, if found wrong, and the commissioners may correct their said assessment roll, and if it shall be set aside by order of any court, they shall proceed to make a new assessment forthwith and without delay.

Return of as-  
sessment.

Confirmation of  
assessments.

§ 13. When an assessment roll shall have been confirmed and approved by the said commissioners of highways, it shall be the duty of the town clerk to certify and file the said roll with the clerk of the county court of Cook county; and it shall be the duty of said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate of said town of Thornton, to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits as herein provided, the amounts of said assessments respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessment and enforce the payment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the treasurer of the commissioners of highways at the same time that he is required to pay over the road moneys belonging to said town; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate for the non-payment of said assessment and costs in the same manner as is or may be provided for state and county taxes, and judgment shall be rendered for the aggregate amount for county, state and other taxes and the assessment aforesaid. The sale shall be conducted upon the same notice and judgment and in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property, sale or any assessment levied under this act shall be executed by the same persons or officers and shall have the same effect in evidence as deeds executed in pursuance of the laws now in force or hereafter to be enacted, providing for the collection of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessment as is allowed for the collection of the state and county taxes, to be paid out of the proceeds of such assessment when collected.

Manner of conducting sale.

Right of redemption.

Fees of the collector.

§ 14. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED March 26, 1869.

AN ACT to amend "An act to incorporate the town of Upper Alton," In force March approved Feb. 15th, 1865, and to provide further for the establishment, regulation and conduct of public graded schools in Upper Alton School District. March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one (1) and five (5), of art. eight (8), of the act of which this is an amendment, be combined and amended to read as follows, viz: "All of the territory lying within the corporate limits of the town of Upper Alton, as defined in article one, section two, of *this* act, with such other territory as may be hereafter incorporated with and come under the jurisdiction of said town, and within the boundaries extended for school purposes only, as follows, viz: On the north, to the township line between townships five (5) and six (6) north, on the east, three-fourths ( $\frac{3}{4}$ ) of a mile—said eastern boundary being extended south till it strikes Wood river—and thence, along said Wood river, to where the quarter section line of sections seventeen (17) and eighteen (18) strikes the said river, on the south, to the said quarter section line of sections seventeen (17) and eighteen (18), on the west, to Alton City and range line between range nine (9) and ten (10) west, is hereby enacted into a common school district, to be know as the Upper Alton School District." Act amended.

§ 2. Section *two* of said art. 8 is hereby amended to read as follows, viz: "The town council of said town shall appoint a board of education, to consist of not more than five members nor less than three, for the term of three years each. Said board shall be divided, by lot, into classes, to serve one, two and three years. And all appointments, other than to fill vacancy, shall be annual, and shall be made on the first day of August, of each year, except when that day shall fall on Sunday; in which case, on Monday following: *Provided*, that the present board shall hold their offices, as heretofore appointed by the town council, and for the terms determined, unless resigning or removed: *Provided, also*, that the town council may remove any member for gross neglect or dereliction or manifest disqualification for the office. All vacancies occurring, by resignation or removal, shall be filled for the unexpired term only of the member resigning or removed. Said board of education shall have exclusive jurisdiction and supervision of all public schools in said town, and shall have all the powers and discharge all the duties that are now incumbent upon school directors under the laws of the state of Illinois relating to common schools, and to cities and incorporated towns, under section seventy-nine of "An act to establish and maintain a system of free schools in the state of Illinois," as amended February 16, 1865. Sec. 2 amended.

Sec. 3 amended.

§ 3. Section three of said art. 8 is hereby amended to read as follows, viz: "The board of education shall have power to sell and convey [any] and all property now held by the trustees and directors of schools within the town, for the purpose of purchasing sites or erecting school houses, and, generally, to have and possess all the rights, powers and authority necessary for the proper management of the schools of said town and the school lands and funds belonging to said school district, are now enlarged with power to enact such rules and by-laws as may be necessary to carry into effect the power hereby granted: *Provided*, that in case of sale or lease for more than one year a concurrence of all the members of the board, if it shall consist of but three, and of four, if it shall consist of five, shall be necessary."

Sec. 4 amended.

§ 4. Section four (4) of art. 8 is hereby amended to read as follows, viz: "All the school taxes and all moneys for school purposes, from any and all sources whatever, and all special taxes voted for school purposes, shall be paid into the town treasury, and shall be kept a separate fund, for school purposes exclusively; and any special tax or moneys raised by tax or loan, for the purpose of purchasing site or building or purchasing school house, voted by the people of the district, shall be kept separate from moneys raised for general purposes, and shall be appropriated for no other purpose than that designated by the call for an election to vote such funds."

Treasurer of  
board of edu-  
cation.

§ 5. *And be it further enacted*, that the treasurer of the town of Upper Alton may and shall be the treasurer of the board of education. The treasurer shall give good and sufficient bonds to the board of education, for the faithful discharge of his trust. He shall report to the board, as often as required, and shall pay out moneys for school purposes only upon the written order of the board, signed by the president and secretary. And no order shall be drawn for any purpose, unless the same has been acted upon and the amount voted at a regular or called meeting of the board of education.

School houses  
and grounds.

§ 6. Said board shall have full power, and it shall be their duty, to provide suitable school houses and grounds, by purchase or lease, and keep them in repair, alter or enlarge, as may be necessary for the proper accommodation of all the pupils of the district; to procure necessary furniture, fixtures, books, maps, globes, charts, apparatus, library or libraries, and all necessary appliances for the accommodation, support and successful-operation of a system of public graded schools, grade and classify the same, elect and employ competent and suitable teachers and other agents and assistants, and prescribe their duties, fix the salaries and compensation, and, generally and specifically, make and execute and enforce such rules, regulations and

by-laws as they may deem necessary to establish and perpetuate a system of public graded school instruction, most complete, thorough and efficient: *Provided*, that they shall not purchase a site nor erect a new school house, except upon the vote of the qualified electors of the district, as now provided for in the common school laws of this state.

§ 7. Said board shall have full power, and it shall be their duty, to establish a central high school and such other primary or intermediate departments, to be taught in one or more buildings, as they may deem necessary and as circumstances or necessity may require. They shall prescribe what studies shall be pursued, the text books to be used, the grade or standard of scholarship for admission to the higher departments, and shall so grade and regulate the studies of the lower departments as to form a regular and uniform course of preparation for the higher. They shall also have full power to elect and employ a principal, define and prescribe his duties and relations to all the departments of public instruction, and such assistant or assistants as may be necessary; remove, suspend or dismiss any teacher, for incompetence or whenever, in their judgment, the interests of the school shall demand it: *Provided*, that no teacher shall be removed without at least ten days' notice and a written statement signed by the president and secretary of the board of the reasons for such removal, if the teacher should so desire.

§ 8. Said board shall have full power to determine the length of time schools shall be taught during the year: *Provided*, that the school year shall not be more than forty-two weeks nor less than thirty-six weeks in any one year, and that schools shall not be required to be taught on the days now set apart and excepted by the common school laws of the state and common custom. Said board shall, also, have power to determine the number and lengths of the terms and vacations of the school year and rates of tuition for all pupils non-resident or above lawful age.

§ 9. It shall be the duty of the board of education and they shall have full power to determine the amount of money needed for school purposes and to be raised by tax, over and above the amount of public moneys and incomes from all sources, except taxes, for one year from the first Monday of September of each, and report the same, by direction of or with the approval of the town council, to the county clerk of Madison county, within ten days; and it shall then be spread upon the assessment roll of the tax payers of the Upper Alton School District as other taxes, and, when collected, shall be paid over to the treasurer of said town, separately and apart from the taxes of the township, for school purposes, and at the same times in which the sheriff of said county is by law now required to pay over such funds.

Division school  
lands and funds.

§ 10. All school lands, school funds and other real or personal estate, notes, bonds or obligations belonging to township five (5) north, range nine (9) west, of Madison county, Illinois, held or owned for school purposes, shall be divided as follows—between the Upper Alton School District and the portion of the township without the same, in the proportion and manner following, viz: The trustees of schools of said township shall, within twenty days after the passage of this act, appoint two commissioners, who are freeholders, one a resident of said district and one a resident of the township without said Upper Alton School District, who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of white persons under twenty-one years of age residing in the Upper Alton School District and the whole number residing in the township without the same, and thereupon said trustees shall divide and apportion the said lands, funds, real or personal estate, notes, bonds or obligations of said township, between the Upper Alton School District and the township without the same, according to the number of said persons under twenty-one years of age residing in each portion. Said division and apportionment shall be made at the regular meeting of said trustees, in April, or at a meeting adjourned for the purpose of completing said apportionment. Said trustees shall have power to fill vacancies in said commissioners.

Management  
of school prop-  
erty.

§ 11. Said trustees or other person or persons having custody or control of such funds or lands, as enumerated and referred to above, shall pay over and deliver to the board of education of said school district the proportion thereof, as determined by said trustees, and execute and deliver to said board the necessary deeds and other conveyances and transfers of all kinds, so that the entire portion belonging to Upper Alton School District shall be in custody and control of said board of education. Said board shall, also, have power to loan funds, upon such conditions and rates as the law in such cases provides.

Election of  
president and  
secretary.

§ 12. The board of education shall have power to elect a president and secretary, and prescribe their duties. They may, also, provide for the times and places of meeting, either upon adjournment, regular or called. A majority shall constitute a quorum for any business: *Provided*, that no sale of property or lease for more than one year shall be made only upon the conditions of this act, sec. 3.

Colored school.

§ 13. If, at a meeting, of which due notice shall be given, the colored inhabitants of said Upper Alton District shall so petition, the board of education may take charge of their school or schools, appoint a teacher or teachers, and in all suitable ways exercise supervision over them: *Provided*, that no additional taxes shall be levied on account of such school or schools otherwise than provided for by law.



§ 14. Any acts or parts of acts in conflict with the provisions of this act are hereby repealed. Nor shall any amendment of the charter of Upper Alton be construed to alter or amend this act, unless so stated, specifically, by reference to each and every section so amended.

Conflicting acts repealed.

§ 15. The town council of Upper Alton shall have full power to pass any ordinance, not conflicting with the foregoing provisions, to carry into effect the system of graded schools herein recognized and established, fix penalties for violations of its provisions or for damages and trespasses to or upon school property and grounds; and, generally, all duties not specifically granted herein in relation to schools shall devolve upon the town council or the board of education, by their ordinance.

Power to pass ordinances.

§ 16. This act shall be considered a public act, and shall take effect upon and after its passage: *Provided*, the provisions of this act shall not be construed to limit or abridge the power of the board of education of the said town of Upper Alton for and during the present school year.

Provisions of act construed.

APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Upper Alton, Madison county, state of Illinois," approved February 16, 1865.

In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the second section of said act of incorporation be so amended as to extend the west boundary line of the corporate limits of said town of Upper Alton to the east boundary line of the corporate limits of the city of Alton.

Sec. 2 amended.

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

APPROVED March 30, 1869.

AN ACT to repeal an act entitled "An act to amend an act to incorporate the town of Vermont," approved February 13, 1857.

In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the act approved February 18, 1861, entitled "An act to amend an act entitled 'an act to incorporate the town of Vermont,' approved February 13, 1857," be and the same is hereby

Act repealed.

repealed, and the boundaries of said town are hereby declared to be the same as established in the original act incorporating said town of Vermont.

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

APPROVED March 29, 1869.

In force April 6, 1869. AN ACT to further amend an act entitled "An act to incorporate the town of Virginia, in Cass county."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and board of trustees of the town of Virginia, in Cass county, Illinois, be and are hereby empowered to borrow money or issue bonds on the credit of said town, to the amount of five thousand dollars: *Provided,* they shall first call an election in said town, and a majority of the legal voters of said town shall vote in favor of such borrowing money or issuing bonds: *And, provided, further,* that they be and are hereby empowered to borrow money or issue bonds to the amount of one thousand dollars, without submitting the same to a vote of the people.

May borrow money and issue bonds.

§ 2. That all acts and parts of acts in conflict with this are hereby repealed.

§ 3. That this law shall take effect and be in force from and after its passage.

APPROVED April 6, 1869.

In force March 11, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Warren," and the several acts amendatory thereto.

SECTION 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 Warren shall have power to levy and collect, annually, for street improvement purposes, such tax or taxes on the property in said town as shall be deemed adequate for the public improvement of said town; which said tax or taxes shall be levied upon the property benefited by said improvements, as near as may be in proportion to the benefits derived.

Levy and collect taxes.

Street improvements.

§ 2. Section one of this act shall be construed to embrace the grading, paving and curbing [of] said street or streets; also, the building of sewers and water-courses, bridges, sidewalks and crossings in said town.

§ 3. The president and trustees of said town shall have power to enforce the provisions contained in sections one and two of this act, by ordinance duly passed and recorded in the record book of said town.

Enforce provisions of act

§ 4. In all other cases where public improvements are or may be demanded in said town, or when money for any purpose is required to be raised, the president and trustees shall proceed as is required by section eleven of the original act, and the amendatory acts thereto, excepting in the manner of voting, which shall be by ballot, and also excepting the limitation clause of "not exceeding fifty cents on one hundred dollars," which said clause is hereby repealed.

May borrow money.

Improvement of streets and alleys.

§ 5. All taxes levied in pursuance of the provisions of this act shall be collected as provided by ordinance—the sale of property for delinquent taxes to be held within the corporate limits of said town, after twenty-one days' notice, by posting notices in three or more public places in said town, or by not less than three consecutive insertions in any newspaper published in said town.

Collection of taxes.

§ 6. In all cases when a sale of property for delinquent taxes shall be had, in pursuance of the provisions of this act, the clerk of said board shall issue a certificate of purchase to the purchaser, signed by the president of the board and attested by the clerk; and when said property consists of real estate, the clerk of said board shall cause a list of the property so sold to be duly certified, as above, and filed with the clerk of the county court, and by him duly recorded; and redemption by the owner or owners shall be in the same manner as is now provided by law; and all moneys so received for redemption shall be paid into the treasury of said town, for the benefit of any person or persons holding certificates therefor.

Sale of property for taxes.

§ 7. All lands and town lots not redeemed within the limitations allowed by law, as provided by statute, shall pass to the purchaser, as provided by the laws of the state of Illinois, and the title thereof be as valid as in all cases of sales of lands for the taxes due thereon.

Application of state laws.

§ 8. The clerk of said board and the street commissioner, together with the police magistrate, or a majority of them, shall determine the rates of taxation upon the property of said town, by virtue of any ordinance passed by said board for the public improvement of said town, and, when so determined, to report the same to the president and board of trustees for their approval; and they shall receive such compensation for their official services as the board shall determine.

Rate of taxation

§ 9. Section seven of the original act shall be so amended as to require the election of a police constable annually; which said election shall be on the same day and in the same manner as the election of all elective officers

Sec. 7 amended.

of said board; and when so elected, he shall hold his office for one year, or until his successor shall be duly elected and qualified.

Duty of street commissioner.

§ 10. The street commissioner appointed by the board, under the provisions of section seven of the original act of incorporation, shall be, *ex officio*, collector of said town, and shall file the necessary bonds, and subscribe to the oath of office, as is provided by law.

Liquors

§ 11. The president and board of trustees shall have power to prevent, by ordinance, the sale of spirituous or vinous liquors within the corporate limits of said town, and to fix penalties, and enforce the same, for any violations of this act.

§ 12. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 11, 1869.

In force June 19, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Washington," approved February 10, 1857.

Election of supervisor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected by the legal voters of the town of Washington, Tazewell county, and state of Illinois, at the next regular election of trustees for said town, and at the time of electing trustees every year thereafter, one supervisor for said incorporation, who shall, when so elected and qualified, be a member of the board of supervisors of Tazewell county, and shall have the same powers, fees and emoluments, and perform the same duties, as a member of the board of supervisors, as a township supervisor.

Eligibility of officers.

§ 2. No person shall be elected supervisor of said town, under the provisions of the foregoing section, who does not, at the time of his election, possess the qualifications required of a member of the board of trustees of said town; nor shall such supervisor perform any of the duties of supervisor within said town; nor shall he receive or disburse any money belonging to said town.

APPROVED March 24, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Washington," approved February 10, 1857. In force March 29, 1869.

SECTION 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 Washington be and they are hereby empowered to regulate or prohibit the building or construction of frame or wooden buildings, of any and every kind soever, in any part of said town: *Provided,* such power to regulate or prohibit shall only be exercised in conformity with such ordinances as the said president and trustees may ordain and publish, in the manner prescribed by the act to which this is an amendment, for the publishing of the ordinances of said town. Regulate erection of building

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

APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to consolidate the several acts incorporating the town of Waterloo, and to amend the same," approved February 18, 1859. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate authorities of the town of Waterloo may, by ordinance of the town board, extend the corporate limits of said town, as fixed by the act to which this is an amendment, one-eighth of one mile southwardly. Corporate powers granted.

§ 2. This act is hereby declared to be a public act, and in force from and after its passage.

APPROVED March 29, 1869.

AN ACT to amend an act entitled "An act to incorporate the town of Wheaton," approved February 15, 1865, and for other purposes. In force March 11, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three of article one of said act be amended by inserting, after the word "fifteen," in the eighth line of said section, the words, "and the north-east quarter of the north-east quarter of section twenty, and the north half of the north-west quarter, and the north-west quarter of the north-east quarter, of section twenty-one;" also, that section twelve of article four be amended by striking out of said section the words "and regulate the sale of." Sec. 2 amended.

Question submitted to vote of electors.

§ 2. *Be it further enacted*, that the town council shall have power to submit, at any special or general election, the question of raising, upon the assessed valuation of said town, any deficiency that may exist on the citizens' subscription for building a new court house for DuPage county; but said sum, so to be voted on, shall not exceed the sum of four thousand dollars. And if a majority of the voters upon said question shall vote to raise said sum by tax, then the town council may assume the unprovided indebtedness of the citizens' building committee, not exceeding the sum of four thousand dollars, and may issue orders upon the treasurer of said town, bearing interest at ten per cent., therefor, and may levy a special tax for the payment of said orders and interest, of not more than one per cent. upon the taxable property of said town in any one year.

Treasurer, assessor and collector.

§ 3. The collector, assessor and treasurer of the said town of Wheaton shall be elected at the same time and in the same manner as the town council now are, instead of being appointed.

§ 4. This act to be deemed a public act, and to be in force and take effect from and after its passage.

APPROVED March 11, 1869.

In force March 31, 1869.

AN ACT to extend the corporate powers of the town of White Hall.

#### ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of White Hall, in the county of Greene, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The town of White Hall;" and by that name, shall have perpetual succession, and may have and may use a common seal, which they may change and alter at pleasure.

Name and style.

Boundaries of the town.

§ 2. The boundaries of said town shall include within their limits the west half of the northwest quarter and the west half of the southwest quarter of section thirty-six (36), and all of section thirty-five (35), and the east half of the northeast quarter and the east half of the southeast quarter of section thirty-four (34), and the southwest quarter of the southwest quarter of section twenty-five (25), and the south half of the southeast quarter of section twenty-six (26), and the south half of the southwest quarter of section twenty-six (26), and the southeast quarter of the southeast quarter of section twenty-seven (27), in township twelve (12) north, of range twelve (12) west; also, the west half of the northwest quarter of section one (1), and the

north half of section two (2), and the east half of the north-east quarter of section three (3), in township eleven (11) north, of range twelve (12) west of the third principal meridian.

§ 3. Whenever any tract of land adjoining the town of White Hall shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the town of White Hall. Additions to the town.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town, and to sell, lease and convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons. General corporate powers.

## ARTICLE II.

SECTION 1. There shall be a town council, to consist of a president and five trustees, to be chosen annually, on the third Monday of February, by qualified voters of said town. Council.

§ 2. If any member of the town council shall, during the term of his office, remove from the town his office shall thereby be vacated. Office vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its members, and shall determine all contested elections. Qualifications and returns of members.

§ 4. A majority of the town council 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 fines and penalties as may be prescribed by ordinance. Quorum.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member. Rules of proceedings.

§ 6. The town council shall keep a journal of its proceedings, and, from time to time, publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Journal of proceedings.

§ 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint. Vacancies, how filled.

§ 8. Each and any member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his ability. Oath of office

The vote, how decided. § 9. Whenever there shall be a tie in the election of the members of the town council, the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Stated meetings § 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance.

## ARTICLE III.

## OF ELECTIONS.

Organization of town council. SECTION 1. On the third Monday of April next, an election shall be held in said town for the president and five members of the town council, and forever thereafter, on the third Monday of February in each year, there shall be held an election for said officers. The first election shall be held, conducted and returns thereof made as may be provided by ordinance by the present president and trustees of the town of White Hall; and all succeeding elections, as may be provided by ordinance of the town council by this act created.

Qualifications of electors. § 2. All persons who may be entitled to vote for state officers, and who shall have been actual residents of said town for sixty days immediately preceding said election, shall be entitled to vote for said officers.

## ARTICLE IV.

## OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Levy and collect taxes. SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum, per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of officers. § 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, commissioner of streets, and such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter, bonds, with such penalties and security, for the faithful performance of their duties as may be deemed expedient; and, also, to require all officers appointed as aforesaid, before entering upon the discharge of their respective official duties, to take an oath in the same manner as provided in section eight, of article two of this act.

Appropriations. § 3. To appropriate money, and provide for the payment of the debts and expenses of the town.

Contagious diseases. § 4. To make regulations to prevent the introduction of contagious diseases into the town, and enforce the same within five miles thereof.



§ 5. To establish hospitals, and make regulations for Hospitals.  
the government of the same.

§ 6. To make regulations to secure the general health General health.  
of the inhabitants; to declare what shall be a nuisance, and  
to prevent and remove the same.

§ 7. To provide the town with water; to sink and Provide water.  
keep in repair wells and pumps in the streets for the con-  
venience of the inhabitants.

§ 8. To lay out, open, alter, abolish, widen, extend, es- Alterations of  
tablish, grade, pave or otherwise improve and keep in re- streets.  
pair public squares, streets, avenues, lanes and alleys, and  
to establish a building line there.

§ 9. To establish and erect and keep in repair bridges. Bridges.

§ 10. To provide for lighting the streets and erecting Lighting streets  
lamp posts.

§ 11. To establish, support and regulate night watch- Night watches.  
men.

§ 12. To erect markethouses; to establish markets and Markets and  
market places, and provide for the government and regu- market houses.  
lation thereof.

§ 13. To provide for the erection of all needful build- Needful build-  
ings for the use of the town. ings.

§ 14. To provide for the inclosing, improving and regu- Public grounds.  
lating all public grounds belonging to the town.

§ 15. To license, tax and regulate auctioneers, mer- Auctioneers,  
chants, retailers, taverns or ordinances, hawkers and ped- peddlers, etc.  
dlers: *Provided*, that no fee shall be charged for any li-  
cense or other tax imposed on account of such occupation,  
where the person having or receiving the same is a resident  
of said town and assessed therein.

§ 16. To license, tax and regulate hackney carriages. Hackmen and  
coaches, omnibuses, wagons, carts and drays, and fix the draymen.  
rates to be charged for the carriage of persons and for the  
wagonage, cartage or drayage of property.

§ 17. To license and regulate porters and fix the rate of Porters and  
porterage.

§ 18. To license, tax, regulate and suppress theatrical Exhibitions.  
and other shows and amusements.

