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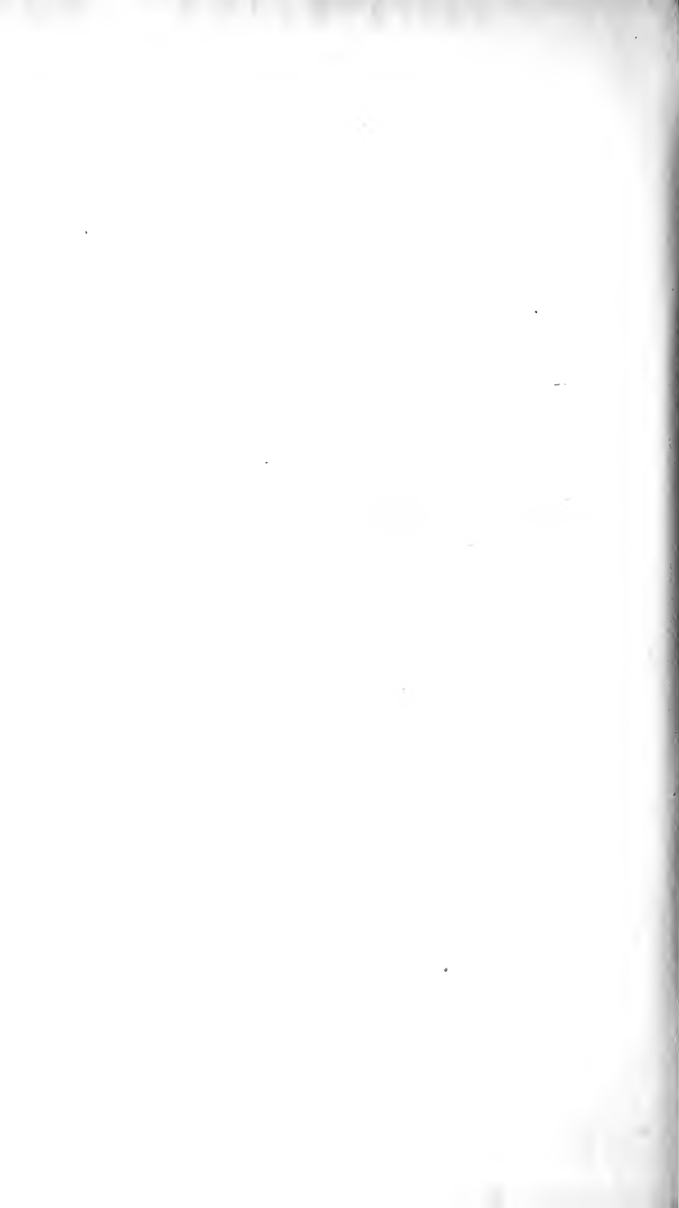






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PRIVATE LAWS—1853.



PRIVATE LAWS

OF

THE STATE OF ILLINOIS,

PASSED AT

THE FIRST SESSION

OF THE

EIGHTEENTH GENERAL ASSEMBLY.

BEGUN AND HELD AT THE CITY OF SPRINGFIELD,

JANUARY 7, 1853.

SPRINGFIELD:
LANPHIER & WALKER, PRINTERS.

1853.

[A]

PRIVATE LAWS.

AN ACT to incorporate the Petersburg and Springfield Railroad Company. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Samuel Hill, John Bennett, Asa D. Wright, Israel Campbell, George U. Miles, John W. Warnsing, Jacob H. Lanning, Virgil Hickox, John Williams, Alexander Stewart, E. L. Grubb, John S. Wilbourn, G. N. Walker, William Phelps and Samuel Webster, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Petersburg and Springfield Railroad Company," for the term of fifty years, and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally to complete a railroad from the town of Petersburg, in Menard county, to the city of Springfield, in Sangamon county; and for such purpose the said company are authorized, upon such route as they may select, to lay out their said railroad wide enough for a single or double track through the whole length—the width of said road to be determined by said corporation; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of said railroad.*

§ 2. The capital stock of said company shall consist of one hundred thousand dollars, which may be increased to five hundred thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors,

who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their office for one year after their election, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be the president of the company. The said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary for the transaction of the business of said corporation.

President.

Other officers.

Survey.

Right of way.

Proviso.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between said town of Petersburg and city of Springfield as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation for the purposes and accommodations of said railroad, or upon which the site for said railroad shall have been located and determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purpose of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land; and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided for by the laws of the state concerning the right of way for roads, canals or other public works.