§ 19. To tax, restrain, prohibit and suppress tippling Tippling houses  
houses, dram shops, gambling houses, bawdy houses, and  
other disorderly houses within said town and within two  
miles thereof; but not to license any house or place for the  
sale of intoxicating drinks of any kind, as a beverage, un-  
less a majority of the legal voters of said town shall vote  
for the same,

§ 20. To prevent the incumbering of the streets, squares, Incumbering  
alleys, of said town; to plant and protect shade trees; to streets.  
require persons to fasten horses and other animals attached  
to vehicles, while standing in said town; to prohibit and  
prevent the running at large horses, hogs, sheep and other  
animals, and provide for distraining and impounding the

same, and to provide for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs and swine, and to provide for the obstruction of the same when running at large contrary to ordinance; and to prevent the firing of squibs, rockets, guns or other combustibles or fire-arms within the limits of said town.

- Extinguishment of fires. § 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Chimney flues. § 22. To regulate the fixing of chimneys and the flues thereof.
- Combustibles. § 23. To regulate the storage of gunpowder, tar, pitch, rosin, spirits, wines, and other combustible materials, and also ashes.
- Walls, fences. § 24. To regulate and order parapet walls and partition fences.
- Inspection of lumber. § 25. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.
- Hay, coal, &c. § 26. To provide for the inspection and weighing of hay, stone coal, and the inspection and measuring of charcoal, firewood and other fuel to be sold or used in said town.
- Butter, lard, &c. § 27. To regulate the inspection of butter, lard and other provisions.
- Enumeration of inhabitants. § 28. To provide for taking enumerations of the inhabitants of the town.
- Election of officers. § 29. To regulate the election of town officers, and provide for the removing from office any person holding office created by this act or by ordinances.
- Compensation of officers. § 30. To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.
- Calaboose. § 31. To build a calaboose, for the confinement of offenders for the violation of this act or any ordinance.
- Police. § 32. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.
- Billiards, bowling, &c. § 33. To suppress, restrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races and all other means of gambling within said town and within three miles thereof.
- Make and pass ordinances. § 34. The town council shall have power to make all ordinances which shall be necessary and proper for the carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.
- Style of ordinances. § 35. The style of the ordinances shall be, "*Be it ordained by the town of White Hall.*"

§ 36. All ordinances passed by the town council shall, within one month after they have been passed, be published in some newspaper published in said town, or posted on the door of the post-office and in three other public places in said town, and shall not be in force until they have been published or posted as aforesaid; and the certificate of the clerk of said town, or a certified copy of said certificate, shall be held, in all courts and places, sufficient evidence of such publication. Publication of ordinances.

§ 37. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Evidence and proof of.

## ARTICLE V.

## OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings of the town council, and shall have a casting vote and no other, and, in case of his absence at any meeting, the council shall appoint one of their number chairman, *pro tem*. Presiding officer of council.

§ 2. The president or any two members of the council may call special meetings of the town council. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished. He shall, from time to time, communicate to the council such information and recommend such measures as in his opinion may tend to the improvement of the finances, police, health, security and ornament of the town. Active and vigilant in enforcing laws.

§ 4. He is hereby authorized to call upon any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof, or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars. Citizens to aid in enforcing the laws.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books or papers or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act. Exhibit books and papers.

## ARTICLE VI.

## OF PROCEEDINGS IN SPECIAL CASES.

SECTION 1. Whenever it shall be necessary to take the property of any person, corporation or body politic for the Private property for public use

purpose of opening, altering, widening, extending, establishing, making or improving any public street, avenue, lane or alley, the town shall make just compensation to the owner of such property and pay or tender the same, before taking such property; and in case the amount of such compensation cannot be agreed upon, the police magistrate of the town shall cause the same to be ascertained by a jury of three disinterested freeholders of the town, in such manner as the council, by ordinance, shall direct.

Petitions for opening streets.

§ 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered, shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall in such case be allowed for such property so taken.

Jury to estimate damages.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading or otherwise improving any public square, street or alley, or any other improvement in this article named, except sidewalks and private drains, shall first be sworn to that effect, and shall return to the police magistrate their inquest, or assessment, in writing, signed by such jurors, or a majority of them: *Provided, always*, that in such assessments the jury shall take into consideration the benefits as well as the injury happening to the owners of property taken for or affected by any such improvement.

Improvement of streets, lanes and highways.

§ 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked, or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and side walks, main drains and sewers, and private drains and aqueducts, to be constructed and laid, re laid, cleansed and repaired, and to regulate the same, and to lay out public squares, and to grade and improve, protect and ornament any public square, street or alley, now or hereafter laid out.

Assessment upon real estate benefited.

§ 5. The expense of any improvement mentioned in this article, except sidewalks and private drains, may be assessed upon the real estate in any natural division affected thereby, with the cost of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto, in such manner as the council may, by ordinance direct.

Sidewalks, etc.

§ 6. The council shall order, on the petition of the owners of one-fourth part of the front of the lots included in such order, walks to be built and gutters to be paved in front of any such lots, by the owners thereof, in such time and manner and of such materials as it may direct; and in case of failure to do the same, the council shall cause the same to be done, and assess the cost thereof to each lot against the same.

§ 7. The town council may cause sidewalks and gutters to be constructed, as it may direct, on any street or alley or any part thereof, and assess the cost thereof to each lot, according to the respective fronts: *Provided*, that when such order shall be made without a petition of the owners of one-fourth part of the front of the lots included therein, the town shall pay at least twenty-five per cent. of the cost thereof.

Assessments  
for costs.

§ 8. All owners or occupants upon whose premises the town council shall order and direct private drains communicating with any main drains to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such private drains, at their own cost and charges, in the manner and within the time prescribed by ordinance, or otherwise; and upon their failure so to do, the council may cause the same to be done, and assess the expense therefor upon the lots, respectively, and collect the same as the other assessments and taxes. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses, as for money paid to his use, at his request.

Construction of  
private drains.

§ 9. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation, and taxes may be levied and collected for the same for the use and benefit of the said town, in such time and manner as the council shall by ordinance provide.

Real estate sub  
ject to taxation

§ 10. The town council may, by ordinance, direct that the assessment of the county or township assessor of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the corporation shall certify to the clerk of the county court all persons and property taxable therein, with the taxes and assessments levied thereon; in which case they shall, by the county clerk, be entered upon the tax book of the county, and be collected with the county and state taxes; and the same fees shall be paid by said town for actual services herein as may be provided by the revenue laws of the state for similar services.

Adopt county  
assessment.

## ARTICLE VII.

SECTION 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require of every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, alleys and public squares not exceeding three days in each year; and every person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar and a half to said town for each day so neglected or refused.

Inhabitants to  
labor on streets,  
alleys, etc.

- Exempt from road labor outside town limits. § 2. The inhabitants of the town of White Hall are hereby exempted from working on any road beyond the limits of said town and from paying any tax for the same.
- Punishment of offenders. § 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town by imprisonment in the town calaboose or county jail, not exceeding thirty days for any one offense, and in all cases where such offenders shall fail or refuse to pay the fine, forfeiture and costs which may be recorded or adjudged against them; and it shall be competent for the magistrate or other court before whom the same shall be tried to direct that such offenders shall be committed to the town calaboose or the county jail until such fine, forfeiture and costs shall be paid or otherwise be discharged by due process of law.
- Publication of receipts and expenditures. § 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.
- Ordinances to be in force until repealed. § 5. All ordinances and resolutions passed by the present president and trustees of the town of White Hall shall remain in full force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.
- Suits instituted in name of town. § 6. All suits and actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of White Hall.
- Actions vested in corporation. § 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of White Hall shall be vested in and prosecuted by the corporation hereby created.
- Vested property § 8. All property, real and personal, heretofore belonging to the president and trustees of the town of White Hall, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.
- Rights not affected. § 9. This charter shall not invalidate any act done or to be done by the president and trustees of the town of White Hall, nor divest them of any rights which have accrued to them prior to the passage of this act.
- Appeals allowed § 17. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act to the county or circuit court of Greene county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this

state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation directing said appeal or approving the same, shall be sufficient evidence of authority to sign said bond.

§ 11. The president and trustees of the town of White Hall shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town. Promulgate act.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof. Evidence and proof of act.

§ 13. The town marshal or constable or any other officer authorized to execute writs or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Greene, and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases. Jurisdiction of constable and marshal.

§ 14. The town council may, at any time hereafter, provide by ordinance for future elections, by the inhabitants of said town, of such town officers as they may deem it advisable to have so elected. Provide for future elections.

§ 15. Deeds of lands sold for taxes heretofore made or hereafter to be made under the ordinances of the town of White Hall, may be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and, when executed and acknowledged, as aforesaid, they shall be deemed and taken, in all courts and places, to be *prima facie* evidence of the existence and regularity of all such prior proceedings, as might otherwise be required to be proved, in order to establish the title to the purchase, and such deed shall be evidence, as aforesaid, without any proof of any proceedings prior to issuing thereof. Deeds evidence.

§ 16. All former acts of the legislature of the state of Illinois granting powers to the said town of White Hall, contrary or inconsistent with any of the provisions of this charter, be and the same are hereby repealed. Conflicting acts repealed.

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

APPROVED March 31, 1869.

In force March 4, 1869. AN ACT to amend an act entitled "An act to incorporate the town of Woodstock, McHenry county, Illinois."

Street commissioner, annual election of. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the qualified voters of said town of Woodstock shall, annually, at their corporation election, elect one street commissioner, whose compensation, powers and duties shall be fixed and determined by the board of trustees of said town. Before entering upon the duties of his office said street commissioner shall give bond for the faithful performance of his duties, having one or more sureties, to be approved by said board.

§ 2. This act to be deemed a public act, and to take effect and be in force from and after its passage.

APPROVED March 4, 1869.

In force March 15, 1869. AN ACT to amend an act to incorporate the town of Wyoming, in Stark county.

Section 2 of act amended. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of "An act to incorporate the town of Wyoming, in Stark county," approved February 16, 1865, be amended to read as follows, to-wit: "The boundaries of said town of Wyoming shall include the southeast quarter of section thirty-five (35), and the southwest quarter of section thirty-six (36), in township number thirteen (13) north, and range six (6) east of the fourth principal meridian, and the northwest quarter of section one (1), and the northeast quarter of section two (2), in township number twelve (12) north, and range six (6) east of said meridian.

Election. § 2. That the time for holding elections in said town of Wyoming shall be on the first Monday in March, annually, and the first election under said act of incorporation and this amendment thereto shall be on the first Monday in March, A. D. 1869: *Provided,* that if, for any reason, an election is not held on that day it may be held at any other time, after notice has been given as provided in said act of incorporation.

Act revived. § 3. Said act entitled "An act to incorporate the town of Wyoming," approved February 16, 1865, with all the provisions, powers, privileges and limitations therein contained, is hereby revived, re-enacted, and shall be the act of incorporation for said town of Wyoming, after the passage of this act, subject to the amendments contained in this act.



§ 4. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 15, 1869.

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AN ACT to amend "An act amend the charter of the town of Wyoming, in force April 19, 1869. in Stark county," approved March 15, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of "An act to amend an act to incorporate the town of Wyoming, in Stark county," approved March 15, 1869, be amended to read as follows, to-wit: "The boundaries of said town of Wyoming shall include sections one (1) and two (2), in township number twelve (12) north, and range six (6) east of the fourth principal meridian, and sections thirty-five (35) and thirty-six (36), in township number thirteen (13) north, and range six (6) east of the fourth principal meridian." Sec. 1 amended

§ 7. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED April 19, 1869.

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AN ACT to amend the charter and increase the powers of the town of Xenia, in Clay county. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Xenia, in the county of Clay, and state of Illinois, be and are hereby created a body corporate and politic, by the name and style of "The Town of Xenia;" and, by that name, shall have perpetual succession, and may have a common seal, which they may alter at pleasure. Name and style.

§ 2. The boundaries of said town shall include all the original town of Xenia and the several additions thereto, as the same are recorded in the recorder's office of Louisville, in said Clay county, together with all additions that may hereafter be made to said town, when duly recorded as such according to law. Boundaries

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity; to purchase, receive and hold property, real and personal, for the use of the inhabitants of General corporate powers.

said town; to sell, lease, convey or dispose of property, real and personal, for the benefit of the town, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

## ARTICLE II.

### OF THE TOWN COUNCIL.

- Council.** SECTION 1. There shall be a town council, to consist of a president and four trustees, to be chosen, annually, by the qualified voters of said town.
- Qualifications of members.** § 2. No person shall be a member of the town council unless he shall have resided one year prior to the election within the town limits, and shall be at the time a *bona fide* freeholder in said town and twenty-one years of age and a citizen of the United States.
- Office vacated.** § 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.
- Quorum to do business.** § 4. A majority of the town council shall constitute a quorum to do business, and a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.
- Rules of proceeding.** § 5. The town council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the consent of two-thirds of the members elected, expel a member.
- When vacancies occur, how filled.** § 6. All vacancies that shall occur in the town council, by removal, death, resignation or otherwise, shall be filled by appointment. Said appointment to be made by the president.
- Oath of office.** § 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform all the duties of his office to the best of his skill and ability.
- The vote, how determined.** § 8. Whenever there shall be a tie in the election of the members of the council the judges of election shall certify the same to the police magistrate, who shall determine the same by lot, in such manner as may be prescribed by ordinance.
- No member appointed to office.** § 9. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the council nor make any contract with said council.
- Annual statement of the receipts and expenditures.** § 10. The town council shall cause to be published a full and complete statement of all moneys received and expended by the corporation during the preceding year and on what account.

§ 11. The regular meetings of the town council shall be held on the first Monday in each month, at such house and places as may be prescribed by ordinance, and special meetings may be held on the call of the president. Stated meetings

## ARTICLE III.

## OF THE POLICE MAGISTRATE AND TOWN CONSTABLE.

SECTION 1. There shall be elected in the town of Xenia, by the qualified voters thereof, on the first Monday in May next, and on the first Monday in May every four years thereafter, a police magistrate, who shall hold his office for four years and until his successor shall be elected and qualified. Election of police magistrate.

§ 2. There shall, also, be elected by the qualified voters of said town, on the first Monday in May next and on the first Monday in May every two years thereafter, a town constable, who shall hold his office for two years and until his successor shall be elected and qualified. Election of constable.

§ 3. No person shall be eligible to the office of police magistrate or town constable who shall not have been a resident of the town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States. Eligibility of justice and constable.

§ 4. The election for police magistrate and town constable shall be conducted and the returns thereof made in the same manuer as the election and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time and shall be conducted by the same judges as the election for members of the town council. Manner of voting and conducting election.

§ 5. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and as such shall give bonds and take and subscribe the same oath of office as other justices of the peace, and shall be a conservator of the peace of said town, and shall have power and authority to administer oaths and issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing and to certify the same as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the said town and concurrent jurisdiction, power and other authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases. Justice commissioned by governor.

§ 6. The town constable shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and, for that purpose his power and authority shall extend over the county of Clay, and he shall have the same power, jurisdiction and authority, within the Jurisdiction of constable

limits of said county, as other constables possess in all cases under the laws of this state, and shall give bond and qualify as said town council shall by ordinance prescribe; and the said constable shall have power and authority to arrest all persons, on view, without warrant, who shall violate any of the provisions of this act or any of the ordinances of the town made in pursuance thereof, and take him, her or them before the police magistrate of said town, to be tried and punished as may be prescribed by ordinance. In case of the absence or inability of said constable to act, any constable of the said county of Clay shall have power to execute all processes and writs which may be issued, in the same manner and with like effect as the said town constable.

Penalty for neglect of duty.

§ 7. In case the police magistrate shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Clay county, and, on conviction, shall be fined not exceeding one hundred dollars.

#### ARTICLE IV.

##### OF ELECTIONS.

Election of president and council.

SECTION 1. On the first Monday in May next and on the first Monday in May annually thereafter, an election shall be held for the president and four members of the town council. The first election shall be held, conducted and returns thereof made, as may be provided by ordinance by the present president and trustees of the town of Xenia, or, in the absence of an ordinance for that purpose, in the manner now provided by law; and all succeeding elections as may be provided by ordinance of the town council by this act created.

Qualification of electors.

§ 2. Every persons entitled to vote for state officers and who shall have an actual residence in said town for sixty days next preceding such election, shall be entitled to vote thereat.

#### ARTICLE V.

##### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Power to levy assess and collect taxes.

SECTION 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the town limits, which are subject to taxation for state and county purposes, not exceeding one-half per centum, per annum, upon the assessed value thereof; and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of attorney.

§ 2. The town council shall have power to appoint a town attorney, clerk, assessor, treasurer, collector and one or more street commissioners, and such other officers as they

may deem necessary to carry into effect the provisions of this act; and to require all officers, appointed as aforesaid, to give bond, with security, and also to subscribe an oath for the faithful performance of the duties of their office before entering upon the duties thereof.

§ 3. To appropriate money, and provide for the payment of the debts and expenses of the town. Appropriations.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding one mile from the limits of said town. Contagious diseases.

§ 5. To make regulations concerning the general health of the inhabitants; to declare what shall be a nuisance in said town or for any distance, not exceeding two miles, from the limits thereof, and to prevent and remove the same, and punish the authors thereof. General health.

§ 6. To open, alter, widen, establish, extend, grade, pave or otherwise improve and keep in repair streets, avenues, lanes, alleys and public roads in said town. Alteration of streets.

§ 7. To provide all needful and necessary buildings for the use of said town; to erect market houses; to establish markets and market places, and provide for the government and regulation thereof. Needful buildings.

§ 8. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies, and to provide the town with water, for the use of the inhabitants, and to regulate the storage of gunpowder and other combustible materials. Extinguishment of fires.

§ 9. To provide for inclosing, improving and regulating all public and other grounds belonging to said town. Public grounds.

§ 10. To license, tax and regulate or suppress and prohibit shows of every kind, exhibitions, caravans, circuses, auctioneers, peddlers, pawnbrokers. Shows and exhibitions.

§ 11. The town council shall have power and authority to provide, by ordinance, to license, tax, restrain, prohibit and suppress the selling, bartering or exchanging and trafficking in wine, rum, gin, brandy, whisky, ale or beer, or other intoxicating liquors or beverages, by whatever name or designation the same may be known or used, within the limits of said town, and to prevent the giving away of the same by any trader, dealer, shop or tavern keeper, to be used as a beverage, and to prohibit and suppress tippling houses, saloons, gaming houses, bawdy and other disorderly houses in said town, and for any distance not exceeding one mile from the limits thereof; to prohibit and restrain all descriptions of gambling and fraudulent device, by whatever name known, and suppress and prohibit billiard tables and bowling alleys: *Provided*, the council may have power to license and tax billiard tables, bowling alleys or other places of exercise and amusement. Prohibit sale of liquors.

Riots, affrays  
and tumults.

§ 12. The town council shall have power to suppress all riots, routs, assaults, assaults and batteries, drunkenness, breaches of the peace, quarreling, horse racing, open and notorious lewdness, and all other public indecency.

Fasten animals.

§ 13. To prevent the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, avenue, lane, alley, public road, uninclosed lot or public grounds, in said town.

Running at  
large of horses  
and cattle.

§ 14. To restrain, regulate or prohibit the running at large of horses, cattle, sheep, swine and other animals, and to authorize the distraining, impounding and sale of the same, and to establish and maintain a public pound, and appoint a poundmaster and prescribe his duties; and to prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance of said town.

Census.

§ 15. To provide for taking the enumeration of the inhabitants of said town; to fix the compensation of all town officers and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance of said town.

Railroad cross-  
ings, etc.

§ 16. The town council shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys and sidewalks, when the town council shall deem necessary.

Incumbering  
streets.

§ 17. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to regulate or prevent the firing of squibs, rockets or other fireworks, gun and combustibles, and pistols, within the limits of said town; to regulate the speed of horses or other animals, rode or driven, within the limits of said town.

Regulate police.

§ 18. The town council shall have power to regulate the internal police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines, forfeitures and penalties for the breach of any ordinance; and shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of this state or of the United States: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with the breach of any of the provisions of this act or any ordinance made in pursuance thereof.

Construction of  
jail.

§ 19. The town council shall have power to build or provide, if necessary, a town jail for the imprisonment of offenders, and may provide, by ordinance, that any person or persons convicted under any ordinance in said town, and who fails, neglects or refuses to pay the fine so assess-

ed against him or them or her, may be either confined in said town jail or made to perform labor on the streets or alleys of said town: *Provided*, that imprisonment shall not be for a longer duration than thirty days for any one offense. No fine for the breach of any ordinance of said town shall exceed fifty dollars, besides the costs of prosecution, including attorney's fees, to be fixed in amount by the town council.

§ 20. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of Xenia.*" Style of ordinances.

§ 21. All ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, if there be one, or by posting up copies in three of the most public places in said town; which places shall be determined by ordinance. And all ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form and purporting to be printed by authority of the town council, the same shall be received in evidence in all courts and places without further proof. Publication of ordinances.

## ARTICLE VI.

### OF THE PRESIDENT.

SECTION 1. The president shall preside at all meetings of the town council, and shall have the casting vote, and no other; and in case of his non-attendance at any meeting, the council shall appoint one of their number as chairman, who shall preside at that meeting. President to have casting vote, only.

§ 2. The president or any two members of the town council may call special meetings of the said council. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of said town, and shall cause negligence and willful violation of duty to be punished; he shall, from time to time, communicate to the council such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health and comfort of the town; he shall have power and authority to call upon all male inhabitants over the age of twenty-one years, of said town, to aid in enforcing the laws and ordinances, and any and every person who shall fail or refuse to obey such call shall forfeit and pay to said town the sum of ten dollars. Active and vigilant in the performance of duties.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town to exhibit his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act. Inhabitants to aid in enforcing the laws.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town to exhibit his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act. Exhibit of books and papers.

## ARTICLE VII.

## OF THE ASSESSMENT OF TAXES.

Manner of  
assessments.

SECTION 1. The town council shall have power, by ordinance, to provide the mode and manner of assessing the property of said town; and it shall be the duty of the town clerk to give ten days' notice, by one publication in any newspaper published in said town, that the assessment of said town has been returned to him, and, on a day to be specified therein, will be acted upon by the town council, unless objections to the same are made by some person interested. Objections may be heard by the town council, and the hearing may be adjourned from day to day. The town council shall have power to alter, confirm or annul the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered directing the collection thereof as other assessments in said town are collected.

Enforce collec-  
tion of taxes.

§ 2. All the proceedings shall be had in reference to the delinquent tax list as are now or shall hereafter be required by the state revenue laws for the collection of state and county taxes; and the collector shall give due notice, by publication in some newspaper published in said town, and make application to the county court of Clay county for a judgment against said delinquent lands or lots, and the said county court shall have jurisdiction over the same. The sale of said lands and lots shall be within the corporate limits of said town; and the collector shall have full power and authority to make and execute all deeds and conveyances under this act, when thereunto directed by said town council.

Sale of real  
estate for taxes.

§ 3. That when any town lot or real estate shall be sold for taxes by virtue of this act, the same may be redeemed as is now provided for by the revenue laws of this state in similar cases.

## ARTICLE VIII.

## STREETS, ALLEYS AND SIDEWALKS.

Private prop-  
erty taken for  
opening streets.

SECTION 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town, the corporation shall make just compensation to the owner of said property and pay or tender the same, before opening or altering such street or alley; and, in case the amount of such compensation cannot be agreed upon, the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the police magistrate of said town for that purpose.