Penalties.

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

thousand dollars, for the use of the county where such indictment may be found.

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

§ 6. The persons named in the first section of this act Commissioners. are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall give at least twenty days' notice of the time and place when and where such books shall be opened, in some newspaper printed in Springfield, and shall keep the said books open until the whole of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing. The said commissioners shall call a meeting of the stockholders by giving twenty days' notice in some Organization. newspaper printed either in the county of Sangamon or Menard; and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock.

§ 7. That the right of way, and the real estate purchased Property. for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of said company in fee simple.

§ 8. The said corporation may take and transport upon Transportation. said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property and transferable in such

manner as shall be provided by the by-laws and ordinances of said corporation.

Power of directors.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional four hundred thousand dollars of stock, or any part thereof, at such times as they may deem it for the interest of said company; and all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital, shall be paid at such times and in such sums as said directors may prescribe.

Increase of stock.

Vacancies.

§ 10. In case of the death, resignation or removal of the president, vice president or any director at any time between the annual elections, such vacancy may be filled for the remainder of the year in which they may happen by the board of directors; and in case of absence of the president and vice president the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on any day in which in pursuance of this act it ought to be made, the said corporation shall not for that cause be dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Lands of persons *non compos, &c.*

§ 11. That when the lands of any *femme covert*, persons under age, *non compos mentis*, or out of the state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the said last mentioned owners respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum. That to ascertain the amount to be paid to the persons named in this section for lands taken for the use of said corporation it shall be the duty of the governor of this state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to assess and determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation, has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the circuit clerk's office of the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

Commissioners.

Recorded.

Notice.

§ 12. That previous to any application being made to the governor for the appointment of commissioners, as provided in section eleven of this act, it shall be the duty of the company, by its agent or attorney, to give notice to those interested in the land over which the said railroad company desires to obtain the right of way, which notice shall be in writing, specifying the time when such application is to be made to the governor, and shall be served upon the owners and those interested in said land by the commissioners of said company, or by any sheriff or constable of the county in which such person or persons reside, in the same way as service of process in chancery: *Provided*, said owners or those interested are residents of the state of Illinois. or in case said owners or those interested shall be non-residents of the state of Illinois, then such notice may be given by publication in a newspaper published in the county where said lands lie, or in case there is no newspaper published in the county, then in the nearest newspaper published in the state. Said publication shall contain the names of the parties interested in said lands, the description of the lands, and the time when application is to be made to the governor for the appointment of commissioners as aforesaid, and shall be made for four successive weeks, the first of which shall be made at least thirty days before the application is to be made.

Proviso.

Publication.

Intersections.

§ 13. That whenever it shall be necessary for the construction of said railroad to intersect or cross any water course, or any road or highway lying between the points aforesaid, it shall be lawful for the corporation to construct their railroad across or upon the same: *Provided*, that the corporation shall restore the water course, road or highway thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness.

Proviso.

Directors to require payment.

§ 14. That it shall be lawful for the directors to require payment of the sums subscribed to the capital stock at such times and in such proportions and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least ninety days previous to the payment of the same, in some public newspaper published in at least one of the counties through which said road may be constructed.

Notice.

Power to borrow money, &c.

§ 15. For the purpose of facilitating the construction of the railroad authorized by this act the said corporation is and shall be permitted to negotiate a loan or loans of money, to the amount of the capital stock, and to pledge all of its property, real and personal, and all of its rights, credits and franchises, for the payment thereof.

Right of way.

§ 16. That nothing in this act contained shall be construed to prevent said company from proceeding to acquire the right of way for their said railroad under the act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, or any act or acts passed, or which may be passed, amendatory or supplemental thereto.

Time of commencement.

§ 17. The said company shall commence the construction of said railroad within three years, and complete the same within five years from the passage of this act.

Power of extension.

§ 18. The said company hereby created be and are hereby authorized to extend their said railroad from Petersburg, in Menard county, to Havana, in Mason county, by the most eligible route; and for the purposes of such extension said company are hereby declared to possess all the powers and be subject to all the restrictions contained in this act; and for the purposes of said extension said company are authorized to increase their capital stock to one million of dollars, to be taken and subscribed for under the same provisions and regulations as herein provided for the increase of the capital stock of said company.

Increase capital stock.

Further extension.