Costs of mak-  
ing improve-  
ments.

§ 2. The said jurors so impaneled to ascertain the damage which will be sustained by the opening so altering of any street or alley by any person or persons so owning



property, shall first be sworn to that effect by said police magistrate, and shall return to him their verdict, in writing, signed by each of the jurors, and by him laid before the town council at the first meeting of said body thereafter; and either party may appeal therefrom to the circuit court of Clay county in such manner and upon such terms as may be prescribed by ordinance.

§ 3. In the assessments of such damages the jurors shall take into consideration the benefits as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley by such opening or altering. Assessment for benefits.

§ 4. That the town council shall have power to levy and collect a special tax on the owners of lots on any streets or parts of streets, avenues or public roads in said town, according to their respective fronts, for the purpose of grading, paving or otherwise improving the said streets or parts of streets, avenues or public roads, or for making or improving the sidewalks thereon. Levy of tax legal

§ 5. All owners of any premises in front of or upon which the town council of said town shall order or direct sidewalks to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalks, at their own costs and charges, in the manner and the time prescribed by ordinance or otherwise; and all such owners shall have notice, if he or she can be found in said town, to construct, repair, relay, or cleanse such sidewalks; which notice shall be issued by the clerk, under his hand, therein describing the premises and the sidewalk to be constructed, repaired, relaid or cleansed, the work to be performed and the time in which the work is to be done—said notice to be served by the town constable, and by him returned to the clerk's office; and if not done in the manner and at the time prescribed, the said town council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order to be embraced in their proceedings, upon such lots, respectively, and collect the same by warrant and sale of the premises, in such manner and within such time as the said town council may by ordinance provide. And a suit may also be maintained by the said town, in its corporate name, against the owner or owners of such premises, for the recovery of such expenses, as for money paid and laid out to his, her or their use, at his, her or their request. Construction of sidewalks.

## ARTICLE IX.

### OF MISCELLANEOUS PROVISIONS.

SECTION 1. The inhabitants of the town of Xenia are hereby exempted from working on any road beyond the limits of said town and from paying any tax to procure laborers to work on the same. Exempt from road labor outside town.

Inhabitants to labor on streets. § 2. The town council shall have the power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay to said town the sum of one dollar and fifty cents for every day so neglected or refused.

Suits in corporate name. § 3. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted and commenced and prosecuted in the name of the town Xenia.

Appeals allowed § 4. Appeals shall be allowed in all cases from the decisions arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Clay county; and every such appeal shall be taken in the same manner and will have the same effect as appeals taken from justices of the peace under the laws of this state.

Not required to file security for cost. § 5. The town council shall not be required in suits instituted under this act, or ordinances passed by virtue thereof, to file, before the commencement of such suit, any security for costs.

Record of proceedings. § 6. The town council shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record of the incorporation of the town of Xenia, shall be received in all courts, without further proof, as evidence of all such matters therein contained.

Moneys go into town treasury. § 7. All fines, forfeitures and penalties, received or collected for the breach of any ordinance or of this act, shall be paid into the treasury of said corporation by the officer or person receiving the same.

Office vacated. § 8. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

Actions vested in corporation. § 9. All actions, fines, penalties and forfeitures which have accrued to the town of Xenia, shall be vested in and prosecuted by the corporation hereby created; and all actions, fines, penalties, forfeitures and license taxes, which have accrued to the president and trustees of the said town of Xenia, shall be vested in the said corporation.

Hackmen, draymen and carters. § 10. The town council shall have power to license, tax and regulate wagons, carts and drays, and to fix the rates to be charged for carrying property; to regulate, tax and license hay or stock scales.

§ 11. All ordinances, resolutions and by-laws, passed by the president and trustees of the town of Xenia and not repealed by them, shall be and remain in full force until the same shall have been repealed by the town council hereby created; and all the former acts of the said president and trustees are hereby legalized.

Ordinances to continue in force until repealed.

§ 12. The present president, S. S. Clark, and the present trustees, G. M. Filson, H. Hines, G. Pritchett and C. Friend, of the town of Xenia, shall constitute the town council herein provided for, (whereof the said S. S. Clark shall be the president) and shall continue in office until the first Monday in May, A. D. 1869, and until their successors shall be elected and qualified; and all the other officers of said town now in office shall, respectively, continue in the same until superseded in conformity to the provisions of this act, but shall be governed by the requirements hereof.

Names of the town council.

§ 13. All property, real and personal, heretofore belonging to the president and trustees of the town of Xenia, shall be and the same is hereby declared to be vested in the corporation created by this act.

Vested property

§ 14. The act entitled "An act to incorporate the town of Xenia," approved February 16, A. D. 1865, is hereby repealed.

Former act repealed.

§ 15. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within the state without proof.

Evidence of act.

§ 16. All publications of ordinances, by-laws and regulations and other matters made in pursuance of this act, that are required to be made in a newspaper in said town may be published, in case there is no newspaper in said town, by written or printed notices posted in three public places as in this act mentioned.

Publication of ordinances.

§ 17. This act shall take effect and be in force from and after its passage.

APPROVED March 25, 1869.

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## TOWNS—OBLIGATIONS.

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AN ACT to enable the town of Kankakee, in Kankakee county, Illinois, to establish a poor house.

In force when adopted by legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the town of Kankakee, in said county, shall have power to issue bonds, not to exceed twenty thousand dollars, and payable at such times, within twenty years, and in such manner as*

Issue bonds.

the board of town auditors of said town may deem proper, and at a rate of interest not to exceed ten per cent., per annum, for the purpose of borrowing money to purchase a farm and erecting a poor house for the benefit of said town.

Title of farm.?

§ 2. That the title of said farm shall be taken in the name of said town, but the purchase shall be made by the board of town auditors; and the said bonds shall be signed by the supervisor of said town and countersigned by the town clerk thereof.

§ 3. That this law shall not go into effect unless a majority of the votes cast at the annual town meeting, in said town, in the month of April next, shall be in favor of this law.

APPROVED March 26, 1869.

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In force March 29, 1869. AN ACT to amend an act entitled "An act to enable the town of Mount Pulaski, to levy a special tax for certain purposes therein named," approved February 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the second section of said act, to which this act is an amendment, be and the same is hereby so amended that the provisions of said act to which this act is an amendment, and as herein modified, shall remain in full force and effect until otherwise repealed by the general assembly.

Sec. 2 amended.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 29, 1869.

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In force March 31, 1869. AN ACT to provide for the payment of the indebtedness of the towns of Sand Prairie and Delevan, in Tazewell county.

Preamble.

PREAMBLE.—Whereas the people of the towns of Delevan and Sand Prairie, in the county of Tazewell, and state of Illinois, have contributed money to defray expenses for raising volunteers and substitutes in the late war; and whereas, at the time when their contributions were made, the authorities of said towns of Delevan and Sand Prairie promised that the several amounts so contributed should be refunded; and whereas the claims against said towns are still in the hands of the citizens of said town and others; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a special election shall be called in said towns, by the supervisors thereof—notice of such election being posted in at least five of the most prominent places of said town ten days prior to said election—to vote for or against a bounty tax. Special election

§ 2. That if a majority of voters at said election shall vote for a bounty tax, a tax shall be levied on all the taxable property of said towns, in the manner as now provided by law, sufficient to pay all claims against the said towns for money contributed for the purpose of raising volunteers and substitutes: *Provided*, no more than three per cent. shall be levied in any one year. Taxation.

§ 3. That if the majority of the voters of said election shall vote for a county tax, the bounty clerk of Tazewell county shall, after having been duly notified of such an election, extend the tax on all taxable property of said towns of Sand Prairie and Delevan in the collector's books for said town for the taxes of 1869, in a column headed "Bounty tax;" and the collectors of said town shall proceed to collect the same tax in the same manner as other taxes are collected. Extend tax list.

§ 4. The board of town auditors, after such tax is collected, [shall] give notice that they are prepared to pay the claims against said towns for money contributed, as above stated, and shall proceed to examine all such claims, and only direct the payment of such claims as they may deem correct and proper. Claims against town.

§ 5. That if the tax of three per cent. is not sufficient to pay all the outstanding claims against said towns, for moneys contributed as above stated, a further tax of three per cent., or less, shall be levied every year until all such claims are paid. Additional tax.

§ 6. This act to take effect from and after its passage.  
APPROVED March 30, 1869.

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## TOWNS—REVENUE.

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AN ACT to authorize the town collector of the town of Decatur, in Macon county, Illinois, to appoint a deputy. In force Jan. 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That John W. Coleman, collector of the town of Decatur, Macon county, Illinois, be and he is hereby authorized to appoint a deputy Appointment of deputy collector

collector, who shall be and is hereby authorized and empowered to perform all official acts necessary to and in the collection of the taxes in said town, in like manner and to like effect as the said collector himself might do in proper person.

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

APPROVED January 26, 1869.

In force Feb. 19, 1869. AN ACT to extend the time for the collector in the township of Peoria, in the county of Peoria, in the state of Illinois, to return the warrant issued to him for the collection of taxes.

Extension. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the term for the return of the warrant issued to the collector of the township of Peoria, in the county of Peoria, in this state, for the collection of the taxes for the year one thousand eight hundred and sixty eight, be and the same is hereby extended until the first day of April, A. D. 1869, and until said first day of April, A. D. 1869, said collector shall possess all the powers to enforce the payment and collection of all taxes which he could or might exercise before the return day of his warrant, by the laws in force at the time said warrant issued.

Securities. § 2. The sureties on the bond of said collector shall not be released nor their liability affected by this act.

Return of warrants. § 3. That hereafter, the time for the return of the warrants issued to the collector in said township of Peoria shall be on the first day of April, each year, instead of the 15th day of February.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1869.

In force March 30, 1869. AN ACT to extend the time for the return day of the collector's warrant in the town of West Galena.

Warrant. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the collector's warrant in the town of West Galena, in Jo Daviess county, be and the same is hereby extended to one hundred days, from the date thereof, instead of sixty days, as now required by law: *Provided,* that said collector, in

said town of West Galena, shall, on or before the day now fixed by law for the return of said warrant, execute and deliver to the proper officer a good and sufficient bond, with approved sureties, for the faithful performance of his duties during such extended time, and for the full payment of all moneys due or which may become due from him as said collector.

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

APPROVED March 30, 1869.

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## TOWNS—PLATS.

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AN ACT to vacate the town of Avoca.

In force March  
31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town and town plat of the town of Avoca, in Livingston county, in this state, is hereby vacated, saving to all and all parties and societies their rights and interests they or any of them may have in any school house, school house lot or any church and lot upon which the same may stand. Plat vacated.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 31, 1869.

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AN ACT to vacate the town plat of the town of Bloomingdale, in Logan county. In force March 30, 1869.

SECTION 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 Bloomingdale, and also the plat of Smithfield Association's addition to the town of Bloomingdale, in the county of Logan, and state of Illinois, be and the same are hereby declared to be vacated, and the lots and blocks of said town and addition shall hereafter be assessed and taxed in the same manner that other lands are required to be assessed and taxed; and the title to the several alleys, streets and public squares in said town and additions shall be vested in the owner or owners of the adjoining lots or lands.

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

APPROVED March 30, 1869.

In force March 9, 1869. AN ACT to vacate public roads in Bristol, Kendall county, and to legalize re-surveys of said town plat and its additions, and for the benefit of original owners of said town and additions to the same.

Roads vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the owners of lands in the town of Bristol, in Kendall county, and state of Illinois, who have laid out or who may hereafter lay out land into lots and out-lots for town purposes, on any road leading into said town of Bristol, where any such road or roads run diagonally or otherwise through lots and out-lots already laid out or that may hereafter be laid out in said town of Bristol or of any addition thereto, that so much of said road or roads shall, by this act, be declared vacant, it being especially provided that some one of the streets shall connect with said public highways.

Survey and plat. § 2. *Be it further enacted,* that the present owners, or their successors as purchasers, of any part of the original town plat of the town of Bristol or of any addition or parts of additions of the same, where any re-surveys have been made or where re-surveys of any portion of said plat shall be deemed essential by the owners thereof, for the improvement of those parts of the town, that it is and shall be lawful for either or all of the parties who wish to make such re-surveys to have the same re-surveyed, and record the same, where the same can be done so as not to jeopardize the value of other property adjoining the same.

Right to fence lots vacated. § 3. *Be it further enacted,* that the original owners, and their heirs, of said town plat or of any addition thereto, shall have the right to fence or keep fenced up any part of the same, so long as they choose, only opening or leaving open streets to accommodate lots sold or for a public highway, where the same is on a public road; and it is hereby especially provided that no person or persons [other] than original owners and their heirs, of the said town plat and additions thereto, shall receive any benefit from this section of this act.

§ 4. This act to be in full force from and after its passage.

APPROVED March 9, 1869.



AN ACT to amend an act entitled "An act to authorize a vacation, re-division and partition of Canalport, in Cook county," approved February 15, 1865. In force March 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act mentioned in the title hereof be and hereby is so amended as that on petition of the proprietor or proprietors or owners of any number of lots in the subdivision known as the town of Canalport, in the county of Cook, either the circuit court for said county or the superior court of Chicago, setting in chancery, may appoint commissioners, as mentioned in said original act, who shall do and perform such acts and services as is provided in said act; and whichever of said courts may be applied to, on petition, as aforesaid, shall have all the power and authority in the premises that is or may be conferred upon said circuit court by the act to which this is an amendment. Act amended.

§ 2. This act shall be a public act, and take effect from and after its passage.

APPROVED March 8, 1869.

AN ACT to vacate the town plat of Cookville

In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of Cookville, situated in the township of Lyons, in Cook county, Illinois, be and the same is hereby vacated.

§ 2. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 29, 1869.

AN ACT to vacate the town plat of the town of Cummington, in Macoupin county, Illinois. In force March 15, 1869.

SECTION 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 Cummington, in Macoupin county, Illinois, be and the same is hereby vacated, and the tract or tracts of land upon which the said town is situated shall hereafter be assessed and taxed as other taxes: *Provided,* nothing in this act contained shall be so construed as to affect the title of persons owning property in said town.

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

APPROVED March 15, 1869.

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In force March 30, 1869. AN ACT to vacate all that part of the town of Gillespie, in Macoupin county, Illinois, as lies north of Elm street.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that part of the town of Gillespie as lies north of Elm street be and the same is hereby vacated.*

§ 2. This act to be in force from and after its passage.

APPROVED March 30, 1869.

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In force March 30, 1869. AN ACT to vacate the town plat of the town of Hartford, in the county of Adams.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That that part of the town of Hartford situated on the northeast quarter of section six, in township one north, of the base line, and in range eight west of the fourth principal meridian, in the county of Adams, be and the same is hereby vacated.*

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

APPROVED March 30, 1869.

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In force March 13, 1869. AN ACT to legalize the plat of Adams' Second Addition to the town of Jerseyville.

Record of plat legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the plat<sup>of</sup> of the addition to the town, now city, of Jerseyville, in the county of Jersey, and state of Illinois, known as Adams' Second Addition to the town of Jerseyville, and acknowledged by Charles N. Adams and Newell L. Adams, the proprietors thereof, before A. M. Blackburn, a notary public of said town, of the date of June 4th, A. D. 1857, and recorded in the recorder's office of said county, in Book O, page 638, be and the same is hereby legalized and declared*

to be as valid, to all intents and purposes, as if said plat had been acknowledged before the proper officer authorized by law to take such acknowledgment.

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

APPROVED March 13, 1869.

AN ACT to vacate part of the original plat of the town of La Moille, In force March  
formerly Greenfield, in Bureau county. 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the original town plat of the town of La Moille, formerly Greenfield, in Bureau county, as includes lots numbered one (1), two (2), fifteen (15), sixteen (16), seventeen (17), and eighteen (18), and all that part of Washington street north of said lots and west of Church street, also the west half of that part of Church street east of said lots and south of Washington street, and also the east half of that part of Church street lying west of lot thirty-eight (38), be and the same is hereby vacated, and that the aforesaid part of Washington street and the aforesaid west half of said part of Church street be added and attached to the aforesaid vacated lots lying adjacent to said parts of streets, and that the above mentioned east half of part of Church street lying west of lot thirty-eight (38), be added and attached to said lot thirty-eight (38) lying adjacent to it. Plat vacated.

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

APPROVED March 29, 1869.

AN ACT to vacate certain town plats in the county of Knox.

In force March  
4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the plats of the towns of Louisville, Bridgeport, Millroy, and Trenton, in said county of Knox, all, any or either of them, shall be vacated whenever any orders to that effect shall be passed by the board of supervisors of said county.

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

APPROVED March 4, 1869.

AN ACT to vacate a portion of the plat of the village of Matteson, in Cook county.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the plat of the village of Matteson, in Cook county, as lies east of the track of the Illinois Central Railroad Company and north of the Joliet and Northern Indiana Railroad Company, be and the same is hereby vacated.

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

APPROVED March 31, 1869.

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In force March 26, 1869.

AN ACT to vacate the town of Powhattan.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the plot of the town of Powhattan, in the county of Wabash, in state of Illinois, be and the same is hereby vacated.

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

APPROVED March 26, 1869.

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AN ACT to provide for the sale of the public square in the town of Richview.

In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school directors of district number one, in town number two south, range one west of the third principal meridian, which is situated in Washington county, in the state of Illinois, are hereby authorized and fully empowered to sell what is known as the public square in the town of Richview, which said square is in said school district.

Sale of public square.

Public sale.

§ 2. The directors aforesaid shall sell said public square at public sale, to the highest and best bidder, after giving four weeks notice of the time, place and terms of such sale, by publication in all the newspapers published in said county, and by posting notices in six of the most public places in said county. Said square shall be sold on the premises. Twenty per cent. of the purchase money shall be paid at the time of the sale and the balance on a credit

of twelve months—the purchaser or purchasers executing a note and mortgage for such balance to said directors.

§ 3. The directors, after such sale, shall make and execute to the purchaser or purchasers a good and valid deed of conveyance, in which said deed shall be incorporated this act; and the moneys derived from said sale, after the payment of the expenses of said sale, shall be applied to and used exclusively for the benefit of said school district, in such manner as the inhabitants of said school district may direct. Said directors shall, immediately after the sale of said premises, deliver to the treasurer of schools of said town the money, note and mortgages derived from the sale aforesaid. The treasurer, or his successor, shall collect said note and mortgage, and shall only pay it out upon order of said directors. The bond given by the school treasurer shall be security for such money, note and mortgage.

§ 4. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 25, 1869.

---

AN ACT to vacate a portion of the plot of R. Jones' Addition to Rockton, Winnebago county. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the plats of R. Jones' Addition to [the town of] Rockton and of all new subdivisions of the same, as recorded in the recorder's office of Winnebago county, be and the same are hereby vacated as to all that part of said addition south of Elizabeth street and west of a street running north and south along the east side of said plat. Said last named street to remain open for use as a public highway forever, as now fenced and traveled.*

APPROVED March 29, 1869.

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AN ACT to vacate certain lots in the town of Russellville, Lawrence county. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the numbering, from forty-one to fifty-seven, both inclusive, in the town of Russellville, Lawrence county, be and the same are hereby vacated.*

§ 2. This act to be deemed a public act, and be in force and take effect from and after its passage.

APPROVED March 29, 1869.

In force March 30, 1869. AN ACT to vacate certain lots and blocks in the town of Sublette, Lee county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Lots vacated. lots and blocks numbered block number seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of the town plat of the town of Sublette, in the county of Lee, and state of Illinois, be and the same are hereby declared to be vacated, and that said lots and blocks shall hereafter be assessed and taxed in the same manner that other lands are required to be assessed and taxed; and the title to the several alleys and streets shall be vested in the owner or owners of said blocks and lots.

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

APPROVED March 30, 1869.

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In force March 31, 1869.

AN ACT to vacate the plat of Tioga City.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that plat of Tioga City, heretofore surveyed and located on the south half of section (7) seven and the north half of section (18) eighteen, township nine (9) north, range five (5) west of the fourth principal meridian, in Henderson county, be and the same is hereby vacated.

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

APPROVED March 31, 1869.

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In force March 26, 1869.

AN ACT to vacate a portion of the town plat of the town of Viola.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Groundsvacated whole of the lands platted as depot grounds, being five hundred feet by one thousand feet, and also all lands indicated by marks or lines for railroad tracks, running from said depot grounds, or by lines or marks indicating blocks or parts of blocks not otherwise marked; also, the following streets and avenues, to-wit: Fifth Avenue, Sixth Avenue, that portion of Eighth Avenue running east from the east line of block number eighty-eight and block one hundred, to the east line of said plat; that portion of Ninth

Avenue running east from the east line of blocks number one hundred and one hundred and ten to the east line of said plat; that portion of third street running north between the north half of block number one hundred and ten and the north half of block one hundred and nine, between block one hundred and block one hundred and one, between block eighty-eight and block eighty-seven, to Perkins Avenue, as will appear by the recorded plat of said town of Viola, recorded in the clerk's office of Mercer county, in the state of Illinois, on the 17th day of December, A. D. 1856, in volume U, on page 237, be and the same are hereby vacated,

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 25, 1869.

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AN ACT to vacate the town plat of the town of Williamsport, in the county of Scott. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the plat of the town of Williamsport, in the county of Scott, be and the same is hereby vacated.*

APPROVED March 15, 1869.

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AN ACT to legalize certain deeds heretofore made vacating certain blocks in Moore & Kellam's addition to the town of Woodburn, in Macoupin county. In force March 26, 1869.

WHEREAS, B. I. Tompkins and Achsah Tompkins, his wife, did, on their deed, made on the twelfth day of May, 1855, and recorded in the recorder's office in the county of Macoupin, and state of Illinois, on the first day of June, 1855, in book E E, page 742, attempt to vacate blocks numbered twenty-six (26), thirty-seven (37), and forty-two (42), in Moore and Kellam's addition to the town of Woodburn, in the county of Macoupin, and state of Illinois; and whereas John Grinstead and Mary Grinstead, his wife, and R. R. Tompkins, and Susan Tompkins, his wife, did by their deed, made the twenty-eighth day of May, 1850, and recorded in the recorder's office of said county on the fourth day of August, 1850, in book T, attempt to vacate blocks number thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, in the same addition; and whereas Silas Dodson

Preamble.

and Rebecca Dodson, his wife, did, by their deed, made the thirtieth day of May, 1851, and recorded in the recorder's office of said county on the second day of June, 1851, in book S, pages 76 and 77, attempt to vacate block number twenty-four, in the same addition; and whereas Charles B. Barton and Martha H. Barton, his wife, and Hannah Ecrit, did, by their deed, made on the fifteenth day of June, 1855, and recorded in the recorder's office of said county on the fourth day of September, 1855, in book A. A, page 450, attempt to vacate blocks numbered ten and twenty-one, in the same addition; and whereas Silas Dodson and Rebecca Dodson, his wife, did, by their deed, made on the twenty-sixth day of January, 1850, and recorded in the recorder's office of said county on the fourth day of February, 1850, in book T, page 7, attempt to vacate lots number one, two, three, four, nine, ten, eleven and twelve, in block numbered twenty-two (22), and blocks numbered twenty-five (25), thirty-eight (38), and forty-one (41), in Moore and Kellam's addition to the town of Woodburn; and whereas Reuben R. Tompkins and Susan Tompkins, his wife, did, by their deed, made on the tenth day of May, 1856, and recorded in the recorder's office of said county on the fifth day of September, 1851, in book K. K., page 151, attempt to vacate blocks numbered twenty-nine (29), thirty (30), thirty-one, (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), forty-four (44), forty-five (45), forty-six (46) and forty-seven (47), and so much of blocks sixteen (16), seventeen (17), and eighteen (18), as is on the north-west quarter of the south-west quarter of section number seventeen (17), in township number seven (7) north, range number eight (8) west of the third P. M., all in Moore and Kellam's addition to the town of Woodburn; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said deeds of vacation be and the same are hereby declared good and valid in law, and the same are hereby legalized to all intents and purposes.

§ 2. This act is hereby declared a public act, and to be in force from and after its passage.

APPROVED March 26, 1869.



## TOWNS—STREETS AND ALLEYS.

AN ACT to vacate certain streets in Plumleigh's addition to the village of Algonquin, McHenry county. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the whole of Adams and Monroe streets and so much of Washington street as lies north of the south line of said Monroe street, also so much of Madison street as lies between blocks Nos. six (6) and seven (7), also so much of Jefferson street as lies north of the north line of lot No. four (4), in block No. eight (8), and lot No. six (6), in block No. four (4), in Plumleigh's addition to the village of Algonquin, in McHenry county, and state of Illinois, be and the same is hereby vacated.

§ 2. This act is declared to be a public act, and shall be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to vacate a part of Greene street, in the town of Bardolph. In force March 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Greene street as lies between blocks twelve (12) and twenty-one (21), in the town of Bardolph, in the county of McDonough, is hereby declared vacated.

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

APPROVED March 9, 1869.

AN ACT to vacate alleys in the town of Benton, county of Franklin. In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running east and west between the lots in Atkin's addition to the town of Benton, in the county of Franklin, also the alley running north and south between the lots in Denning's addition to said town, be and the same are hereby vacated, and the lots on either side of said alleys

shall extend to the center of said alleys, as provided by the act of February 16th, A. D. 1865.

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

APPROVED March 26, 1869.

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In force March 25, 1869. AN ACT to vacate a part of a certain street in the town of Camargo, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,*<sup>45</sup> That all that part of the street known as Cross street, in the town of Camargo, in the county of Douglas, this state, that extends north from Main street in said town, shall be and is hereby vacated, and the land over which the same passes is hereby attached to the lands or lots adjoining, and shall revert to the owners of the same.

§ 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED March 25, 1869.

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In force March 31, 1869. AN ACT to vacate a certain alley in the town of Carthage, Hancock county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running east and west, through block forty-two (42), between lots one (1) and two (2), of said block, in the town of Carthage, Hancock county, Illinois, be and the same is hereby vacated.

§ 2. That the title to said alley shall revert to the owners of said lots, respectively.

§ 3. That this act shall be in force from and after its passage.

APPROVED March 31, 1869.

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In force March 27, 1869.

AN ACT to vacate certain alleys therein described.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the two alleys running through block twelve (12), in the town

of Carthage, Hancock county, Illinois, crossing each other at right angles, in the center of said block, be and the same are hereby vacated, and the title vested in the owners of the lots adjoining said alleys.

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

APPROVED March 27, 1869.

AN ACT to vacate part of a street in the town of Dover.

In force March  
26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* all that part of a street on the east side of block No. 1, in Lapsley's addition to the town of Dover, in the county of Bureau, and state of Illinois, be and the same is hereby vacated.

§ 2. This act shall be a public act, and be in force from and after its passage.

APPROVED March 26, 1869.

AN ACT to vacate Vine street, in Hayden's addition to the town of Dorchester, in the county of Macoupin. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Vine street, in Hayden's addition to the town of Dorchester, in the county of Macoupin, be and the same is hereby vacated, and that the title to the land upon which said street is located shall invest in the owners of the lots lying on each side of said street, half and half, respectively.

§ 2. This act to be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to vacate a certain alley in the town of Dudley, Edgar county, Illinois. In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* so much of an alley, running east and west, as lies between lots numbered twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,

twenty-nine, thirty, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, and forty-two, in the town of Dudley, Edgar county, Illinois, be and the same is hereby vacated.

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

APPROVED March 26, 1869.

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In force March 29, 1869. AN ACT to vacate certain streets and alleys in East Olney, Richland county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of south Third and Second streets, as extend east of Jackson street, and all of North Polk street, as well as the alley or lane north of blocks one, two and three, as recorded on the town plat of East Olney, Richland county, Illinois, be and the same are hereby annulled and vacated.

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

APPROVED March 29, 1869.

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In force March 26, 1869. AN ACT to vacate a certain alley in the town of Elmwood, in Peoria county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley through block lettered C, in the town of Elmwood, in Peoria county, be and the same is hereby vacated.

§ 2. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 26, 1869.

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In force March 27, 1869. AN ACT to vacate a part of Cherry alley, in the town of Griggsville, in Pike county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Cherry alley as runs through block twenty-eight, in Jones' and Parkett's addition to the town of Griggsville, in Pike county, be and the same is hereby vacated.

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

APPROVED March 27, 1869.

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AN ACT to vacate a certain alley in the town Lena, Stephenson county, In force March Illinois, 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley between lots number one (1), two (2), three (3), four (4), five (5), six (6), and lots number eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16), all in block number twenty-three (23), in the town of Lena, Stephenson county, Illinois, be and the same is hereby vacated, and that the title to the land included within said alley be and the same is hereby vested in the school trustees of township number twenty-eight (28) north, of range number six (6) east of the fourth (4) principal meridian, in said county of Stephenson.

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

APPROVED March 30, 1869.

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AN ACT to vacate certain town lots, streets and alleys in McGooney's addition to the town of Makena, in the county of Will, state of Illinois. In force March 24, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley between lot six and seven, in block three, and the alley between block three and block five, in McGooney's first addition to Makena; also lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, in block one, and lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, in block two, all in McGooney's second addition to Makena, and the streets and alleys running through the same, and the alleys above mentioned, in said town of Makena, in the county of Will, and state of Illinois, be and the same are hereby vacated.

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

APPROVED March 24, 1869.

In force March 24, 1869. AN ACT to vacate an alley in the town of Marshall, Clark county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running east and west, from Franklin street to Hamilton street, through block number six (6), in the original town of Marshall, Clark county, Illinois, be and the same is hereby declared forever vacated and cleared.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 24, 1869.

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In force March 26, 1869. AN ACT to vacate a part of Water street, in the town of Massac City, Massac county, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Water street that lies in front of block number one (1), in Massac City, in Massac county, Illinois, is hereby vacated, and the same shall hereby revert to the present owners of said block.

§ 2. This act shall be a public act, and be in force from and after its passage.

APPROVED March 26, 1869.

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In force March 31, 1869. AN ACT to vacate a portion of a certain street therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Morgan street, in the town of Meredosia, Morgan county, and state of Illinois, as lies between Main street on the north and the alley that runs east and west between said Main street and Union street, in said town, be and the same is hereby vacated.

To convey to the trustees of school district.

§ 2. That the president and trustees of the said town of Meredosia be authorized and empowered to convey to the trustees of school district No. 1, township sixteen, range thirteen west, in Morgan county, state of Illinois, the said portion of Morgan street, so vacated.

§ 3. This act to be a public act, and to take effect from and after its passage.

APPROVED March 31, 1869.

AN ACT to vacate certain lots and streets therein named.

In force March  
8, 1869.

SECTION 1. *Be enacted by the People of the State of Illinois, represented in the General Assembly,* That all the lots, blocks, streets and alleys in Miller's addition to the town of Millersburg, in Mercer county, east of Edwards street and south of Main, to West street, east and south half of block eleven (11), south half of block nineteen (19), block twenty-one (21), block twenty-two (22), and the streets and alleys adjoining said lots and blocks, except north and west of block eleven (11), west of lot five (5), in block nineteen (19), and Pike street north of block twenty-one (21); also, blocks thirteen (13), fourteen (14), south half of block fifteen (15), and block sixteen (16), in the town of Millersburg, and streets and alleys adjoining, except Pike street and Market street west of lot four (4), and Jefferson street east of lot one (1), in block fifteen (15), be and the same are hereby vacated, and shall be assessed and taxed as farming lands are assessed and taxed; and the title to all of said streets and alleys, as above described, shall revert to the owners of the adjoining lots and blocks aforesaid.

§ 2. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED March 8, 1869.

AN ACT to vacate a certain alley in the town of Mount Pulaski, in Logan In force March  
county. 27, 1869.

WHEREAS, Oliver T. Capps, of Mount Pulaski, in Logan Preamble.  
county, is the owner of block ten (10), in the town of Mount Pulaski, in said Logan county, and state of Illinois; and whereas the alley running north and south through said block ten is now and has been for the last fifteen years inclosed and is now of no use to the public; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said alley running north and south through said block ten (10), in said town of Mount Pulaski, in the county and state aforesaid, be and the same is hereby vacated, and title to the land in said alley be and the same is hereby vested in said Oliver T. Capps.

Title to land  
re-invested.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 27, 1869.

In force March 31, 1869. AN ACT to repeal an act entitled "An act to change the width of a certain street in the town of Mount Vernon."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to change the width of a certain street in the town of Mount Vernon," passed by the general assembly and approved February the 16th, A.D. 1865, be and the same is hereby repealed.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 31, 1869.

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AN ACT to vacate a part of a street therein named.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of that part of Fifth (5) street, west, which lies between blocks No. fifty-four and fifty-five (54 and 55), in the town of Petersburg, Menard county, Illinois, be and same is hereby declared vacated.

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

APPROVED March 27, 1869.

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In force March 29, 1869. AN ACT to vacate certain alleys in the town of Prairie City, in Cumberland county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an alley running north and south, as is between lots nine and ten, in block three, and so much of an alley, running east and west, between lots four, five and six, and lots seven, eight and nine, in block three, in the town of Prairie City, in the county of Cumberland, Illinois, be and the same are hereby declared vacated, and the lands heretofore belonging to said alleys shall revert equally to the owners of said lots through which said alleys pass.

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

APPROVED March 29, 1869.



AN ACT to vacate a certain portion of a street in the town of Richview. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the street in the town of Richview, in Washington county, which is known as Broadway, is hereby reduced to the width of sixty feet, and all that portion of said street which is situated beyond a distance of thirty feet from the center of said street shall be and is hereby made the property of the parties owning lands adjoining said street, the same as of it had not been taken for said street.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 25, 1869.

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AN ACT to vacate certain lots and alleys in Gilbert and Satterwhite's addition to the town of Rossville, in the county of Vermilion, in the state of Illinois. In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of Gilbert and Satterwhite's addition to said town of Rossville, in the county of Vermilion, in the state of Illinois, known as lots numbers five (5), six (6), seven (7), eight (8), nine (9), and ten (10), including the alleys running through the same as well as the fifty (50) foot street lying east of and adjoining said lots numbers ten (10) and eleven (11), be and the same is hereby vacated.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 31, 1869.

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AN ACT to vacate certain alleys in the town of Sullivan, Illinois. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alleys in block Nos. 21 and 23, in the original town of Sullivan, and blocks Nos. 6 and 7, in Hamilton's addition to the town of Sullivan, be and the same are hereby vacated.

APPROVED March 26, 1869.

In force March 30, 1869. AN ACT to vacate a part of Wequash street, in Tonica, La Salle, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that part of Wequash street, in the town of Tonica, La Salle county, Illinois, commencing at the north side of Pontiac street and running thence to the south side of Unca street, be and the same is hereby vacated.

§ 2. This act shall take effect from and after its passage.

APPROVED March 30, 1869.

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In force March 30, 1869. AN ACT to vacate certain streets and alleys in the town of Tuscola.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley in blocks fifteen (15) and twenty-eight (28), in Winston's addition to the town of Tuscola, in the county of Douglas, and state of Illinois, and Embarrass street, between blocks one (1) and two (2) and seven (7) and eight (8) and Scott street, between blocks one (1) and eight (8), in Cannon and Wamsley's addition to said town, be and the same are hereby vacated, and the streets and alleys hereby vacated shall belong to and the title of the same is hereby vested in the owners of the adjoining lots.

§ 2. This shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 30, 1869.

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In force March 25, 1869. AN ACT to vacate certain streets in Smith and Delaplaine's addition to Upper Alton, and also a portion of said addition.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Cherry street and also Elizabeth street and Hazel street as pass through a certain tract or parcel of land in Smith and Delaplaine's addition to Upper Alton, comprising blocks numbered seven (7), eight (8), nine (9), ten (10), eleven (11), and (12), and also so much of said Smith and Delaplaine's addition as is measured by and comprised in the same blocks, be and the same are hereby vacated; and further, that the owner of said blocks may enclose, enter upon and use the land so vacated the same as if no plat had been made.

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

APPROVED March 25, 1869.

AN ACT to vacate a street therein named.

In force March  
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Gooding street as lies north of Bluff street and south of the north line of blocks two and three (2 and 3), in the Canal Trustees' addition to the town of Winnebago, be and the same is hereby vacated; and the fee of the land included in that portion of said street so vacated is hereby vested in the legal owners of the lands on either side and adjoining said street, (the center of said street being the dividing line), and in their heirs and assigns, to all intents and purposes.

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

APPROVED March 30, 1869.

AN ACT to vacate certain blocks and streets in Smith and Stacy's addition to the town of Wiona, in Bureau county, Illinois. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That blocks three (3) and four (4), seven (7), eight (8), nine (9), ten (10), thirteen (13), fourteen (14), fifteen (15), and all such streets or portions of streets or alleys that divide the above named blocks in Smith and Stacy's addition to the town of Wiona, in Bureau county, Illinois, be and the same are hereby vacated and made void.

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

APPROVED March 29, 1869.

AN ACT to vacate certain streets therein named.

In force March  
27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Pleasant street as lies west of lot 4, in block 2, and so much of Oak street as lies west of lot 5, in block 3, in the recorded plat of Emily H. Hutchins' second addition to Woodstock, in the county of McHenry, be and the same are hereby vacated and no longer taken and held as streets.

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

APPROVED March 27, 1869.

## TOWNS—SUPERVISORS.

I force April AN ACT to confirm certain acts of the supervisor of the village of Cahokia.  
8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That certain leases made by Joseph Palmer, at the time being supervisor of the village of Cahokia, in St. Clair county, of commons belonging to said village to the St. Clair Railroad and Coal Company, dated, respectively, on the fourteenth day of December, 1852, and the eleventh day of March, 1853, are hereby confirmed and declared to be valid and binding, any failure to have the property described in said leases or either of them platted and the plat thereof recorded and to have the same advertised, to the contrary notwithstanding.

§ 2. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED April 8, 1869.

II force April AN ACT to confirm certain acts of the supervisor of the village of Cahokia.  
9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That certain leases made by Joseph Palmer, at the time being supervisor of the village of Cahokia, in St. Clair county, of commons belonging to the said village to the St. Clair Railroad and Coal Company, dated, respectively, on the fourteenth day of December, 1852, and the eleventh day of March, 1853, are hereby confirmed and declared to be valid and binding, any failure to have the property described in said leases or either of them platted and the plat thereof recorded and to have the same advertised, to the contrary notwithstanding.

§ 2. This act shall be a public act, and to take effect and be in force from and after its passage.

APPROVED April 9, 1869.

AN ACT to authorize the supervisors of the village of Cahokia to convey In force April  
certain lands. 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor of the village of Cahokia, in St. Clair county, be and he is hereby authorized to release or otherwise convey, in fee simple, to the Illinois and St. Louis Railroad and Coal Company, certain lands belonging to the commons of said village, described in two certain leases, dated the fourteenth day of December, 1852, and the eleventh day of March, 1853, signed by Joseph Palmer, then the supervisor of said village, and made to the St. Clair Railroad and Coal Company, or either of them; and the said supervisor is also authorized to lease or grant and convey, in fee simple, absolute, to the Illinois and St. Louis Railroad and Coal Company, any land belonging to the commons of said village, which the said company may need for any purpose connected with their railroad, ferry or coal business: *Provided*, that before any release or other conveyance, in fee, of any such land shall be made, a majority of the qualified voters interested in such land shall petition the said supervisor so to release or convey the same.

Supervisor to  
convey lands.

§ 2. The said supervisor shall have power and authority to cause a road to be opened from the ferry landing of the Illinois and St. Louis Railroad and Coal Company, over the commons not now held under lease of said village, to such place as will render said ferry convenient to the inhabitants of said village.

Opening roads.

§ 3. Any lease, re-lease or other conveyance made by the said supervisor in pursuance of this act, shall be binding on him and his successors; and all recitals contained in any such lease, re-lease or other conveyance shall be deemed and taken to be true in all courts and places.

Acts of super-  
visors binding.

§ 4. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED April 9, 1869.

## TOWNSHIPS—JUSTICES AND CONSTABLES.

AN ACT to authorize the election of three justices of the peace and three In force June  
constables in the township of Pixley, Clay county, Illinois. 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the qualified voters of the township of Pixley, in the county

of Clay, in this state, are hereby authorized to elect three justices of the peace and three constables in said township, in manner following, that is to say: In district number one, known as the Ingraham district, there may be elected by the qualified voters of said township one justice of the peace and one constable, who shall reside in said district; in district number two, known as the McKenney district, there may be elected, in like manner, one justice of the peace and one constable, who shall reside in said district; and in district number three, known as the Dewhast district, there may be elected, in like manner, one justice of the peace and one constable, who shall reside in said district.

APPROVED March 27, 1869.

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## TOWNSHIPS—OBLIGATIONS.

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In force March 10, 1869. AN ACT to authorize the township of El Paso to issue bonds and levy taxes for the purpose of building a court house and jail in said town.

Issue bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor and clerk of the town of El Paso, in Woodford county, be and they are hereby authorized and empowered to issue bonds of said town, not to exceed in value the sum of thirty thousand dollars; which said bonds shall be payable in not less than five nor more than twenty years, and bear interest at a rate not exceeding ten per cent. per annum, payable annually; which said bonds shall be made payable at such times and places as said supervisor and clerk of said town may designate; and to levy such tax on all the taxable property in said town as they may think necessary, (not to exceed, however, one per cent. in any one year,) to raise funds to liquidate said bonds and the interest thereon, for the purpose of building a court house and jail in said town.

Collection of taxes.

§ 2. All taxes that may be levied as aforesaid shall be collected at the same time, in the same manner, and by the same officer who may collect the revenue for state, county and town purposes; and the laws now in force for the collection of state, county and town revenue shall be in force and applicable to the collection of the taxes provided by this act: *Provided,* that the collector and town treasurer shall be required to give an additional official bond, and shall be allowed only one-third the fees for collecting and

disbursing the funds raised under this act as is allowed them by law for collecting and disbursing township revenue.

§ 3. No bonds shall be issued nor tax levied under the provisions of this act, unless the same is submitted to a vote of the people of said town, at the next annual town election, and unless the same shall receive a majority of votes cast upon such question.

§ 4. This act shall take effect and be in force from and after its passage, and shall be deemed a public act.

APPROVED March 10, 1869.

AN ACT to authorize the township of Geneseo, in Henry county, Illinois, In force April  
to issue bonds to aid the Augustana College. 6, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the township of Geneseo, in Henry county, Illinois, be and is hereby authorized to issue its bonds, to an amount not to exceed forty thousand dollars, to run for a term or terms of not to exceed twenty-five years, and at a rate of interest not to exceed ten per cent. per annum, for the purpose of assisting in the locating and building of Augustana College in said town. Issue bonds.

§ 2. Said bonds shall be issued and signed by the supervisor, town clerk and collector of said township of Geneseo, who are hereby authorized to issue and sell the same, in such quantities and to run on such time as shall be for the best interests of said town; but in no case shall said bonds be sold for any less sum than their face; and to appropriate the money received from said sales to the purpose of this act, as in their judgment may seem best: *Provided,* that a vote shall be taken of the legal voters of said township, at their annual town meeting in April, 1869, for the purpose of levying a tax upon all the taxable property of said township, to pay said bonds and the interest thereon; and all votes for said purpose shall be upon a separate ballot, and all in favor of taxation shall read, "For a tax for Augustana College," and all votes against such tax shall read, "Against a tax for Augustana College;" and said ballots shall be received and counted by the regular board of election, at said town meeting; and if a majority of said votes shall be for the tax, then the said supervisor, town clerk and collector shall issue and sell said bonds, as herein provided, and levy the necessary tax upon the taxable property of said township to pay the interest on said bonds, and such part of the principal, each year, until all are paid, as may be for the best interests of said Execution of.

town—said tax in any one year not to exceed three (3) per cent. upon the taxable property of said township; and if, at said election, above provided for, a majority shall vote against a tax for Augustana College, then this act to be null and void.

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

APPROVED April 6, 1869.

In force April 19, 1869. AN ACT to enable the township of Tolono, in Champaign county, Illinois, to borrow money, upon bonds, to build a town hall within said township, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor, town clerk, and any one of the justices of the peace within and for the township of Tolono, in the county of Champaign, state of Illinois, is hereby required to submit to the legal voters of said township of Tolono, in said county of Champaign, at the regular April election, A.D. 1869, the question of issuing the bonds of said township, for any amount not exceeding six thousand dollars, for the purpose of purchasing or building a town hall within the said township. for the use of said township and its officers, and for the purpose of holding meetings therein.

Question submitted to legal voters. § 2. It shall be the duty of the clerk of said township to insert in the notice of the said spring election now required by law, to specify therein that a vote will be had upon the propriety of issuing the bonds of said township, for such an amount as the said supervisor, clerk and justice of the peace shall agree to submit to the said voters.

Duties of the town clerk. Form of ballots. § 3. The ballots used at such election shall be as follows: "For issuing bonds to the amount of ——— dollars," or "Against issuing bonds."

Issue of bonds submitted to legal voters. § 4. If the said electors shall decide in favor of issuing such bonds, it shall then be the duty of the supervisor of said township to forthwith issue the said bonds, to the amount voted, and sign them in his official capacity, and which shall be countersigned by the clerk of said township; and said bonds shall bear interest at the rate of ten per cent. per annum, and shall be issued in three equal quantities, payable in one, two and three years from date.

Location of office. § 5. The location of said hall shall be selected by the supervisor, town clerk and any one justice of the peace of said township; which justice shall be selected by the said supervisor and town clerk; and the building or purchasing such town hall shall be under the management and control of the said supervisor, town clerk, and justice of the peace



so chosen aforesaid, and the said hall, when built or purchased, shall thereafter be under the management of the said supervisor, town clerk and justice of the peace.

§ 6. That if the said electors of said township shall, at the election above mentioned, fail to vote for the issuing of the bonds of said township, for the purpose aforesaid, it shall be lawful for the supervisor, town clerk and any justice of the peace of said township, at any subsequent regular election in said township, to again submit the question of issuing such bonds for the purpose aforesaid; and they shall, in all things, proceed as is required for the first election above specified.

§ 7. If the said legal voters of the said township of Tolono shall, by their votes, order the said bonds to be issued, as aforesaid, and the same shall be afterward issued, it shall then be the duty of the supervisor, town clerk and assessor of said township of Tolono to levy, each year, for three years, an additional tax upon all the taxable property of the said township of Tolono to that now allowed by law, to meet and pay off the said bonds as they shall mature for payment; and it shall be the duty of the assessor to carry out the amount so assessed, for the purpose aforesaid, on his books, in a separate column; and when such special assessment shall be collected, it shall be the duty of the township treasurer of said township of Tolono to apply the same to the redemption of the said bonds which may have been issued in pursuance of this act.