§ 19. The said company hereby created be and are hereby authorized, in addition to the extension of their said road provided for in section eighteen, to further extend their said railroad from a point on the Illinois river, opposite the town of Havana aforesaid, thence by the nearest eligible route, by Lewistown, Cuba, Ellisville, St. Augustine, in the county of Fulton, to the town of Berwick; thence to the city of Monmouth, in the county of Warren; and thence to the town of Keithsburg or New Boston, in the county of Mercer; and for the purpose of the extension provided for in this section said company are hereby declared to possess all the powers and to be subject to all the restrictions in this act; and for the purpose of such extension said company are authorized to increase their capital stock to two millions of dollars, to be taken and subscribed for under the same provisions and regulations as herein provided for the increase of the capital stock of said company.

Increase capital stock.

Fusion with other roads.

§ 20. It shall be lawful for the company created by this act to unite with any other railroad company which may have been or hereafter shall be incorporated by this state, under any law thereof, and to grant to any such company the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between the said companies.

APPROVED February 8, 1853.

AN ACT to incorporate the Chicago and Calumet Plank Railroad Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeable to the provisions of the corporation hereby created, shall be, and for the term of ninety years from and after the passage of this act shall continue to be, a body corporate and politic, by the name of "The Chicago and Calumet Plank Railroad Company;" and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, regulation of its affairs, and for the transfer of its stock, not inconsistent with the existing laws of this state and the United States; and may appoint such officers, agents and servants as the business of said company may require, prescribe their duties and require bonds for the faithful performance thereof.

Corporators.

Duration of corporation.

General powers.

§ 2. That J. W. Cochran, H. G. Loomis, Charles Cleaver, E. Peck, Henry Myers, Wm. B. Egan and James Carney be and they are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days previous thereto, by publication in some newspaper in Chicago. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of fifty thousand dollars shall have been subscribed; and as soon as said sum shall be subscribed the said commissioners shall give twenty days' notice, by publication in two weekly newspapers in Chicago, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company; at which time and place so appointed for that purpose said commissioners, or a majority of them, shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect seven directors, by ballot; and the commissioners present shall certify the result of such election, under their hands; which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their office for one year, and until their successors are elected and qualified.

Commissioners.

To open books.

To receive subscriptions.

Directors.

Capital stock.

§ 3. The capital stock of said company shall be one million of dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum necessary to complete the works herein authorized; and the same shall be subscribed for and taken under the direction of the board of directors of said company, at such time and in such places and manner as the said directors shall from time to time direct. The shares of the capital stock of said company shall be deemed personal property.

Management of affairs.

§ 4. The affairs of said company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share of stock held by him, and may vote personally or by proxy; and a plurality of the votes given at any election shall determine the choice. The directors shall hold their office as provided in a foregoing section, and shall elect one of their number as president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors; and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president the board of directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said board.

Votes

Vacancy.

Payment of subscriptions.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company at such times and in such amounts as they shall deem fit, giving at least thirty days' notice of each of said calls in at least two newspapers published in the city of Chicago; and in case of the failure on the part of any stockholder to make payment of any calls made as aforesaid by the said directors, for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock as in arrear, and all sums paid thereon forfeited to the company.

Route of road.

§ 6. The said company are hereby authorized to locate, construct and complete and to maintain and operate a plank railroad, with a single or double track, and may change and alter the same to a plank road exclusively, or to a railroad exclusively, at any time that the board of directors of said company may deem it advisable so to do; and may use for the purpose of said road any county or state road or roads within the limits hereinafter provided, having first obtained an order from the board of supervisors of Cook county, authorizing the use of such road or roads, and may operate such plank railroad, plank road or railroad, with

such appurtenances as may be deemed necessary by the directors for the convenient use of the same from the city of Chicago to the Calumet river, and within ten miles of the lake shore; and the said company are authorized to use and operate said road, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and prescribe the manner in which the same shall be used, and the rate of toll for the transportation of persons and property thereon, and shall have power to provide stock, all necessary material and power for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery for the accommodation and operation of said road.

§ 7. The said company are hereby authorized, by their engineers and agents, to enter upon any lands, for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of said plank railroad and its appendages, first making just and reasonable compensation to the owners of said lands for any damages that may arise to them from the building of said road; and in case said company shall not be able to obtain the title to the lands through which the said road shall be laid by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by said owner or owners in the manner provided by the ninety-second chapter of the Revised Statutes of this state, entitled "Right of Way:" *Provided*, that after the appraisal of damages, as provided in said statute, and upon the deposit of the amount of such appraisal in the circuit court of Cook county, the said company are hereby authorized to enter upon such lands for the construction of said road and its appendages.