§ 8. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED April 19, 1869.

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## TOWNSHIPS—RELIEF.

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AN ACT to repeal an act entitled "An act for the relief of the inhabitants of township three (3) north, range ten (10), and of the inhabitants of township three (3) north, range nine (9) west, in Madison county, Illinois," approved February 16, 1857, and any act amendatory thereof, and for other purposes. In force March 15, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That "An act for the relief of the inhabitants of township three (3) north, range ten (10), and of the inhabitants of township three (3) north, range nine (9) west, in Madison county, Illinois," approved February 16, 1857, and any act amendatory thereof, be and the same are hereby repealed, and that Act repealed.

the school districts of township number three (3) north, range ten (10) west, now known as districts number one (1), number two (2) and number three (3), shall hereafter be composed only of such parts of said districts, respectively, as lie within said township: *Provided, however*, that said districts may, hereafter, have their boundaries changed in such manner as the school laws may provide.

School houses.

§ 2. That the board of directors of school districts numbers one and three, aforesaid, shall be entitled to draw from the surplus interest of the township fund of said township three (3) north, ten (10) west, for the purpose of building school houses, an amount proportionate to that which has already been drawn by district number two (2) for the same purpose. These amounts shall be determined by ascertaining the number of persons under twenty-one years of age now resident in each district, and ascertaining the number of dollars per capita heretofore used for building a school house in district number two (2), and, therefrom the amounts now equitably due to districts number one and three; which amounts shall be paid by the trustees, on the order of the directors: *Provided*, that neither of such amounts shall exceed thirty-five hundred dollars.

Duties of the treasurer.

§ 3. It shall be the duty of the treasurer of said township, by virtue of this act, to pay over, under the direction of the trustees, and on the order of the board of directors, the amounts to which each of the said districts is entitled.

School in progress to be provided for.

§ 4. That the schools in progress at the time of the passage of this act shall be provided and paid for as heretofore provided, until their present terms expire.

§ 5. This act shall be a public act, and in force from and after its passage.

APPROVED March 15, 1869.

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## TOWNSHIPS—ROADS.

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Name and style. AN ACT to legalize certain acts of the commissioners of highways of Clayton township, in Adams county.  
26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all the acts of the commissioners of highways of Clayton township, in the county of Adams, in the state of Illinois, and of the supervisors of said county, relating to a road commencing at the north-west corner of the south-west quarter of section twenty-seven (27), in township one north of the

base line, and in range five (5) west of the fourth principal meridian; running thence south on section line one-half mile, to the south-west corner of said quarter section; thence south, on the section line between sections thirty-three (33) and thirty-four (34), in the township and range aforesaid, until the said road intersects the public road leading from the town of Clayton to the town of Columbus, in said county, are hereby legalized and confirmed.

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

APPROVED March 26, 1869.

AN ACT to authorize the commissioners of highways in Mendon township, in the county of Adams, to resurvey and relocate a certain public road therein described. In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the commissioners of highways in Mendon township, in the county of Adams, are hereby authorized and empowered to resurvey and relocate a certain road in said township, heretofore located, and described as follows, viz: Commencing at the southwest corner of the northwest quarter of the northwest quarter of section twenty-seven, in said town, and running thence north to the north line of section sixteen, in said town; thence west fifty rods; thence north, to the point of intersection with a road running east and west in said town, known as the Mendon and Quincy road—all of said route of road being in township one north of the base line and of range eight west of the fourth principal meridian.

Survey and relocate road.

§ 2. Said commissioners shall have power and are hereby authorized to establish said road of any width, not less than two nor more than four rods wide: *Provided*, that the proper costs and charges of such resurveying and relocating of said road shall be borne and paid by the persons specially interested and owning the land on which the road is located and on which the same is to be relocated: *And, provided, further*, that said commissioners shall not make said road of a less width than four rods over any land where the owner or owners thereof have received damages or where damages have been allowed to such owner or owners, unless such owner or owners shall repay a reasonable proportion of such damages so received or allowed, in proportion to the diminished width of said road.

Width of road.

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

APPROVED March 31, 1869.

## TRANSPORTATION COMPANIES.

15 force April AN ACT to incorporate the Illinois Valley Transportation Company.  
9, 1869.

Name and style. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* George J. Eldridge, of the city of Peru, William F. Kee-ler and William J. Mason, of the city of LaSalle, and state of Illinois, and associates, be and they are hereby created a body politic and corporate, for the term of thirty years, under the name and style of "The Illinois Valley Transportation Company;" and, by that name and style, may sue and be sued in any court whatsoever, and may have and use a common seal, which they may alter at pleasure.

Capital stock. § 2. The capital stock shall be twenty-five thousand dollars, which may be increased by a vote of the stockholders representing a majority of the same; and the shares shall be one hundred dollars each. The said company may organize, when ten thousand dollars shall have been subscribed. Books shall be opened at LaSalle, LaSalle county, Illinois, within sixty days from the passage of this act, for subscriptions to the stock of said company.

Management. § 3. The business of the corporation shall be managed by not less than five directors, one of whom shall be president of the company, and such other officers as the board of directors shall choose to appoint. Said directors may be elected annually, and shall serve until their successors be chosen; and they may make such by-laws as the necessity of the company may require, not inconsistent with the laws of this state. At all meetings the president shall preside, or, in case of his absence, a chairman shall be appointed for the time being.

May purchase and hold real estate. § 4. Said corporation may purchase and hold any real estate, for the erection of any buildings or grounds and other property necessary to carry on their business, and may lay plank roads or iron tracks from said company's buildings, for the purpose of receiving and transporting freight, stock or passengers, and to such other points as the business may justify, employing such moving power as the business may demand, over and upon any highway, road, street or alley. The price for passengers, however, shall not in any case exceed five cents for all distances of one mile or less and at the same rate for distances over one mile.

Dividends. § 5. The said corporation may make such dividends, from time to time, as the business of the corporation, in the opinion of the directors, shall warrant. The company shall be governed by the general laws of the state in con-

demning such grounds or lands as may be required for their business, in case they cannot be purchased at a reasonable price. The directors shall, by vote, make such regulations concerning the payment of stock subscribed as they may deem proper.

§ 6. This act shall be subject to all future legislation, of a general character, in relation to corporations, and shall be deemed a public act, and take effect from and after its passage. Subject to future legislation.

APPROVED April 9, 1869.

AN ACT to incorporate the Plainfield Peat and Transportation Company. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. D. Hahn, T. W. Lull, George W. Lynd and A. J. Ewen, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Plainfield Peat and Transportation Company;"* and, by that name, they and their successors shall be known, and have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; and may have and use a common seal, and may alter the same at pleasure. The said company shall be located in the county of Will, in the state of Illinois. Name and style

§ 2. The capital stock of said corporation shall be twenty-five thousand dollars; which capital stock shall be divided into shares of one hundred dollars each, and such shares shall be personal property, and transferable on the books of the corporation, in such manner as the by-laws of said corporation shall prescribe. Amount capital stock.

§ 3. Said corporation is authorized and empowered to acquire, purchase, lease and hold or sell and dispose of such real estate as may be necessary for the convenient and economical transaction of its business, and also to borrow money and pay interest thereon, and to make and execute bonds, bills, notes and mortgages and other securities and evidences of indebtedness, as may be necessary for carrying on the business of said corporation; and may also take securities from its customers and others upon real estate or personal property or chattel interests, for debts due it, including future or accruing indebtedness, and may also bid in or purchase any real estate or personal property or chattel interests, at any judicial or other sale, made by virtue of debt, security, trust or power, made to or vested in or May purchase and hold real estate.

held by or for said company; and may receive or take, in satisfaction of any debt or security, any real estate or other property, and may hold or dispose of the same for its own use or benefit.

Objects of the corporation.

§ 4. The said corporation is authorized to procure, dig for and manufacture peat, in and upon the lands owned or leased for that purpose by said corporation, in said county of Will, and to purchase and erect all such machinery, works and buildings as may be necessary for the manufacture of peat, and, with the consent of the majority of the legal voters of the town of DuPage, in said Will county, may build and operate a horse railroad, six miles in length, commencing at a point where the Chicago, Alton and St. Louis Railroad crosses the public highway which runs east and west on the town line between the towns of DuPage and Lockport, and running six miles west from said railroad, on said public highway and across the bridges thereof, and, with the consent of a majority of the legal voters of the town of Plainfield, the said corporation may build and operate said horse railroad six miles further west, in said town of Plainfield, in said county of Will, for the purpose of transporting peat and other freight of said corporation; and said corporation may build suitable side tracks, turn-outs and cars on said public highway and bridges thereof; and said corporation shall have the right to build and operate horse railroad branches, leading from said horse railroad to any peat bed or beds which may be owned by said corporation, in the town of Plainfield, in said county of Will, or to any lands owned by said corporation along the line of said horse railroad.

Powers vested in directors.

§ 5. The corporation hereby created shall be under the direction of a board of directors, of not less than three, nor more than five. Such directors shall be stockholders, and shall be elected by the stockholders at such time and in such manner as the by-laws of said company shall provide; and shall hold their offices for the term for which they were elected.

Quorum to do business.

§ 6. The directors of said company, a majority of whom shall constitute a quorum, shall have and exercise, unless otherwise ordered by the stockholders, all the powers hereby conferred on said corporation, and may elect and appoint such officers and agents and make such by-laws, rules and regulations, not inconsistent with the laws of this state or of the United States, for carrying into effect the objects of this act, as to them shall seem expedient. They shall have power to fill any vacancy that may happen among the directors, by death, resignation or otherwise.

Dividends.

§ 7. It shall be lawful for the directors of said company, from time to time, to make and declare and pay dividends upon the capital stock of said company, in such man-

ner and in such amounts as they may deem most expedient for the interests of said company.

§ 8. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to incorporate the Western Millers' Transportation Company. In force March 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. D. Herkimer, John C. Noyes, George W. Parker, E. Dodge, D. Hutchinson and William Vangault, and such other persons as they may associate with them, be and they are hereby created a body politic and corporate, by the name and style of "The Western Millers' Transportation Company;"* and, by that name and style, they and their associates, successors and assigns, shall have perpetual succession, and may have and use a common seal, and may alter the same at pleasure; contract and be contracted with, sue and be sued, defend and be defended, plead and be impleaded, in all courts and places.

Name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and may be increased by a majority vote of the directors, and shall be divided into shares of one hundred dollars each. Said company shall organize, within six months after the passage of this act, by electing five of their number directors, one of whom shall be chosen president. Said directors shall hold their offices for one year and until their successors are elected and qualified. At all elections after the first, each share of stock shall be entitled to one vote; and such elections shall be held annually, at such times and places as the directors shall direct by by-laws.

Capital stock.

§ 3. Said company may appoint such other officers, agents or servants as the directors may deem necessary, and make such by-laws as will suit their convenience, not inconsistent with the laws of this state.

Appointment of officers.

§ 4. This company shall have power to receive, purchase and hold all such property, real and personal, as may be necessary for the objects herein contemplated; and they are authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts and bills of lading, in such manner and under such regulations as their by-laws may prescribe; and shall have power to engage in the transportation of freight, by rail or water, and furnish all necessary facilities therefor, and may contract with any company, corporation or per-

May purchase and convey real estate.

son, for any such transportation, and may consolidate with any company or corporation.

Location of office.

§ 5. The chief office of this company shall be at East St. Louis, Illinois, and books for the subscription of stock shall be opened within six months after the passage of this act; and when fifty thousand dollars shall have been subscribed and ten per cent. paid in, said company may commence operations.

§ 6. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 10, 1869.

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## TURNVEREIN ASSOCIATIONS.

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In force March 13, 1869. AN ACT to incorporate the Alton Turn Verein, of Alton, Madison county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Emil Gulich, A. Inveen, C. Kreiling, G. Linsig, C. Sotier, H. Moritz, and such other persons as shall from time to time become members of said society, are hereby incorporated and shall be a body corporate and politic, by the name and style of "The Alton Turn Verein," located in Alton, Madison county, Illinois; and, under that name, shall be capable of suing and being sued, pleading and impleading, in all courts, both of law and equity, in this state; and may have and use a common seal, and the same to alter and amend at pleasure; and, by their corporate name and style, shall be capable, in law, of contracting and being contracted with, and acquire, by purchase or otherwise, and of holding and conveying real and personal estate, either in full [fee] or for a term of years: *Provided*, that they shall not at any one time name [have] or hold property exceeding in value twenty thousand dollars.*

Name and style.

Rules for government.

§ 2. Said corporation shall, at all times, have full power and authority to ordain and establish such by-laws, rules and regulations as they shall judge proper for the better government and regulation of the officers and members of said society and for ascertaining an equal annual rate of contribution, to be paid by the members thereof, in aid of the fund of said society, and for prescribing the time, place and manner of practicing gymnastic exercises and the rules regulating the same, by such by-laws, not to be inconsistent with the laws of this state and the United States.



§ 3. Said society may select one of its members to act as steward or landlord; for furnishing victuals and refreshments on the premises and in the building of the society, only, at the days and hours appointed by the executive committee thereof.

Appointment of steward.

§ 4. That, for the better carrying on the business and affairs of said corporation, there shall be annually elected, on the first Wednesday of January, of each year, an executive committee, consisting of one president, one vice president, one secretary, one treasurer, and such other permanent officers as [may be] deemed advisable by the said society, who shall hold their office for one year and until their successors are elected and qualified.

Election of executive committee.

§ 5. In all suits at law and equity brought against this society, or in any suit brought by this society against any of its members or against any other person and persons, any member of this society shall be admitted as a competent witness.

Competent witnesses.

§ 6. This act to be in force from and after its passage.  
APPROVED March 13, 1869.

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AN ACT to incorporate the Aurora Turn Verein.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That August Gerhardy, N. Saehn, F. Markees, F. Vosheen, Charles Peters, J. Giese, H. Tinchel, Carl Horn, and the other members at present belonging to the Aurora Turn Verein, now existing in the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said association, according to the constitution and by-laws thereof, be and are hereby declared and constituted a body politic and corporate, under the name and style of "Aurora Turn Verein;" and, hereafter, shall be known by that name and style, and by that name to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire, by purchase, donation, devise or otherwise, necessary to accomplish the object of incorporation, and the same to dispose of and convey, at pleasure; to borrow money necessary to accomplish the object and purpose of the association, and to execute and deliver securities for the repayment of the same; to have and to use a common seal, and alter the same at pleasure; and to make and, from time to time, to alter, as the association may deem proper and expedient, the constitution and by-laws of said association, for the government and management of the same, its*

Corporators.

Name and style

officers and agents, not inconsistent with the constitution and laws of this state. Said corporation shall not own or hold real or personal property to exceed in value the sum of one hundred thousand dollars.

Dues, etc.

§ 2. The said corporation shall have power to assess such initiation fee and such monthly, quarterly and yearly dues as may be wanted for the purpose of carrying out the objects of said association, and may sue its individual members and collect the same by law.

Objects of the corporation.

§ 3. The objects contemplated by this act of incorporation are the strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of body and mind, and the assisting and relieving the members of the said association when in need and distress.

§ 4. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 27, 1869.

In force March 29, 1869.

AN ACT to incorporate the Champaign City Turn Verein.

Corporators.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Wilhelm Becker, Louis Gross, Leopold Schwarz, John Krueger, Ferdinand Medenwald, John Rehberg and John Engel, and their associates and successors, be and are hereby created a body corporate and politic, to be styled "The Champaign City Turn Verein;" and, by that name, to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, not to exceed in value the sum of five thousand dollars, which they may acquire by purchase, donation, devise or otherwise, necessary to accomplish the object of incorporation, and the same to dispose of and convey, at pleasure; to borrow money, necessary to accomplish the object and purposes of the association, and to execute and deliver securities for the repayment of the same; to have and to use a common seal, and to alter the same at pleasure; to make and alter such by-laws, rules and regulations for the government and management of the incorporation, its officers and agents, not inconsistent with the constitution and laws of this state or of the United States; and shall have and enjoy and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Objects of the corporation.

§ 2. The objects contemplated by this act of incorporation are, to build up, in the city of Champaign, county of

Champaign, in this state, an institution, for the purpose of strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of body and mind, and for the further purpose of assisting and relieving the members of the said incorporation when in need or distress.

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

APPROVED March 29, 1869.

AN ACT to incorporate the German Turner Association of the city of Peru, Illinois. In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Walter, Gust. Eichoff, Henry Nympe, Fred. Weisheet, — Lambach, and their associates and successors, and all other persons who may hereafter associate with them, be declared and constituted a body corporate and politic, by the name and style of "The Peru Turn Verein;" and, by that name, they and their successors shall and have succession; shall be capable of suing and being sued, contract and be contracted with, may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real and personal estate, not to exceed in value the sum of ten thousand dollars, and may sell and convey the same; to make by-laws for the management of its officers, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association, for the management of its business.

§ 2. The constitution and by-laws, now adopted by said association, shall continue in force until changed by said association; and all real or personal property and effects, of whatever kind, now held by said association or any person in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created.

§ 3. The association, so incorporated, may, semi-annually, elect from its own members such officers and managers as the association may deem proper, at such times and places and in such manner and with such powers expressed and duties imposed on said officers and managers, as said association, by its by-laws, may direct; and in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and

shall be lawful, on any other day, to hold an election for such officers and managers.

May hold real and personal property.

§ 4. The association incorporated by this act shall be capable of taking, holding and receiving any property, real or personal, by virtue of any gifts, devise or bequest contained in any last will and testament of any person whatsoever.

Issue bonds.

§ 5. *Be it further enacted*, that said association shall, also, have power to issue bonds and negotiate the same, and to borrow money and mortgage their property, both real and personal or mixed, for the payment of said bonds so negotiated or money so borrowed: *Provided*, that nothing in this act contained shall be held or construed to confer banking privileges upon the association hereby created.

Objects of the corporation.

§ 6. The objects of this association are, to build up, in the city of Peru, an institution, for the purpose of strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of the body and mind, and for the purpose of assisting and relieving the members when in need and distress.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED March 29, 1869.

In force March 36, 1869.

AN ACT to incorporate the LaSalle Turn Verein.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Roman Rimmele, Charles Troeschler, C. Ilrig, Jacob Knapp, David Wertheim; Dr. Henry Leissing, Jacob Burkhard, Henry Fleischer, Heinrich Tobler, Jeremiah Elieb, L. Loffman, Konrad Haage, Isaac Friedman, Rudolph Amstler, Gustave Klaiber, and their associates and successors, be and are hereby created a body corporate and politic, to be styled "The LaSalle Turn Verein;" and, by that name, to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real and personal and mixed, which they may acquire by purchase, donation, devise or otherwise, necessary to accomplish the object of incorporation, and the same to dispose of and convey at pleasure; to borrow money necessary to accomplish the object and purpose of the association, and to execute and deliver securities for the repayment of the same; and to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws, rules and regulations, for the government and management of the corporation, its officers and agents, not in-

Name and style.

consistent with the constitution and laws of this state or of the United States; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act. The said corporation shall not own or hold, at any time, real and personal property to exceed in value the sum of thirty-five thousand dollars.

§ 2. The objects contemplated by this act of incorporation are to build up, in the city of LaSalle, county of LaSalle, in this state, an institution, for the purpose of strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of body and mind, and for the further purpose of assisting and relieving the members of said incorporation when in need or distress.

Objects of the corporation.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 30, 1869.

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AN ACT to incorporate the Red Bud Turner Verein, of the town of Red Bud, Randolph county, Illinois. In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That B. C. F. Janssen, Herman Schimtz, John H. Meyer, Emil Berger and John Stoehr, and their associates and successors, and all other persons who may hereafter associate with them and be admitted members of the society hereby created, according to the by-laws, rules and regulations thereof, be and they are hereby created a body politic and corporate, by the name and style of "The Red Bud Turner Verein;" and, by that name, shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend, in all actions of law and in equity, in all courts having jurisdiction; and be capable in law of receiving and holding, by purchase, grant, gift, devise and otherwise, real and personal property, for the use of said society, not to exceed in value the sum of ten thousand dollars; and said society, in their said name and style, and for the use thereof, shall have the power to sell and convey the real and personal estate of said society, and to loan the money thereof, and take promissory notes, bonds, mortgages and other evidences of indebtedness to secure the same; to have and use a common seal, and to alter the same at pleasure; to make and, from time to time, to alter, as they may deem proper and expedient, a constitution and by-laws, for the government of said society, not inconsistent with the constitution and laws of this state or of the United States.

Corporators.

Name and style.

Election of officers.

§ 2. Said society may, annually, or oftener, elect from its members such officers and managers as it may deem necessary, at such times and places and in such manner and with such powers expressed and duties imposed on said officers and managers as said society, by its by-laws, may direct; and in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and shall be lawful on any other day to hold an election of such officers and managers.

Bond and security of treasurer

§ 3. Said corporation may require bond and satisfactory security of its treasurer or other officers entrusted with moneys or other property, for the faithful performance of his or their duties as such officers.

Objects of the corporators.

§ 4. The object of said corporation is hereby declared to be the mutual, moral, intellectual and physical improvement of its members by the use of such literary and gymnastic exercises as shall best conduce to that end.

§ 5. This act shall be a public act, be construed liberally for all purposes therein expressed, and shall take effect and be in force from and after its passage.

APPROVED March 27, 1869.

In force March 30, 1869.

AN ACT to incorporate the Shelbyville Turnverein, in the city of Shelbyville, in the county of Shelby, state of Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John A. Tacket, Jonas Stump, Jacob Cutler, Jacob Volenst, Eugene McClintock, and their associates and successors, and all other persons who may hereafter associate with them, be declared and constituted a body corporate and politic, by the name and style of "The Shelbyville Turnverein;"* and, by that name, they and their successors shall and may have succession; shall be capable of suing and being sued, contract and be contracted with; may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real and personal estate, not exceeding ten thousand dollars; may sell and convey the same; to make by-laws for the management of its officers, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association, for the management of its business.

Name and style.

Exhibit of books and papers.

§ 2. The constitution, by-laws and proceedings of said society shall be entered by the proper secretary of the society in a book kept for that purpose; and such books shall,

on all proper occasions, be open to the inspection and examination of any member of the society.

§ 3. The office and meetings of said society shall be kept and held in the city of Shelbyville, county of Shelby; and at all elections each member who is not in arrears with his dues to the society shall be entitled to vote; and a majority of all the votes cast shall make an election. Location of office.

§ 4. The object of [the] corporation is hereby declared to be the mutual, moral, intellectual, social and physical improvement of its members, by the use of such mental, athletic and gymnastic exercises as shall conduce to that end. Objects of the association.

§ 5. The society shall not be dissolved and put in liquidation as long as five members thereof dissent and wish the continuance of the same.

§ 6. This act shall be a public act, and be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to incorporate the Sigel Turnverein, of Shelby county, Illinois. In force March 30, 1869

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That A. A. March, F. W. Jaget, Joseph Krachtel, Henry Repkin, John Heck, with their associates and successors, are hereby incorporated into a body politic, under the name and style of "The Sigel Turnverein," for the purpose of promoting the mental and bodily development of its members, and in procuring them, in cases of sickness and misfortune, all reasonable aid and assistance.* Corporators.  
Name and style.

§ 2. Said turnverein to have perpetual succession, and full power to sue and be sued; to make contracts of all kinds, possessing therein the same powers that private individuals may enjoy; to buy, sell, and hold real estate and personal property; to establish by-laws and make all needful rules and regulations for the government of the society and the management of its affairs, not inconsistent with the laws of the state and common good faith, and to exempt the private property of its members from liability for corporate debts; to adopt a common seal, and alter the same at pleasure; and to enjoy all powers, rights and privileges which other corporations may lawfully enjoy, to accomplish the purposes set forth in section one of this act. General corporate powers.

§ 3. The transactions of the persons mentioned in section one and of their associates and successors, if executed in the name of this corporation and necessary to the promotion of its purposes, are herewith declared binding upon the corporation. Act valid.

Property deeded  
declared valid.

§ 4. All real and personal property heretofore assigned, deeded or leased to said corporation or to any person or persons for the use of said corporation, and all contracts heretofore made by the corporation or by any person or persons in behalf of said corporation, are hereby declared binding and in full effect, the same as if such assignments, deeds, leases or contracts had been made after the passage of this act.

§ 5. This act shall be deemed a public act from and after its passage.

APPROVED March 30, 1869.

In force March 10, 1869. AN ACT to incorporate the Trenton Turnverein of the City of Trenton, Clinton county, Illinois.

Corporators.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Frederick Bauchheus, F. A. Schmitt, Adolphus Mueller, Charles Riemann, C. F. Steinmetz, Peter Emig, B. Krenchy, Jacob Braun, Joseph Hanks and G. Ruppel, present members of the Trenton Turnverein of the city of Trenton, and others, present members of that society, and such other persons as may hereafter be admitted members of said society according to the constitution, rules and regulations thereof, and their successors, be and they are hereby created a body politic and corporate, in the city of Trenton and county of Clinton, under the name and style of "Trenton Turnverein;" and, by that name, shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend in all actions of law and in equity, in all courts whatsoever; and be capable in law of taking and holding, by purchase, grant, gift, devise and otherwise, real and personal property, for use of said society, to any amount not exceeding the sum of ten thousand dollars; and said society, in the said name and style and for the use thereof, shall have power to sell and convey the real and personal estate of said society, and to loan the money thereof and to take promissory notes, bonds, mortgages, and other evidences of indebtedness to secure the same; to have and use a common seal, and to alter the same at pleasure; to make, and, from time to time, to alter, as they may think proper and expedient, a constitution and by-laws for said society, declaring the time of electing the officers of the society and the manner thereof, the number and duties of such officers, and, generally, to make such other provisions for the good government and existence of said society as to them may seem proper, not inconsistent with the constitution and laws of this state and of the United States.*



§ 2. The constitution, by-laws and proceedings of said society shall be entered by the proper secretary of the society in a book kept for that purpose; and such book shall, on all proper occasions, be open to the inspection and examination of any member of the society. Inspection of books.

§ 3. The office and meetings of said society shall be kept and held in the city of Trenton, county of Clinton; and at all elections each member who is not in arrears with his dues to the society shall be entitled to vote, and a majority of all the votes cast shall make an election. Location of office.

§ 4. The object of this corporation is hereby declared to be the mutual, moral, intellectual and physical improvement of its members by the use of such mental, athletic and gymnastic exercise as shall best conduce to that end. Objects of association.

§ 5. The society shall not be dissolved as long as five members thereof dissent and wish the continuance of the same. Limit of society.

§ 6. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 10, 1869.

AN ACT to incorporate the Vandalia Turn Society.

In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philip Hammeo, Christ. Scipio, Nicholas Barggraf, Francis Seewald, Antony Bergtold, Albert Keitz, Corpian Schneider, officers of the Vandalia Turn Society, and their successors and other present members of said society, and such other persons as may hereafter be admitted members of said society, be and hereby are incorporated and made a body politic, with perpetual succession, under the name and style of "The Vandalia Turn Society," for the promotion of health, mental and moral improvement, and mutual assistance in case of distress or disease; with power, by their corporate name, to sue and be sued, plead and be impleaded, to contract and be contracted with, to acquire, hold and convey property, real and personal, and to have, use and alter at pleasure, a common seal. Corporators.

§ 2. The said corporation shall have power to make, establish and amend a constitution and such by-laws, not inconsistent with the constitution of the United States and of this state, as they may deem necessary for the government of said society, its officers and agents. Rules for government.

§ 3. The capital stock of said society shall not exceed two thousand dollars, to be divided into shares of two dollars and fifty cents each, to be subscribed for and paid in Capital stock.

such proportions as shall be prescribed by the by-laws and rules for regulating said society.

Location of office.

§ 4. The office and the meeting of the society shall be kept and held in the town of Vandalia, county of Fayette; and at all elections, each member who is not in arrears with his dues to the society, shall be entitled to vote; and a majority of all votes cast shall make an election.

Membership may be forfeited

§ 5. The members of the society shall be liable to pay such amount of money, at such time and place, as may be fixed by the constitution or the by-laws of the society, or their membership may be declared forfeited at the pleasure of the society.

Limit of society.

§ 6. The society shall not be dissolved and put in liquidation as long as five members thereof dissent and wish the continuance of the society.

§ 7. This act shall be a public act, and be in force from and after its passage.

APPROVED March 25, 1869.



In force March 25, 1869.

AN ACT to incorporate the Turnverein Vorwaerts.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Matthew Gottfried, Philip Maas, Charles Herberts, Frank Thoma, Fritz Knepper, Henry Warning, and Charles Bley, and the other members at present belonging to the Turnverein Vorwaerts now existing in the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said association according to the constitution and by-laws thereof, be and are hereby declared and constituted a body politic and corporate, under the name and style of "Turnverein Vorwaerts;" and hereafter shall be known by that name and style, and by that name to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire by purchase, donation, devise or otherwise, necessary to accomplish the object of incorporation and the same to dispose of and convey at pleasure; to borrow money necessary to accomplish the object and purposes of the association, and to execute and deliver securities for the re-payment of the same; to have and to use a common seal, and alter the same at pleasure; and to make, and, from time to time, to alter, as the association may deem proper and expedient, the constitution and by-laws of said association for the government and management of the same, its officers and agents, not inconsistent with the constitution and laws of this state; and

Name and style.

shall have and enjoy and may exercise all the powers, rights and privileges which other corporate bodies may lawfully have, enjoy and exercise, for the purpose mentioned in this act.

§ 2. The said corporation shall have power to assess such initiation fee and such monthly, quarterly and yearly dues as may be wanted for the purpose of carrying out the objects of said association, and may sue its individual members and collect the same by law. Initiation fee.

§ 3. The objects contemplated by this act of incorporation are the strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of body and mind, and the assisting and relieving the members of the said association when in need and distress. Objects of association.

§ 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the amount in value of the property of every kind and nature which the said corporation may own shall not exceed the sum of one hundred thousand dollars, and nothing in this act shall be construed as conferring any banking powers or privileges on said corporation. Capital stock.

§ 5. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 25, 1869.

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## WAREHOUSE COMPANY.

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AN ACT to incorporate the Cairo Planters' Tobacco Warehouse Company. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a company shall be, and the same is hereby established, to be called "The Cairo Planters' Tobacco Warehouse Company," the subscribers to which, their successors, assigns and associates, shall be and are hereby made a body politic and corporate, and under that name they may contract and be contracted with, and may have, purchase, lease, enjoy and hold, to themselves and their successors, lands, tenements, goods and securities, as may be necessary for the carrying on said warehouse; and to sell, assign and dispose of the same at pleasure. And should there at any time be any apartments in said warehouse, required for the reception, inspection and storage of tobacco, they may use the same for the storage of any other articles, or may Name and style.

use the same for that purpose; and they may sue and be sued, plead and be impleaded, defend and be defended in courts of record and elsewhere, and make and use a common seal, and break, alter or renew the same at pleasure; and also, establish by-laws and regulations for the government of said company, not contrary to the laws of the state and this act.

Capital stock. § 2. The capital stock shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

Open books for subscription. § 3. William Penn, Jacob Corbett, Robert H. Cunningham, William P. Holiday, Daniel Hurd, James M. Campbell, Frank J. Chapman or any three of them, are appointed commissioners for receiving subscriptions for stock, and shall cause books to be opened for the same.

When this act shall take effect. § 4. As soon as three thousand dollars shall be subscribed, this act shall go into effect, and the commissioners shall call a meeting of the stockholders, who shall, by ballot, select a president and three directors, to continue in office until their successors shall be elected and qualified. There shall be an annual meeting of the stockholders on the first Monday in January in each year, after the organization of this company, to elect a president and three directors, their term to commence on the second Monday. And at such annual meeting a statement shall be exhibited of the affairs of the corporation, and such dividends made arising from their fees, profits, etc., as shall be deemed advisable by a majority of said president and trustees.

Rules for government. § 5. The president and directors, or a majority of the board may, from time to time, make such by-laws and rules, for the government of the corporation, as to them shall seem expedient, not inconsistent with the laws of this state and with this act; and they shall appoint such subordinate officers and agents as may be necessary and proper for the execution of the business of the corporation.

Certificates of stock. § 6. The form of certificates of stock and mode of transfer shall be regulated by the by-laws of the corporation, and no stock shall be transferred by any shareholder until he shall have first paid or otherwise secured, all such debts to the satisfaction of the president and directors.

Vacancies, how filled. § 7. In case of the death or resignation of the president or any director, the board shall elect a successor, to continue in office until the vacancy is filled at the next annual meeting of the stockholders.

§ 8. This [act] shall be deemed a public act, and shall take effect from and after its passage.

APPROVED March 25, 1869.

AN ACT to incorporate the Cairo Planters' Tobacco Warehouse Company. In force April 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a company shall be, and the same is hereby established, to be called "The Cairo Planters' Tobacco Warehouse Company," the subscribers to which, their successors, assigns and associates, shall be and are hereby made a body politic and corporate, and under that name they may contract and be contracted with, and may have, purchase, lease, enjoy and hold, to themselves and their successors, lands, tenements, goods and securities as may be necessary for the carrying on said warehouse; and to sell, assign and dispose of the same at pleasure. And should there at any time be any apartments in said warehouse required for the reception, inspection and storage of tobacco, they may use the same for the storage of any other articles, or may use the same for that purpose; and they may sue and be sued, plead and be impleaded, defend and be defended in courts of record and elsewhere, and make and use a common seal, and break, alter or renew the same at pleasure, and also establish by-laws and regulations for the government of said company, not contrary to the laws of the state and this act.

Name and style.

§ 2. The capital stock shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

§ 3. William Penn, Jacob Corbett, Robert H. Cunningham, Wm. P. Halliday, Daniel Hurd, James M. Campbell, Frank J. Chapman, or any three of them, are appointed commissioners for receiving subscriptions for stock, and shall cause books to be opened for the same.

Open books for subscription.

§ 4. As soon as three thousand dollars shall be subscribed, this act shall go into effect; and the commissioners shall call a meeting of the stockholders, who shall, by ballot, select a president and three directors, to continue in office until their successors shall be elected and qualified. There shall be an annual meeting of the stockholders, on the first Monday in January, in each year, after the organization of this company, to elect a president and three directors, their term to commence on the second Monday, and at such annual meetings a statement shall be exhibited, of the affairs of the corporation, and such dividend made arising from their fees, profits etc., as shall be deemed advisable by a majority of said president and directors.

When act to take effect.

§ 5. The president and directors, or a majority of the board may, from time to time, make such by-laws and rules for the government of the corporation, as to them shall seem expedient, not inconsistent with the laws of this state, and with this act, and they shall appoint such subordinate

To establish by-laws and regulations.

officers and agents, as may be necessary and proper for the execution of the business of the corporation.

Certificates of stock. § 6. The form of certificates of stock and mode of transfer shall be regulated by the by-laws of the corporation; and a lien is hereby created, in favor of the corporation, on the stock belonging to each individual stockholder, for all debts due or owing by him to the corporation, by subscription or otherwise; and no stock shall be transferred by any shareholder until he shall have first paid or otherwise secured all such debts, to the satisfaction of the president and directors.

Office vacated § 7. In case of the death or resignation of the president or any director, the board shall elect a successor, to continue in office until the vacancy is filled at the next annual meeting of the stockholders.

§ 8. This shall be deemed a public act, and shall take effect from and after its passage.

APPROVED April 1, 1869.

In force March 31, 1869. AN ACT to incorporate the Western Grain Drying and Transfer Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, Jas. W. Sykes, Charles S. Davis, Jesse B. Wheeler and M. C. Hazard, be and they and all persons who may become members are hereby incorporated as a body politic and corporate, by the name and style of "The Western Grain Drying and Transfer Company," for the purpose of carrying on the business of drying, transferring, transporting, warehousing and merchandising grain and other property, in the city of Chicago, and at such other points and places as may be best for the successful prosecution of the business of the company; and shall and may have succession for fifty (50) years, and shall be capable in law of contracting and being contracted with and of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts whatsoever, either in law or equity, in this state or elsewhere; and they and their successors shall and may own a common seal, and may change, break or alter the same at their will and pleasure; and may, also, from time to time, at any meeting of the directors, ordain, establish and put in execution such by-laws, ordinances, rules and regulations (the same not being contrary to this act or to the laws of this state, or of the United States) as may appear to them necessary or expedient for the management of said corporation, its business and affairs; and may, from*

Corporators.

Name and style.

time to time, alter or repeal the same, or any of them; and shall, also, be in law capable of purchasing and holding, conveying and disposing of any such real and personal estate as may be necessary or expedient for carrying on the business of said company.

§ 2. The capital stock of the said company shall, until otherwise determined by the board of directors for the time being, consist of the sum of three hundred thousand dollars (\$300,000), which may be increased from time to time by a resolution of the board of directors, provided the same shall not at any time exceed the sum of two millions of dollars (\$2,000,000.) The capital stock shall be in shares of one hundred (\$100) dollars each—certificates to be issued therefor as the directors shall determine; and all subscriptions to said capital stock shall be paid to the company in such installments and at such times and places as the directors may appoint, after twenty (20) days' notice, given by circular letters addressed through the post office to the subscribers or shareholders; and if any shareholder or subscriber, for the space of ten (10) days next ensuing after the expiration of the twenty (20) days, shall neglect or refuse to pay his ratable share, it shall be lawful for the directors to declare his share or shares forfeited to the company, and all previous payments made upon such share or shares; and such forfeited stock may be sold at a public sale by the directors, after giving notice as they may direct.

§ 3. As soon as three hundred thousand dollars (\$300,000) are subscribed to the capital stock and fifty (50) per cent. thereof paid in cash, in good faith, into the treasury of the company as the directors may prescribe, this, the said company, shall have power and legal authority to transact business as provided for in the first section of this act.

§ 4. The business of the said company shall be conducted by a board of four (4) directors, one of whom shall be chosen president, one vice-president, and at the option of the directors one may be chosen as treasurer, or the president or vice-president may be designated to act as treasurer.

§ 5. The shares of the said capital stock shall be transferable and may be from time to time transferred by the persons holding the same; but no such transfer shall be valid until duly registered in a book kept for that purpose by the treasurer, and no person shall be entitled to sell or transfer any share he may possess until he shall have paid all calls, for the time being, due on any share held by him.

§ 6. The office of the said company shall be in the city of Chicago, but agencies may be established at such other points as the business of the company may require.

§ 7. In all actions, suits and prosecutions in which the said company may be engaged at any time, the officers of the said company may and shall be competent witnesses, notwithstanding any interest they may have therein.

§ 8. This act is hereby declared to be a public act, and shall be liberally construed for every purpose herein contained, and shall be in force from and after its passage.

APPROVED March 31, 1869.

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## WATER POWER CO.'S—INCORPORATED.

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In force March 25, 1869. AN ACT to incorporate the Cleveland Hydraulic and Bridge Company.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Young Stokes, Philip H. Hanna, John Hanna, Herman Thiele, J. S. Keator and James E. Abbitt, of the state of Illinois, and such others as may become associated with them, are constituted a body politic to be incorporated by the name of "The Cleveland Hydraulic and Bridge Company," with perpetual succession, and by that name are hereby made capable in law or equity of suing and being sued, to make and use a common seal and alter the same at pleasure.

**Capital stock.** § 2. The capital stock of said company shall be fifty thousand dollars, which may be increased from time to time, by a vote of a majority of the stockholders, to a sum not exceeding the cost of the improvement herein contemplated, which stock shall be divided into shares of one hundred dollars, each, which shall be deemed personal property and which may be issued, certified and registered and transferred in such manner and in such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed, in the manner and at the time and in such sums as they may direct, and on the refusal or neglect on the part of stockholders or any of them to make payment, on requisition of the board of directors, the shares of such delinquent may, after thirty days' public notice, be sold at auction under such rules as the directors may adopt, the surplus money, if any remains after deducting the payment due, with the interest and cost of sale, to be paid to the delinquent stockholder. The parties hereinbefore named as incorporators shall act as commissioners, and shall cause books to be opened for subscription to the capital stock of said company within six months next after the passage of this act, at such times and places and in such manner as they shall direct: *Provided*, that as soon as twenty thousand dollars of *bona fide* subscription shall be made, and twenty per cent.



thereon paid in, it shall be lawful for said company to commence the construction of said improvement.

§ 3. The concerns of said company shall be managed by not less than five directors, which may be increased by a three-fourths vote of the stockholders to any number, not exceeding nine, who shall be stockholders and who shall hold their office for one year and until their successors are elected. The directors shall be chosen annually on the first Monday of June of each year, at such time and place as the by-laws of said company shall direct. The first election shall be held at the call of the said commissioners, within the year 1869. Two weeks' notice of said election, and all subsequent elections, shall be given by publication in a newspaper published in Henry county, in the state of Illinois, and one published in Rock Island county, Illinois. Each stockholder shall be entitled to one vote upon each share of stock held by him or her for twenty days next previous to an election. Voting shall be by ballot and may be in person or by proxy.

Government  
vested in board  
of directors.

§ 4. The directors shall annually elect from their number a president, vice president, secretary and treasurer and such other officers as they may deem necessary, who shall receive such salaries as may be provided by the by-laws of said company, all of which shall hold their offices until their successors are chosen; and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business and for the accomplishment of the purposes of this corporation.

Election of  
president.

§ 5. In case of any vacancy in the board of directors by resignation or death, or by any directors becoming otherwise disqualified, the remaining directors may fill said vacancy by appointment until the next annual election or until some other person may be elected to fill said vacancy. The directors may remove all officers elected by them, and choose others in their place and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day in such manner as shall be prescribed by the directors or provided for by the by-laws.

Vacancies, how  
filled.

§ 6. It shall be lawful for said corporation to purchase and hold real estate in fee and to dispose of the same in such manner as may appear to be for the interest of said corporation; to construct and maintain a dam across Rock river, at any point within one mile of the township line, between townships eighteen north, range one east, and eighteen north, range two east of the fourth principal meridian, at such an elevation as shall keep the river within its banks at an ordinary stage of water; to construct dykes, embankments, waist-weirs, overflows, drains, sluices and water courses, and to erect buildings, supply machinery; to

May purchase  
real estate.

lease, rent or sell water privileges, at such rates and under such rules and regulations as the aforesaid board of directors may establish; and, further, to erect and maintain a ferry, with ferry privileges, at any point within two miles on either side of the before mentioned township lines, and to charge such rates for crossing the same as may be common over the ferries crossing Rock river; and when, in the judgment of the board of directors of said corporation, the public exigencies may demand it, to erect a bridge in lieu of said ferry and to charge tolls for crossing the same, not to exceed the charges for ferrying as before provided.

Right of way.

§ 7. In case said corporation shall be unable, by voluntary cession, to purchase or otherwise to possess themselves of the ordinary right of way needed in said improvement, or to secure the necessary overflow, drainage or privileges for the successful completion of said improvement, in that event it shall be lawful for them to condemn the same as provided in the act of the state of Illinois, approved February 13, 1855, and entitled "An act to amend an act entitled an act for the improvement of the navigation of Rock river and for the production of hydraulic power," approved February 15th, 1849.

Locks, etc.

§ 8. Said company shall have power to build a connection with their dam, lift locks, guard locks, canals and such other device as may be necessary to pass steamboats, barges or any other craft around their improvement, and shall have power to regulate and collect a uniform system of tolls upon all craft passing through said locks and canal and to distrain and detain said craft until said toll is paid, or said company may sue for and recover said toll and costs before any court of competent jurisdiction; and said company shall have a lien upon all steamboats and crafts for the amount of said tolls and judgments until paid: *And provided*, that if the state at any time hereafter shall improve the navigation of said Rock river, and by the construction of canals and locks make said river navigable, the legislature may require said company to make its canal and lock or locks of a capacity for navigation equal to the capacity of the canals and locks constructed by the state, so that the navigation of said river shall in nowise be obstructed or injured by insufficient canals or locks: *Provided, further*, that the state expressly reserves the right to take possession and control of said dams, canal and lock or locks at any time, either before or after their completion, by first paying to said company the amount expended in the construction, enlargement and repairs thereof, but the water power created or developed by the construction of said dams, canal or lock or locks shall be and remain the property of said company the same as though the state had not taken possession of said works. When the state shall take possession of said dams, canal and lock or locks the state shall thereby assume to keep

them in good repair and assume all the liabilities thereafter resulting from them ; and should the state take possession before the time limited in this act for the completion of said works, the state shall complete the same and said company shall be relieved from any liability or forfeiture by reason of not completing the said works within the time herein prescribed ; and should the state, after having taken possession of said works, abandon them, said company may complete and sustain them and have all the rights and liabilities created by this act the same as though the state had never taken possession.

§ 9. All conveyances of real estate made in the name and under the seal of said company, and signed and acknowledged by the secretary and countersigned by the president, in conformity with the laws of this state, shall be valid in law. Conveyance of real estate valid

§ 10. Said company is authorized to borrow money for the purchase of land and the construction of its bridge, dams, canal or locks, and mortgage its property to secure the same. Said company may also issue its bonds to an amount not exceeding its capital stock, at any time, bearing interest not exceeding ten per cent., per annum, which bonds shall be a lien upon all the property of said company for the payment thereof. May borrow money.

§ 11. This act shall be a public act and take effect from and after its passage, and the rights herein conferred shall be forfeited if said company shall not commence operations within two years. Commence in two years.

§ 12. This act shall be deemed a public act and shall be in force from and after its passage.

APPROVED March 25, 1869.

AN ACT to incorporate the Erie Water Power Company.

In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* James C. Hubbart, Benjamin C. Coblentz and Christopher C. Teats, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of "The Erie Water Power Company," and by that name they and their successors shall in law be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever ; shall have a common seal, and may change and alter the same at pleasure, and shall have full power to carry out the intent and purposes of this act. Corporators.  
Name and style.

May hold real estate. § 2. Said company may own real estate and all or a part of the water power at Erie, in the county of Whiteside, and state of Illinois, and are hereby authorized to carry on such kinds of manufacturing business as they may desire, and lease or sell water power or land to others for that purpose.

Powers vested in four directors § 3. The management and direction of the affairs of said company shall be vested in a board of four directors, to be elected by the stockholders of this company, and said company are hereby authorized to make and establish any by-laws and regulations, and to alter and amend the same, as shall be necessary to carry out the provisions of this charter, *Provided*, the said by-laws and regulations do not conflict with or be repugnant to the laws of this state or of the United States.

Capital stock. § 4. The capital stock of this company shall be ten thousand dollars, with the privilege of increasing the same to any amount, not to exceed one hundred thousand dollars, and be divided into shares of fifty dollars each.