§ 8. The said company are authorized to borrow from time to time such sum or sums of money, not exceeding the amount of the capital stock of said company, as in their discretion may be deemed necessary, to aid in the construction of said road, and to pay any rate of interest thereon, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon; and to dispose of the bonds issued for such loan at such rates or on such terms as the board of directors may determine.

§ 9. Said company shall be bound to repair all public highways that their road may cross, and all bridges and water courses that may be injured in the construction and using of said road.

Unite with other roads.

§ 10. It shall be lawful for said company to unite, within the territory above described, and not elsewhere, with any railroad, and to grant to such companies the right [to] use or construct any portion of the road herein authorized to be constructed.

Penalties.

§ 11. Any person who shall wilfully injure or obstruct said road, or any part of its appendages, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company threefold the amount of damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court having jurisdiction thereof in the state.

Commencement.

§ 12. Said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad, and seven years thereafter for the completion of the same.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

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

APPROVED February 14, 1853.

In force Feb. 12, 1853.

AN ACT to incorporate the Springfield and Pekin Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Gideon H. Rupert, William S. Maus, James Haines, Jackson C. Thompson, Thomas N. Gill, John W. Casey, David Mark and Peter A. Brower, of the county of Tazewell, and William Engle, Milam Alkire and Archibald Kincade, of Menard county, and Colby Knapp, of Logan county, and George Powers, Levi Cantrill, Abraham Vanmetre, Benj. S. Edwards, William Carpenter, Jonathan Saunders and John T. Stuart, of the county of Sangamon, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Springfield and Pekin Railroad Company;" and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts in law and equity and other places; of contracting and being contracted with; and said company shall have authority to make, use and have a common seal, and the same to renew and alter at pleasure; and said

Style.

General powers.

company are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act hereinafter mentioned, set forth or referred to, and to exercise and enjoy, for the purposes of the said company, the rights and privileges of natural persons.

§ 2. Said company are hereby authorized and empowered to locate, construct, establish and finally complete and hereafter use a railroad, commencing at any convenient point in the city of Springfield, and running from thence, on the most eligible, beneficial, expedient and practicable route, to the city of Pekin, in the county of Tazewell; and the said company are hereby empowered, in the construction of said railroad, to lay out said railroad wide enough for a single or double track throughout the whole length; and for the purpose of constructing the same, and for materials, stone, earth and gravel, may take and use as much more land on the side of the same as may be necessary for the proper construction and security of said road.

§ 3. The capital stock of said company shall be one million of dollars, and may be increased to two million of dollars, to be divided into shares of one hundred dollars each share. The immediate government, control and direction of the affairs and organization of said company and company franchises shall be vested in the persons named in the first section of this act, and a majority of them shall form a quorum, with power and authority to adopt such rules and by-laws, and other things to do and perform, necessary to the complete organization of said company and to conducting the same, and to provide for opening books and obtaining subscriptions to the capital stock of said company, and for the calling of meetings of said company; and when one hundred shares of the capital stock shall be taken and subscribed for, the company may fully organize and go into operation in the construction and completion of said railroad.

§ 4. When one hundred shares shall be subscribed as aforesaid, the persons named in the first section of this act, or some of them, may call a meeting of the stockholders of said company, on giving public notice of the time and place of meeting, which shall be held at some place in the county of Logan or Menard, in this state, and shall fully organize said company by the election of nine directors for said company, who shall hold their offices for one year, and until their successors shall be elected and qualified. Said directors shall have the same powers and authority, and perform the same duties, and be governed by the same rules conferred upon and required of the directors of the Alton and Sangamon Railroad company, by an act entitled "An act to construct a railroad from Alton, in Madison county,

to Springfield, in Sangamon county," approved February 27, A. D. 1847. Said directors, so elected, shall elect from their number one president, who shall hold his office one year, and until his successor is elected and qualified, and who shall have the same powers, and be governed by the same rules as is conferred upon and required of the president of the said Alton and Sangamon Railroad Company, by the act aforesaid; and all rules and provisions for elections provided by the said act shall apply to the company incorporated by this act. A majority of said directors, including the president, shall constitute a quorum.

§ 5. The said company hereby incorporated shall have, enjoy and exercise, all and singular, the powers, rights, authorities, privileges and immunities conferred upon the Alton and Sangamon Railroad Company by the act incorporating the same, described in the fourth section of this act as "An act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 27, 1847, and not contrary to the provisions of this act; and all privileges, powers and immunities in any manner conferred upon the said Alton and Sangamon Railroad Company by the said act incorporating the same, and beneficial to the corporation hereby created, shall apply to the Springfield and Pekin Railroad Company the same as if herein specially recited and granted to said named company, to all intents and purposes, and in every manner of things, powers, privileges or authority whatever.

§ 6. The company hereby incorporated shall have power to procure a loan or loans of money, as shall be deemed necessary for the construction of the said railroad, and may pledge the said road for the payment thereof. Said company may receive in payment of stock subscribed for bonds and mortgages, and also any security or evidence of debt, stock in other companies, or other valuable things, and may dispose of or pledge the same for the purposes of the said company in the construction of the said railroad, but said company shall not exercise banking powers.

§ 7. This act shall be deemed and considered a public act, and shall be favorably and justly construed for all purposes therein expressed and declared, in all courts and places whatever.

§ 8. The railroad contemplated in this act to be completed within ten years from the passage of the same.

§ 9. And the said company shall have full power, under the provisions of this act, to extend, construct and maintain their railroad from Pekin, in Tazewell county, to Peoria, in Peoria county, and for that purpose they may exercise all the privileges and franchises contained in the preceding sections of this act, and shall have full power to connect their railroad with any other railroad now or here-

President.

Enjoy the same rights as Alton and Sangamon company.

Power to borrow money.

Power to receive bonds in payment for stock.

Public act.

Time of completion.

Union with other roads.

after to be constructed with the line, or at the said terminus at Peoria, upon such terms as may be mutually agreed upon by the directors of said railroads so connecting.

APPROVED Feb. 12, 1853.

AN ACT supplemental to an "Act to incorporate 'The Southern Illinois Railroad Company,'" approved February 17, 1851, and to change the name of said company. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Campbell, Jos. Williamson, S. Allen, James H. Jones, Jos. B. Holmes, John O'Neil, Wm. Rosborough, John A. Wilson, Joseph Farmer, John E. Detrich, Andrew Borders, Archibald Macdill, Z. H. Vernor, E. C. Coffee, Jno. D. Wood, Geo. T. Hoke, John Phillips, G. W. Pace, John Cunningham, T. B. Lester, Charles W. Jennings, John S. Martin, T. Elston and D. W. Allman, corporators in the before recited act, together with such others as may associate with them, are hereby created and constituted a body corporate and politic, by the name and style of "The Chester, Mississippi and Chicago Branch Railroad Company," and by that name to sue and be sued, plead and be impleaded, in any court of law or equity in this state; to make and have a common seal, and the same to break, alter and renew at pleasure; and the said company is hereby vested with all 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 said company is hereby authorized and empowered to locate, build, construct and finally complete a railroad, with a single or double track, on the most eligible ground, from Chester, on the Mississippi river, to Sparta, in Randolph county, and Nashville, in Washington county, to the Chicago Branch of the Central Railroad, and then to Salem, Marion county, on such route as shall be deemed to be the best and most expedient, and transport, take and carry property and persons upon said railroad or way by the power of steam or animals, or of any mechanical or other power, or any combination of them, which said company may choose to apply; and for the purpose of constructing said railroad or way, the said company is hereby authorized to lay out the road not exceeding one hundred feet wide through the whole length; and for the purpose of depots, cuttings and embankments, and for the purpose of necessary turnouts, and for obtaining stone, gravel and dirt, may take as much more land as

may be necessary for the construction and security of said road, with permission to make any lawful contract with any other railroad, or other incorporation, in relation to the business of said company, and also to make joint stock with any other railroad corporations: *Provided*, that a damages which may be occasioned to any person or corporation, persons, by taking any such lands or materials for the purposes aforesaid, shall be paid for by said company aforesaid, in manner hereinafter provided.

§ 2. The capital stock of said company shall not exceed one million five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company may direct: *Provided*, that said company may commence the construction of said road with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed two hundred thousand dollars.

§ 3. The persons named in the first section of this act, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or places as they, or a majority of them, may appoint, and shall give such notice of the time and places of opening said books as they may deem reasonable, and may receive subscriptions under such regulations as they may adopt for the purpose; and if more than one million five hundred thousand dollars shall be subscribed, they shall have the power to make the shares as subscribed capital stock: *Provided*, that they shall not exceed forty thousand shares; and in case the subscription should exceed the said number of shares, the shares may be reduced and apportioned in such manner as may be deemed most beneficial to the corporation: *Provided further*, when the books shall be opened for the subscription of stock, the persons named may require not less than five dollars to be paid upon each share at the time of subscribing the same.