Build dams. § 5. The said company shall have the right to build a dam across Rock creek, at any point on said Rock creek, in the town of Fenton, county of Whiteside, and also to dig and complete a ditch or canal from said dam, on said creek, not exceeding fifty feet in width, to convey the water from said dam or pound into a lake of said town of Erie, known as Lake Erie, in the townships of Erie and Fenton, in said county, and also to ditch, dike and levy the slough running from said lake to Rock river, and shall also build a levee or levees along the edge of said lake wherever the same shall be necessary to prevent the water from overflowing the banks of said lake.

Survey lands. § 6. Before entering upon, taking or using any land for the purposes of this act and corporation the directors of this company shall cause a survey and map to be made of the lands to be taken or entered upon for any of said purposes, and upon and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed and duly certified by the surveyor or engineer making the same, and shall also be signed and acknowledged by [the] president and secretary of the said company and be filed and recorded in the recorder's office of Whiteside county. The company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making examinations and of making surveys and maps thereof.

May enter upon land take land. § 7. In case the said company cannot agree with the said owners and occupants of any land or lands intended to be taken or used for any of the purposes contemplated in this charter, as aforesaid, for the purchase thereof, the directors of this company may proceed and acquire the right for the same, or to the same, in the same manner, terms and con-

ditions as is provided for by an act entitled "An act to amend the laws condemning the right of way for the purposes of internal improvement," approved June the twenty-second (22d), A. D. 1852, and the acts amendatory thereof, or any other law or laws of this state that may then be in force.

§ 8. The directors shall annually appoint a president, secretary and treasurer and such other officers as they may deem necessary, who shall hold their offices until others are appointed in their places. Appointment of officers.

§ 9. The said corporators herein named, or a majority of them, may regulate the manner of taking the capital stock of this company, and whenever there shall be five thousand dollars of said stock taken and subscribed by responsible persons, the said corporators may call an election of said stockholders for a board of directors as aforesaid; and all other elections shall be provided for by the by-laws of said company. Manner of taking stock.

§ 10. The said company hereby chartered shall be required to commence the improvement of said water power, according to the terms of this charter, within five years from the passage of this act, which shall be taken and received as a public law in all courts and places whatever. Commence in five years.

§ 11. This act shall take effect and be in force from and after its passage.

APPROVED March 29, 1869.

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AN ACT to incorporate the Lyndon Water Power Company.

In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George W. Fitch, Henry G. Pittman, Henry Dudley, Justus Rew, John Whalon, and E. B. Warner, and their associates and successors, are hereby constituted a body politic and corporate, by the name of "The Lyndon Water Power Company;"* and by that name, may sue and be sued, plead and be impleaded, in all courts of law and equity, and have all the rights and powers incident to a corporation; said corporation may have a common seal, and alter and renew the same at pleasure, and may purchase and hold real and personal property necessary to promote the business and interests of the corporation. Corporators.  
Name and style.

§ 2. The capital stock of said company shall be one hundred and fifty thousand dollars, and may be increased to any amount not exceeding one million dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable as said company, by its by-laws, may prescribe. The stockholders shall be personally liable for the debts of the com- Capital stock.

pany, to an amount equal to the amount of stock by them respectively subscribed, and not actually paid in.

Construction of  
dams.

§ 3. Said company may construct a dam or dams across Rock river, from any point on the north bank of said river, within one hundred rods of the point on said bank where the line dividing the east half of the southwest quarter of section fifteen (15), in town twenty (20) north, in range five (5) east, of the fourth principal meridian, in the county of Whiteside, from the west half of said quarter section, and extending thence to such point on the south bank of said river as said company may select, and may construct a canal and lock or locks on either side of the main channel of said river, for the purpose of making said river navigable by the rapids at said point, and of improving and using the water power thereby created.

Ownership of  
water-power.

§ 4. Said company shall have the exclusive control and ownership of the water power created or developed by the construction of said dam or dams, canal, lock or locks, and may use, enjoy, possess, sell or dispose of the same as best for their interest.

May hold suit-  
able lands.

§ 5. Said company may purchase and hold all lands suitable and convenient to the successful operation of the business of said company; and, whenever said company shall be unable to obtain, by purchase, any land necessary for the construction and maintenance of said dam or dams, canal, lock or locks, and for wharves, piers, and landing places, and for any other purpose necessary and incident to the navigation of said river, said land may be taken and condemned and the damages for taking the same shall be ascertained and paid in the manner prescribed in an act entitled "An act to amend an act entitled an act for the improvement of the navigation of Rock river, and for the production of hydraulic power;" approved February 13, 1855, and the provisions of said act, and of the act to which the same is an amendment, and the rights therein conferred are made applicable to and conferred upon said company.

Canal repairs.

§ 6. Said company shall keep said canal and lock or locks in good repair, and shall have power to establish, regulate and collect a uniform rate of toll upon all steamboats and other craft passing through said canal, or lock or locks, and to distrain and detain them until said tolls are paid, or said company may sue for and recover said toll and costs before any court of competent jurisdiction, and said company shall have a lien upon all steamboats and craft for the amount of said toll and judgment, until paid: *Provided*, that the legislature may, at any time, establish, change or regulate the rate of said toll: *Provided, further*, that if the state at any time hereafter, shall improve the navigation of said Rock river, and by the construction of canals and locks make said river navigable, the legislature

may require said company to make its canal and lock or locks of a capacity for navigation equal to the capacity of the canals and locks constructed by the state, so that the navigation of said river shall in nowise be obstructed or impaired by insufficient canals or locks: *And, provided, further,* that the state expressly reserves the right to take possession and control of said dams, canal and lock or locks, at any time, either before or after their completion, by first paying to said company the amount expended in the construction, enlargement and repairs thereof; but the water power created or developed by the construction of said dams, canal and lock or locks shall be and remain the property of said company the same as though the state had not taken possession of said works. When the state shall take possession of said dams, canal and lock or locks, the state shall thereby assume to keep them in good repair and assume all the liabilities thereafter resulting from them; and should the state take possession before the said works are completed the state shall complete the same; and should the state, after having taken possession of said works, abandon them, said company may complete and sustain them, and have all the rights and liabilities created by this act the same as though the state had never taken possession.

§ 7. The incorporators herein named shall constitute a board of commissioners to receive subscriptions for the capital stock of said company, and said commissioners may open books of subscription and take measures for the obtaining of subscriptions as they may think fit. When fifty thousand dollars of the capital stock shall have been subscribed for, said company may organize and elect officers. Said commissioners call a meeting of the stockholders at some convenient place in said Whiteside county, for the purpose of electing a board of directors, consisting of three, five or seven stockholders. Said commissioners shall be the inspectors of said election, and shall furnish to each stockholder elected a certificate of his election, which shall be conclusive evidence of the fact.

Open books  
for subscrip-  
tion.

§ 8. The board of directors shall have the general management of the business of said company; they shall elect one of their number president, and shall elect or appoint a secretary and treasurer and such other officers, clerks and agents as they may deem proper; shall fix and regulate all salaries, and shall require bonds for the faithful performance of duties from such officers as they may think fit. Said directors may fill vacancies in their own number and may establish and promulgate a code of by-laws, for the guidance of said company, not inconsistent with the constitution and laws of this state and the United States, but the action of a meeting of the stockholders shall be necessary to increase the capital stock.

General powers  
of directors.

Location of office.

§ 9. The business office of said company shall be in town of Lyndon, county of Whiteside and state of Illinois. Said company shall hold an annual meeting at such time and place as they may, from time to time, determine by their by-laws, and the directors of said company shall, upon the written application of stockholders, representing one-third the capital stock of said company, call a special meeting of the stockholders; such special meeting may be called by giving each stockholder seven days' notice, in writing, or by publication in some newspaper published in said county seven days, at least, before said day of meeting; said notice shall state the time, place and object of said meeting. The sending of written notice, by mail, addressed to any stockholder at his postoffice address, shall be deemed, personal notice.

Vote of stockholders.

§ 10. Each stockholder shall be entitled to one vote for each share of stock standing in his name, and absent members may vote by proxy, duly authorized in writing.

Directors to make annual report.

§ 11. The directors of said company shall make an annual report of their action for the preceding year, and shall exhibit at each annual meeting a mercantile exhibit of the financial condition of the company, which shall be spread upon the records of said company and published immediately thereafter in some newspaper published in said county. Said directors shall be elected annually and shall hold their office until their successors are elected and signify their acceptance of the office by filing with the secretary of said company their acceptance in writing.

Call for payments of stock.

§ 12. The directors of said company may call for payments of the capital stock subscribed for, at such time or times, and in such sum or sums, as they may determine, and shall have power to declare stock forfeited for non-payment at the first installment ordered; but after the payment of one or more installments on the same, said directors may sell the right to complete the payment on said stock, at public auction, to the highest bidder therefor, after having given such notice to the subscriber for such stock, and such notice of the time, place, terms and conditions of sale, as the by-laws of said company may require, and, after the payment of the costs of said sale out of the proceeds, the balance shall be paid over to said subscriber, or said company may sue for the amount due under any and all calls, from any delinquent subscriber, in any court of competent jurisdiction.

Conveyances.

§ 13. All conveyances of real estate shall be in the name of and under the seal of said company, shall be signed and acknowledged by the president and countersigned by the secretary.

Borrow money.

§ 14. Said company may borrow money, for the purchase of lands, the construction of canals, locks and dams,



or the repairing of the same, and mortgage its property to secure the payment of the same.

§ 15. This act shall be a public act, and take effect on and after its passage, and the rights herein conferred shall be forfeited if said company shall not organize and commence operations within two years. Organization.

APPROVED March 25, 1869.

AN ACT to incorporate the Mason Water Power Company.

In force March  
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Nelson Mason, Nelson Maxon, Augustus P. Smith, and their associates and successors, are hereby appointed a body politic and corporate, by the name of "The Mason Water Power Company;" and by that name may sue and be sued, plead and be impleaded in all courts of law and equity, and have all the rights and powers incident to a corporation; said corporation may have a common seal, and alter and renew the same at pleasure, and may purchase and hold real and personal property necessary to promote the business and interest of the corporation. Corporators.  
Name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and may be increased to any amount not exceeding one million dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and be transferable as said company, by its by-laws, may prescribe. The stockholders shall be personally liable for the debts of the company to an amount equal to the amount of stock by them respectively subscribed, and not actually paid in. Capital stock.

§ 3. Said company may construct a dam or dams across Rock river from a point in the southeast quarter of section twenty-two, in town (21) twenty-one north, of range seven east, of the fourth P. M., in the county of Whiteside, on the north bank of said river, to such point on the south side of said river as said company may select, and construct a canal or lock or locks on both sides of the main channel of said river, for the purpose of making said river navigable past the rapids at said point, and of developing and improving and using the water power thereby created. Construction of  
dams.

§ 4. Said company shall have authority to enter upon and take land necessary for the construction and maintenance of said dam or dams, canal, lock or locks, and for wharves, piers and landing places, and for other purposes necessary and incident to the navigation of said river, and, when any land is so taken, said company shall pay for the May condemn  
land.

same such price as may be agreed upon between said company and the owner or owners thereof; and in case said company shall fail to obtain said land by purchase or agreement, said land may be taken and condemned, and the damages for taking the same shall be ascertained and recovered and paid in the manner prescribed by an act of the state of Illinois, approved February the, 13th, 1855, and entitled "An act to amend an act for the improvement of Rock river and for the production of hydraulic power," approved February 5, 1849; and the provisions of said act approved February 13, 1855, and the rights therein conferred, are extended and made applicable to and conferred upon said corporation; and should any land be flowed or be liable to flow, by reason of the dam or dams of said company, it shall be lawful for said company to enter upon said land and construct levees or embankments for the purpose of preventing flowage; and the damage, if any, caused by the construction of said levees or embankments, shall be ascertained and paid for in the manner herein prescribed, in cases where land is flowed by reason of the construction of dams.

Canal repairs.

§ 5. Said company shall keep said canal and lock or locks in good repair, and shall have power to establish, regulate and collect a uniform rate of toll upon all steamboats and craft passing through said canal or lock or locks, and to distrain and detain them until said toll is paid, or said company may sue for and recover said toll and costs before any court of competent jurisdiction, and said company shall have a lien upon all steamboats and craft for the amount of said toll and judgment, until paid: *Provided*, that the legislature may, at any time, establish, change or regulate the rate of said toll: *Provided, further*, that if the state, at any time hereafter, shall improve the navigation of said Rock river, and, by the construction of canals and locks, make said river navigable, the legislature may require the said company to make its canal and lock or locks of a capacity for navigation equal to the capacity of the canals and locks constructed by the state: *And, provided, further*, that the state expressly reserves the right to take possession and control of said dams, canal and lock or locks at any time, either before or after their completion, by first paying to said company the amount expended in the construction, enlargement and repairs thereof; but the water power created or developed by the construction of said dams, canal and lock or locks, shall be and remain the property of said company the same as though the state had not taken possession of said works. When the state shall take possession of said dams, canal, lock or locks, the state shall thereby assume to keep them in good repair and assume all the liabilities thereafter resulting from them.

Open books for  
subscription.

§ 6. The corporators herein named shall constitute a board of commissioners to receive subscriptions for the

capital stock of said company, and said commissioners may open books of subscription and take such measures for the obtaining subscriptions as they may see fit. When twenty-five thousand dollars of the capital stock shall have been subscribed, said company may organize and elect officers, and said corporators shall call a meeting of the subscribers for said stock, for that purpose, at such time and place as they may deem best.

§ 7. Said company shall elect from the stockholders a board of directors, not less than three nor more than nine, who shall hold their offices for the term of one year and until their successors are elected and qualified. Said board of directors shall elect one of their number president, and shall appoint a secretary, treasurer, and all other necessary officers and agents, and prescribe the duties and fix the compensation of each, and shall require bonds for the faithful performance of duties from such officers, as they may think fit; they may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and this state, as they may deem for the best interest of said company.

Election of directors.

§ 8. Said company is authorized to borrow money for the purchase of land and the construction of its dams, canal, lock or locks, and to mortgage its property to secure the payment of the same, or in lieu thereof said company may issue its bonds, bearing interest not exceeding ten per cent., per annum, which bonds shall be a lien upon all the property of said company, for the payment thereof.

Borrow money.

§ 9. There shall be an annual meeting of the stockholders of said company, at such time and place as may be provided for in the by-laws of said company, and no notice of said annual meeting shall be necessary; and if for any cause an annual meeting should fail to be held in accordance with the provisions of the by-laws of said company, the board of directors shall call a special meeting at the place, in the manner provided in the by-laws, at which the business of said annual meeting may be done, in the same manner and with like effect as if said meeting had been held on the day provided for holding said annual meeting.

Annual meeting stockholders

§ 10. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 29, 1869.

In force March 29, 1869. AN ACT to incorporate the Wedron Water Power and Manufacturing Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John G. Nattinger, George C. Campbell, Ralph Plum, H. W. Hopkins and Edward Y. Griggs, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Wedron Water Power and Manufacturing Company;" and, by that name, may 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 of law or equity in this state 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 invested 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 is hereby authorized and empowered to construct a dam across Fox river to the hight of not exceeding twelve (12) feet above low water mark, at and upon section three (3), town thirty-four (34), range four (4) east of third (3d) principal meridian, in La Salle county and state of Illinois, with all necessary gates, weirs and appurtenances; and to locate, survey, construct and complete a canal or race from said dam on said river, on the west bank of said river and along the west bluff of Fox river bottom to Indian creek, or to connect the same with the natural race flowing into the river, together with such tail races as may be necessary; and also to construct any canal or race necessary to improve and use said water power on the east side of Fox river.*

May condemn land.

§ 2. In case said corporation shall desire to obtain from the proprietors or owners thereof any lands for the construction of such canals or races or improvements of any water power created hereby, or any lands that may be flowed or otherwise injured by the construction of this dam, or any other lands for the use and occupation of the corporation hereby created, and shall be unable to obtain the same by voluntary purchase, grant, assignment or release, said company shall have the right to condemn, take and use the same, under the provisions of an act to amend the law condemning the right of way for purposes of internal improvement, approved June 22, 1852, and the amendments thereto.

May acquire real estate.

§ 3. Said company may acquire, hold, own and enjoy such real estate in the vicinity of the water power created by the construction of said dam and the digging of such canals or races as may be deemed suitable for the operations of said company and improvements connected there.

with, or any part thereof, with the rights and privileges accruing therefrom or in anywise appertaining thereto; may erect such buildings and machinery as they may deem expedient; may engage in the manufacture of cotton, woolen, hempen, flaxen or other goods, machinery or other manufactures; and may lease or sell power, lands or machinery to individuals or corporations, as may be deemed expedient. Said company may also take and hold such notes, mortgages and other choses in action or securities as in the transactions and business of said company may become necessary or convenient, and may collect, sell, or assign the same; and the board of directors shall have power to declare dividends out of the actual profits of said corporation or from the sale of real estate above mentioned, payable either in cash or stock, as may be deemed expedient.

§ 4. The corporators named in the first section of this act shall constitute the first board of directors, and shall hold their offices until their successors shall be duly elected and qualified, in pursuance of by-laws to be made by the said corporation after its organization. First board of directors.

§ 5. The capital stock of said company shall be five hundred thousand dollars (\$500,000), and may be increased from time to time at the pleasure of said company. It shall be divided into shares of one hundred dollars (\$100.00) each, and may be issued and transferred in such manner and upon such conditions as the board of directors may direct. Capital stock.

§ 6. The said corporation is hereby authorized to borrow money and to mortgage or lease any of its property or franchises; and may, by its board of directors, adopt such by-laws, rules and regulations for the government of said corporation and the management of its affairs and business as they may think proper, not inconsistent with the laws of this state or of the United States. Borrow money.

§ 7. If any navigation company or water power company, which has been or may be hereafter incorporated, shall desire to use the slackwater created by said dam, in connection with any improvement to the navigation of said river, they are hereby authorized so to do, upon paying to the said Wedron Water Power and Manufacturing Company such sum as shall be a fair equivalent for said use: *Provided*, that said use and the method of attaining said use shall not materially interfere with the water power which may be created under and by virtue of this act. Slack water.

§ 8. This act shall be deemed a public act, and noticed as such by all courts, without pleading, and it shall take effect from and after its passage.

APPROVED March 29, 1869.

## WATER POWER—NEW PRIVILEGES.

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In force March 30, 1869. AN ACT to authorize George Carpenter to raise his mill-dam across the Sangamon river.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Carpenter be and he is hereby authorized to raise and maintain his mill dam across the Sangamon river, in section one (1), township sixteen (16) north, range five (5) west of the third principal meridian, to the hight of eight (8) feet above low water.

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

APPROVED March 30, 1869.

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In force June 13, 1869. AN ACT to amend the charter of the Marseilles Land and Water Power Company, in the county of La Salle.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four of the charter of The Marseilles Land and Water Power Company be and is hereby so amended as to read, "When the state shall take possession of said company's dam, for navigation purposes, the state shall cause a reasonable compensation to be paid to said land and water power company.

APPROVED March 27, 1869.

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In force March 27, 1869. AN ACT to recognize and define the privileges and powers of the Sterling Hydraulic Company, of Whiteside county.

Issue capital stock. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Sterling Hydraulic Company, of Whiteside county, in this state, is hereby empowered to increase its capital stock to the sum of two hundred thousand dollars, in shares of one hundred dollars each, at such time as shall be agreed on, at any annual or special meeting, (after thirty days' notice, by publication in some newspaper published in said county, of such proposed meeting for action thereon), by a majority of the stockholders of said company: *Provided,* each

stockholder shall be entitled to one vote for every share of one hundred dollars' worth of the stock of said company: *And, provided, further* that each stockholder may vote by proxy, duly authorized, in writing, signed by the party he or she may represent in so voting.

§ 2. The present officers of said company shall have and are hereby empowered with authority to carry on the business of said company, as heretofore, until the next annual election, when a new board of not less than five directors shall be elected, as hereinbefore stated, who shall elect one of their number president and appoint such other officers as may be needed to transact the business of the company, under such rules and regulations as may be prescribed by the board of directors: *Provided*, such rules and regulations shall not be inconsistent with the constitution or laws of this state. Continue business.

§ 3. All real estate and personal property heretofore conveyed, assigned or otherwise granted to the Sterling Hydraulic Company is hereby confirmed to said company, its successors and assigns, as property is held, owned and enjoyed by other corporate bodies. Property.

§ 4: Said corporation may increase the hight of their dam across Rock river at Sterling, in said county, four feet, and for that purpose may condemn land for flowage and for canals, races, embankments and approaches thereto, under the provisions of the statutes of this state relating to the condemnation of lands for flowage for mills and for the construction of canals and other public works, as the same may be applicable thereto. May increase hight of d.am.

§ 5. The capital stock of said corporation shall be divided into shares of one hundred dollars each. Shares.

§ 6. Said corporation may construct mill races, canals, water ways, guard gates and all other necessary works, to improve, use and enjoy the water power produced by said dam, and may sell the said power to others, to use for such term of time as the directors may, in pursuance of said rules and regulations, determine: *Provided*, said company shall construct suitable locks and canals for the passage of boats and water crafts on said river, whenever the same shall be made navigable by slack water navigation above and below said dam, under and by virtue of the provisions of the legislature of this state: *And, provided, further*, that said corporation shall, whenever requested by the board of supervisors of Whiteside county, shall construct a suitable fishway at said dam, to permit the passage of fish thereat. Construct canals and mill-races.

§ 7. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 27, 1869.

## WATER WORKS.

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In force March 31, 1869. AN ACT to incorporate the Riverside Water and Gas Works Company.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David A. Gage, Emery E. Childs, Leverett W. Murray, J. Trumbull Smith, Elson T. Wright, Charles Stanton, Henry E. Seelye, and their associates and all other persons who shall become stockholders in the company hereinafter mentioned, are hereby constituted a body corporate, by the name of "The Riverside Water and Gas Works Company;" and, by such name shall have perpetual succession, for the purpose of furnishing water and of manufacturing and supplying gas, for use in or upon the streets, avenues, parks and public places, and in the public and private buildings upon any lands now owned or leased, or which may hereafter be owned or leased, within the towns of Lyons, Cicero or Proviso, in Cook county, of this state, by the association known as "The Riverside Improvement Company," or by its successors, grantees or assigns, or upon any lands in the vicinity thereof; and, for that purpose, said company shall possess all the necessary and incidental power, and shall be capable in law of exercising all the powers and authority hereinafter conferred.

**§ 2.** The capital stock of said corporation shall be one hundred thousand dollars, with power to said company to increase the same, from time to time, as its business may require, to a sum not exceeding one million of dollars. Such capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and be transferable in such manner as shall be prescribed by the by-laws of the company. Books of subscription to said capital stock shall be opened at such times and places and under such regulations as shall be prescribed by the board of directors; and the directors may require payment of subscriptions to the capital stock at such times and in such installments as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon, and said company may sue for and recover all such subscriptions.

**§ 3.** The stock, property and affairs of said corporation shall be managed by a board of directors, a majority of whom shall constitute a quorum for the transaction of business. And the corporators hereinbefore named shall be the board of directors for the first year after said company shall commence business; but either of the persons above named, on resigning, may designate a person to fill the vacancy occasioned by such resignation for the unexpired



term. After the first year the number of directors shall be not less than three nor more than thirteen, who shall be annually elected by the stockholders at such time and place and upon such notice as shall be prescribed by the by-laws of the company; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and in such election each share of stock shall entitle the lawful holder thereof to one vote.

§ 4. Each director in said corporation shall be a stockholder therein, and shall hold his office until his successor shall be duly elected or appointed; and in case it shall at any time happen that an election of directors shall not be held on the day designated in the by-laws for annual the election, said corporation shall not for that reason be deemed dissolved, but it shall be lawful to hold an election for directors on any other day in such manner as shall be provided in said by-laws.

Directors to be stockholders.

§ 5. The said directors shall appoint one of their number to be president; and they may appoint such other officers and agents as they shall deem necessary; and in case a vacancy shall happen among the directors, it may be filled for the unexpired term by the remaining directors. The directors may also, from time to time, make and establish such by-laws, rules and regulations as they shall deem expedient touching the government of said corporation, the management and disposition of its property and effects, the the duties and conduct of its officers and agents, the election and meeting of the directors, and all matters which may appertain to the concerns of said company; and they may, from time to time, remove all officers and agents appointed by them and appoint others in their places, and fill all vacancies in the offices.

Appointment of president.

§ 6. The corporation hereby created shall have power, from time to time, to purchase or lease and hold such real or personal property as may be necessary for carrying out the objects and exercising the powers hereinbefore or hereinafter mentioned, and may erect, upon any real estate so purchased or leased, any buildings or structures necessary for providing water or manufacturing gas for the purpose aforesaid; and may furnish, for compensation, such quantities of water as may be required for use upon any of the lands mentioned in the first section of this act or upon any of the streets, avenues, parks or public places, upon the same or connected therewith; and said corporation may also manufacture and furnish and sell such quantities of gas as may be required for lighting said streets, avenues, parks and public places, or any public or private buildings erected upon said lands or any part thereof, or upon any lands in the vicinity of the same, in the towns of Lyons, Cicero and Proviso, in Cook county; and, for the purpose aforesaid, the said corporation is hereby authorized to lay down such conductors as may be

May purchase and hold real estate.

necessary for conducting water or gas through or into any of said streets, avenues, parks or public places, or into any of said public or private buildings; and it may also construct such sewers, in connection with said water conductors, as may be required for the convenient use thereof: *Provided, however*, that the conductors and sewers aforesaid which may be laid through any of the public streets, avenues or public places aforesaid, shall be laid under such regulations as may be prescribed by the municipal authorities of the town or city where the same shall be constructed: *Provided*, that this act shall be so construed that said Riverside Water and Gas Works Company shall be and they are hereby prohibited from purchasing, owning, leasing or occupying any lands or streets, to construct or maintain any water or gas works, or to lay down any gas or water pipes or conductors, or to furnish gas or water, within the present limits of the city of Chicago or within the limits of said city as they may be extended under any act passed by this general assembly.

Issue stock for  
property pur-  
chased.

§ 7. The directors shall have power to issue and deliver stock of said corporation in payment for any property purchased as hereinbefore authorized, to the amount of the purchase price thereof; and the stock so issued shall be deemed and taken to be full paid stock and not subject to any further calls; and the same shall be deemed to have been issued pursuant to a subscription, to the amount thereof, toward the capital stock of said company, with the like effect as if the same had been actually subscribed for and paid for in full, in cash, by the party or parties to whom the same shall be so issued: *Provided, however*, that nothing herein contained shall be construed to authorize an issue of stock to an amount exceeding the capital stock of said company.

General powers.

§ 8. The said corporation may have and use a common seal, and may alter or renew the same at pleasure; and it shall be capable of suing or being sued, and shall have the same remedies for the protection of its rights and the enforcement and collection of demands as natural persons; and said corporation may enter into all such contracts as may be necessary for furnishing water or manufacturing and selling gas, pursuant to this act; and all such contracts may be entered into under the seal of said corporation, or without the use of the same, as the board of directors shall determine.

Dividends.

§ 9. No dividend shall be declared to the stockholders of said corporation, except out of the actual earnings thereof; and in case any dividend shall be otherwise declared, whereby the capital stock of the company shall be impaired, the directors assenting to the same shall be jointly and severally liable for all the debts of the company then existing: *Provided, however*, that no action shall be brought

against any such director by any creditor of the company until he shall have first sued said company and an execution against it in his favor shall have been returned unsatisfied in whole or in part.

§ 10. Each and every stockholder shall be individually liable for all the debts and liabilities of said corporation to an amount equal to the amount of stock held by him, until he shall have paid for said stock in full, in cash or by property sold and transferred to the company, as hereinbefore authorized; but no stockholder shall be personally liable for the payment of any debt contracted by said corporation which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of the debt shall be brought against said corporation within one year after the debt shall become due. And no suit shall be brought against any stockholder in said corporation, for any debt so contracted, until an execution against said company, issued upon a judgment recovered for said debt, shall have been returned unsatisfied in whole or in part.

Liability of stockholders.

§ 11. No person holding stock in said company as an executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said company; but the person pledging such stock shall be considered as holding the same and shall be liable as a stockholder accordingly; and the estate and funds in the hands of any such executor, administrator or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such fund would have been if he had been living and competent to act and held the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock held by him as such executor, administrator, guardian or trustee, at all meetings of the company, and may vote as a stockholder; and every person pledging his stock may, in like manner, represent the same and vote accordingly.

Non-liability.

§ 12. The said corporation may, from time to time, borrow such sum or sums of money as may be necessary to carry out the purposes of this act, in the whole not exceeding the capital stock actually paid in, and may issue and dispose of their bonds for any amount so borrowed; and it is hereby authorized to mortgage any part of their corporate property and privileges to secure the payment of such bonds.

May borrow money.

§ 13. Any person willfully injuring or causing to be injured any property of said corporation shall forfeit or pay to said corporation treble the amount of damages sustained by such injury, to be recovered in any court having cognizance thereof.

Injuring property.

§ 14. This act shall take effect and be in force from and after its passage.

APPROVED March 31, 1869.

In force March  
24, 1869.

AN ACT to incorporate the Rockford Water Works Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Good-year A. Sanford, Ralph Emerson, Robert P. Lerne, Thomas D. Robertson, William A. Knowlton, Norman C. Thompson, Moses Bartlett, John P. Manny, Isaac Utler, David S. Pentfield, A. C. Spafford, Levi Rhoades, Gilbert Woodruff, John Lake and Seldon M. Church, and their associates, successors and assigns, be and hereby are a body politic and corporate, by the name and style of "The Rockford Water Works Company;" and, by that name, shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, and implead and be impleaded, answer and be answered unto, in all courts of competent jurisdiction; and may have and use a common seal, and alter and renew the same at pleasure; and shall have all the powers and privileges necessary for the convenient accomplishment of the objects of their incorporation.

Name and style.

Objects.

§ 2. The objects and purposes of said incorporation is and shall be the supply of the city of Rockford and the inhabitants thereof with water.

May possess  
real estate.

§ 3. That for the purpose of supplying said city and the inhabitants thereof with pure and wholesome water, the said corporation shall have the power to purchase, take, hold, use and enjoy any tract or tracts of real estate in said city or in the county of Winnebago, necessary and convenient for the purposes of said corporation; and, for the purpose aforesaid, said corporation may take the water from any river, creek, brook or spring, in said county, and in any convenient and proper manner and by any proper and convenient means convey and conduct the same into said city and into any part or portion thereof; and, for the purpose aforesaid, said corporation shall have the right and power to purchase or erect and maintain any dam or dams upon any stream or streams in said county, at such point or points as to it may seem best, and may erect and maintain one or more reservoirs, at such place or places as the corporation shall judge best and most convenient for the purpose aforesaid; and said corporation may lease, purchase or build and maintain any hydraulic machinery, and the erections and buildings required in the use thereof or

which may be required by said corporation for the accomplishment of the purposes aforesaid; and said corporation shall have the right and power to adopt such system or such mode of supplying water, as aforesaid, as to the corporation shall seem most efficient and best adapted to the end in view; and the said corporation shall have the full right and power, in any street, lane, alley or public ground of the said city of Rockford, to lay, connect, adjust, repair and maintain any pipes or conduits necessary and proper for conveying water for the supply of said city and its inhabitants and of connecting such pipes with any reservoir, fountain, pumps, hydrants or machinery of said corporation, designed for the supply of such water. But said corporation shall, in all cases, restore any street, lane, alley or public ground of said city, in which it may lay, adjust or repair any pipe or conduit for water, to its former condition, as nearly as possible, and shall, in all cases, in laying, adjusting and maintaining its pipes, conduits and works, cause as little obstruction and do as little damage to the streets, lanes, alleys and public grounds, as consistent with the convenient prosecution of such work. And it shall be lawful for said corporation to purchase water or water power in the works of the Rockford Water Power Company, under the like restrictions, terms, conditions and covenants as water or water power therein has usually been sold to individuals; and in case said corporation, in the execution of the purposes for which it is created, shall erect any dam or dams and shall thereby create or have more water power than it may need for its own uses and purposes, it shall and may be lawful for the corporation to lease or sell its surplus power upon such terms as may be agreed upon therefor.

§ 4. The capital stock of said corporation shall be fifty thousand dollars, and may be increased, from time to time, by a two-thirds vote of the board of directors, to any sum, not exceeding five hundred thousand dollars. Capital stock.

§ 5. The business and affairs of said corporation shall be managed by a board of nine directors, who shall be elected by the stockholders, and hold their office for three years and until their successors shall be elected; but the first year of the terms of the first board of directors shall expire at such time as shall be fixed by the board of directors for the first annual meeting of the stockholders. No person shall be a director who is not a stockholder in the corporation; and the stockholders, at each annual meeting, shall elect from their number three directors, in place of those whose term of office shall then expire; and in case of the death, resignation or removal of any directors, a meeting of the stockholders shall be called to fill the vacancy. Powers vested  
in directors.

§ 6. The board of directors shall, annually, choose one of its members president; and said board shall have the Election  
of president.

power to determine the number of the officers of said corporation, and annually appoint the same, and require of such officers such security for the faithful performance of their duties as to said board shall seem best; and any securities so taken shall be valid and binding, according to the terms thereof; and said board of directors shall have power to make all needful by-laws for the government and direction of its affairs, not inconsistent with the laws of this state or of the United States.

Notice for time  
and place of  
meeting.

§ 7. The board of directors shall have the power to fix the time and place of holding the annual meetings of the stockholders and the notice to be given thereof; and special meetings of the stockholders may be called, at any time, by a vote of a majority of the board of directors.

Stock shares.

§ 8. The stock of said corporation shall be divided into shares of one hundred dollars each, and shall be esteemed personal property, and transferable on the books of the corporation, under such restrictions as the board of directors may determine; and at all stockholders' meetings each stockholder shall be entitled to one vote for each share by him owned; and absent stockholders may cast their votes by proxy.

May borrow  
money.

§ 9. Said corporation shall have power to borrow money, at any rate of interest not exceeding ten per cent., per annum, and to issue its bonds or other evidences of indebtedness therefor and secure the payment thereof by a mortgage of the property and franchises of the corporation.

Taking private  
property  
public use. for

§ 10. In case it shall be necessary, for the accomplishment of the objects and purposes of said corporation, to take, use or occupy any tract, tracts or parcels of land belonging to any corporation, individual or individuals, in constructing any dam or dams, races, bulkheads or reservoirs, or in laying any of its pipes or conduits, or in keeping in repair and maintaining the same, or if, in constructing any necessary dam or dams, any land shall be overflowed, and the said corporation shall be unable to agree therefor with the owner or owners of any tract or tracts of land, which it shall or may be necessary to take, use or occupy, for the uses and purposes aforesaid or any of them, then it shall and may be lawful for said corporation, by its proper agents and servants, to enter upon, take, hold and occupy any tract or tracts of land, so necessary to be used and occupied, for the purposes aforesaid or any of them, upon said corporation first making to the owner or owners of the same just compensation for any damages which may arise from the appropriation thereof to the uses and purposes aforesaid or any of them; and said corporation may proceed and have such damages assessed and acquire such property in the manner provided in the general laws of this state for taking private property for public use.

§ 11. Said corporation shall have the right to lay its pipes across Rock river and also across Kent's creek, upon or under the bed of said respective streams, at such place or places on each stream as it shall seem best, doing as little injury to private property thereby as shall be consistent with the safe and convenient construction of such work. Lay pipes, etc.

§ 12. The said corporation shall have the power and authority to enter into any contract with the city of Rockford for furnishing said city with water, in case of fires and for other purposes, as to the board of directors shall seem best; and the said city shall have the power and authority to make and enter into any contract or agreement with said corporation for furnishing said city with water, which shall seem wise and expedient to the common council of said city. May contract for furnishing water.

§ 13. The said corporators, or a majority of them, may, at any time after the passage of this act, open books of subscription to the capital stock of the corporation; and when fifty thousand dollars shall be, in good faith, subscribed thereto, it shall and may be lawful for said corporators, or a majority of them, to call a meeting of the subscribers to such stock, for the purpose of selecting a board of directors for said corporation; and thereupon the subscribers for stock, or such of them as may attend such meeting, may proceed and elect from the subscribers for the stock nine directors of the corporation, three of whom shall be elected to hold their office for three years, three shall be elected to hold their office for two years, and the remaining three shall be elected to hold their office for one year. And such board of directors, when elected, may proceed to carry out and execute the objects and purpose of this corporation. And all subscriptions to the stock of said corporation shall be payable in installments, from time to time, upon call by [the] board of directors: *Provided*, not more than twenty per cent. of such subscriptions shall be called for in any one month. Open books for subscription.

§ 14. And the corporation hereby created shall have the right and power to contract and agree with any individual or corporation for the furnishing and supply of water, upon such terms as may be agreed upon therefor. And no person not duly authorized so to do shall draw water from any conduit or pipe which may be laid by said corporation or interfere with its pipes or works. Supply of water

§ 15. It shall and may be lawful for the city of Rockford so to do, and the right of said city is hereby reserved, at any time within ten years from and after said corporation shall have laid one mile of pipe, to purchase the property, right and franchises of said corporation, at their actual cost and ten per cent., per annum, interest thereon, and from which shall be deducted the net income from the property and works of the corporation. And said corporation, in the meantime, shall incur no unnecessary expense, by way City may buy the rights.

of salaries or otherwise, for the purpose of reducing the net income of the corporation from its property and works.

§ 16. This act shall take effect and be in force from and after its passage, and shall be deemed a public act, and may be read in evidence from the printed statutes of the state, in all courts and places.

APPROVED March 24, 1869.

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## YOUNG MEN'S CHRISTIAN ASSOCIATIONS— INCORPORATED,

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In force March 29, 1869. AN ACT to incorporate the Young Men's Christian Association of Pontiac.

Preamble.

WHEREAS an association has heretofore been formed in the town of Pontiac, Illinois, called "The Young Men's Christian Association of Pontiac," the object of which is improvement of the spiritual, intellectual and social condition of men: therefore,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Eliab W. Capron, Joseph F. Culver, Jason W. Strevell, James A. Caldwell, Alfred C. Huetson, John A. Fellows, Jonathan Duff and Billings P. Babcock, and their successors, are hereby constituted the board of trustees of the Young Men's Christian Association of Pontiac, and shall hold their office during life, except that, in case of removal from the town, loss of standing in the denomination to which he may belong, or by a vote of two-thirds of the whole number of trustees, the place of any member in the board shall

Election president secretary.

of and

be vacant. Said board shall, from time to time, elect from among their number a president, secretary and treasurer. And a majority of said board shall constitute a quorum for the transaction of business, except when otherwise provided in this act; and they shall have power, by and with the approval of the board of managers of said association, to fill all vacancies in their said board: *Provided*, that all such vacancies shall be filled by the election of persons from the same religious denomination from which the member of said board was elected whose place is to be supplied, except the vacancy should occur through one of said board not a member of any denomination, when the vacancy shall be filled by a vote of a majority of all the active members of said association: *And provided, also*, that this board of trustees may be increased in number, by the election of one member from each of the following denomin-

Vacancies.



tions, when the same shall have an organized society in said town, viz: Congregational, one; Free Will Baptist, one; Methodist Protestant, one; Episcopalian, one. That, by the name and style of "The Young Men's Christian Association of Pontiac," they shall have perpetual succession; shall be capable, in law, to contract and be contracted with, sue and be sued, implead and be impleaded with, in all courts of competent jurisdiction; may receive, acquire and hold real and personal property and effects, suitable to the carrying out of the objects of this association; may have a common seal, and alter the same at pleasure; may make such constitution, regulations and by-laws as may be requisite for its government, and for carrying out the objects of the association, and not contrary to the constitution of the United States or of this state, and may alter the same as therein provided.

§ 2. The title to all real estate hereafter to be owned by said association, and all interest in real estate, shall be vested in and controlled by said board of trustees; and such board shall have exclusive charge and control of the leasing of said real estate, and of the moneys of said association, used in the purchase of real estate, or derived therefrom, and the expenditure thereof, but not of the other moneys of said association. They shall have full power to secure and hold, by gift or purchase, either real or personal property, and may dispose of the same, by gift, lease, sale or otherwise.

Powers vested  
in trustees.

§ 3. It shall and may be lawful for said board of trustees to issue and sell certificates of stock, for and in the name of the association, not exceeding an amount outstanding at any one time the sum of one hundred thousand dollars, and bearing interest at not exceeding the rate of ten per centum, per annum; which certificates shall be signed by the president and attested by the secretary of said board of trustees, and shall have affixed thereto the corporate seal of said association, and shall be exempt from all taxation; and neither the purchaser or owner of said certificates shall be liable for the debts of said association: *Provided*, said association or said board of trustees may, at any time, pay, take up and cancel all or any part of said certificates, at not exceeding the par value thereof; and interest thereon shall cease from and after the day whereon notice shall be given to the holder or owner of said certificates that said association is ready to pay the same, or within ten days from the date of a notice printed in one of the newspapers printed in said Pontiac that said association is ready to pay the same.

Certificates of  
stock, may sell.

§ 4. Real estate held by said board of trustees, for said association, may be sold only by the unanimous vote of said board of trustees or by the vote of a majority of said trustees, approved by a vote of two-thirds of all the active

When real es-  
tate may be sold

members of said association, then in regular standing; and conveyances therefor shall be executed in the same manner as above provided for the execution of certificates of stock.

Rules for gov-  
ernment.

§ 5. Said board of trustees may make and execute such rules, by-laws and regulations as may be necessary and proper for the management of the property and affairs entrusted to them and not inconsistent herewith; may borrow money for the improvement of real estate held by them, and execute securities on the property improved; which shall be exempt from taxation, in like manner as the certificates of stock.

Free libraries.

§ 6. Said corporation shall have full power to establish and maintain free libraries and reading rooms, and the same, together with all the real and personal estate, while it shall be held or owned by or for said association for its own use, shall be exempt from taxation.

§ 7. This act shall take effect from and after its passage.

APPROVED March 29, 1869.

In force March 30, 1869. AN ACT to incorporate the Young Men's Christian Association of Springfield.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That E. R. Ulrich, James L. Hill, Herbert Post, Charles D. Harvey, John T. Stuart, [Jr.,] John A. Chestnut, John T. Peters, Edwin A. Wilson, Charles E. Blake, A. J. Smith, A. J. Bicknell, G. W. Bolinger, George Ackard, C. L. Conkling, John D. Vredenberg, Reuben Kain, Noah Hodge, George W. Ingalls, Charles S. Bushnell, J. D. Harper, R. M. Hickey, and their associates, are hereby created a body* corporate, under the name of "The Young Men's Christian Association of Springfield;" and, by that name, shall have perpetual succession. This association shall have power to purchase, hold, enjoy and convey real estate, for the purpose of establishing and maintaining free libraries and reading rooms and for benevolent and religious purposes, and the same, while it shall be held or owned by or for said association, for its own use, together with all personal property held or owned by or for said association, shall be, in like manner, exempt from taxation by state, municipal or county organization—to be held or treated the same as church property.

Name and style.

May receive  
and hold per-  
sonal property.

§ 2. That said association may receive and hold personal property, by gift, devise or purchase, and dispose of

the same by gift, lease, sale or otherwise; may have and use a common seal and alter the same at pleasure; and may make such rules, regulations and by-laws and change the same, as may be necessary and proper for the control and management of its business and affairs, not repugnant to the laws of this state or the United States. James L. Hill, J. A. Chestnut, E. R. Ulrich, Charles D. Harvey, Edwin A. Wilson, John T. Stuart, Jr., Geo. W. Ingalls, Herbert Post, C. C. Brown, A. J. Bickernell, and their successors, are hereby constituted the board of trustees of the Young Men's Christian Association of Springfield, and shall hold their office during life, except that in case of removal from the city, loss of standing in the denomination to which he may belong, or by a vote of two-thirds of the whole number of trustees, the place of any member of the board shall be vacant.

§ 3. Said board shall, from time to time, elect from among their number a president, secretary and treasurer; and a majority of said board shall constitute a quorum for the transaction of business, except when otherwise provided in this act; and they shall have power, by and with the approval of the board of managers of said association, to fill all vacancies in their said board: *Provided*, that all such vacancies shall be filled by the election of persons from the same religious denomination from which the member of said board was elected whose place is to be supplied.

Appointment of officers.

§ 4. The title of all real estate that hereafter may be owned by said association, and all the interest in real estate, shall be vested in and controlled by said board of trustees; and such board shall have exclusive charge and control, leasing of said real estate, and of moneys of said association, used in the purchase and improvement of real estate or derived therefrom, and the expenditures thereof, but not of other moneys of said association. It shall and may be lawful for said board of trustees to issue and sell certificates of stock, for and in the name of said association, not exceeding an amount outstanding at any one time the sum of seventy-five thousand (\$75,000) dollars, and bearing interest at not exceeding the rate of six per centum, per annum; which certificate shall be signed by the president and attested by the secretary of said board of trustees, and shall have affixed thereto the corporate seal of said association, and shall be exempt from all taxation; and neither the purchaser or owner of said certificates shall be liable for the debts of said association: *Provided*, said association or said board of trustees may at any time pay, take up and cancel all or any part of said certificates that said association is ready to pay the same, or within ten days from the date of a notice printed in one of the daily newspapers printed in said Springfield that said association is ready to pay the same.

Powers vested in trustees.

How real estate  
may be sold.

§ 5. Real estate held by said board of trustees for said association may be sold only by a unanimous vote of said board of trustees or by the vote of a majority of said trustees, approved by a vote of at least two-thirds of all the members of said association then in regular standing; and conveyances therefor shall be executed in the same manner as above provided for the execution of certificates of stock.

Rules for gov-  
ernment.

§ 6. Said board of trustees may make and execute such rules, by-laws and regulations as may be necessary and proper for the management of the property and affairs entrusted to them, and not inconsistent herewith; may borrow money, for the improvement of any real estate that may in future be held by them, and execute securities for the same on the property improved; which shall be exempt from taxation, in like manner as the certificates of stock, except as hereinafter provided. In case the income of said association exceeds the expenses and disbursements necessary to carry out the objects of said association, the exemption from taxation shall not apply to any such excess.

§ 7. This act shall take effect from and after its passage.  
APPROVED March 30, 1869.

DEPARTMENT OF STATE, SPRINGFIELD, ILLINOIS,  
*November 20, 1869.*

I, EDWARD RUMMEL, Secretary of State of the state of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws on file in this office, with the exception of the words printed in brackets, thus: [ ].

EDWARD RUMMEL,  
*Secretary of State.*

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