§ 4. The immediate government and direction of the affairs of the company shall be vested in a board of directors, to consist of thirteen persons, who shall be shareholders, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their offices until others are duly elected and qualified to take their places as directors, and who shall elect one of their number to be president of the company; they shall also choose a secretary, and such other officers as they may deem necessary, and a treasurer, who shall give bond, with security, to the said company, in such sum as the president and directors may require, for the faithful performance of his trust and duties as may be prescribed by this act and the by-laws of

Union with other roads.

Proviso.

Capital stock.

Proviso.

Open books.

Proviso.

Further proviso.

Directors.

President.

of said corporation; and six of said directors and the president shall be a quorum for the transaction of business, and in the absence of the president seven of said directors, one of whom shall be appointed vice president, shall be a quorum to transact business.

Quorum.

§ 5. The persons authorized by this act to open books for subscription to the capital stock are hereby authorized, after the books for the subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed four thousand shares, to call the first meeting of the stockholders of said company in such way and at such time, in the town of Chester, in Randolph county, as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company each share shall entitle the holder thereof to one vote, which vote may be given in person or by proxy; and the annual meeting of the stockholders of said company, for the choice of directors, shall be holden in the town of Chester, Randolph county, on the second Monday in the month of May in each year.

Meeting of stockholders.

Place.

§ 6. In the event an election for directors shall not be had on the day appointed, said company for that cause shall not be deemed to be dissolved, and the directors shall have power to fill any vacancy which may occur by death, resignation or otherwise.

Vacancies.

§ 7. The president and directors shall have full power to make and prescribe such by-laws, rules and regulations as they may deem needful and proper touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter or the laws of this state or of the United States, the transfer of shares, the duties and conduct of their officers and servants, touching the election of and meetings of its directors, and all matters whatsoever which may appertain to the affairs of said company. Said company is also hereby authorized and empowered to purchase, secure and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted; and may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and to agree and contract for the right of way with the owners through whose lands they may intend to make said road; in case said lands belong to the estate of any deceased person, then with the administrator or executor of such deceased person; or in case of the same belonging to a minor or person *non compos mentis*, then with his or her guardian or guardians; or in case said lands be held by trustees of school sections, or other trustees of estates, then with such trus-

By-laws and regulations.

Power of directors.

Right of way.

Lands of persons *non compos mentis*, &c.

tees; and the said administrators, executors or guardians and trustees are hereby declared competent for such estate or minor to contract with said company for the right to use, occupy and possess the lands of such estates, minors or trustees, so far as may be useful or necessary to the purpose of said railroad; and the act and deed of such executors, administrators, guardians and trustees, in relation thereto, shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian or trustee shall account to those interested, under the penalty of his or her bonds, for the amount paid him or her in pursuance of such agreement and compensation; and if the said company or parties representing lands prefer they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

Condemn lands.

§ 8. If the said company, through its agents or attorneys, cannot agree with the owner of the land through which they may want to construct said road, or with the administrator, executor, guardian or trustee, it shall and it may be lawful for them to proceed in the manner now provided for by the laws of this state for the condemnation of lands by incorporated companies.

Duty of sheriff.

§ 9. It shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of any writ of *ad quod damnum*, except in cases of absence, in which case thirty days shall be allowed him, and five days, in addition, shall be allowed him for every additional jury which he may have under such writ; and for every default therein such sheriff shall be fined by the circuit court having jurisdiction, on prosecution by either party, not less than twenty nor more than one hundred dollars; and every juror and witness summoned shall be fined not less than five dollars for non-attendance; and of all such fines, as well as costs, the circuit court of the county in which such cases may arise, shall have jurisdiction. There shall be allowed,

Fine.

Fees.

as fees, for services under this act, to the clerks of circuit courts, for every writ of *ad quod damnum*, seventy-five cents; for securing and filing inquest, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, and printer's fee, not exceeding two dollars, in each case; for holding inquest, five dollars; and for summoning witnesses, twenty-five cents each; to jurors, each seventy-five cents per diem, upon the rendition of a verdict—to be taxed in the bill of costs, and paid by the company: *Provided*, that before the application for such writ said company may make a tender to the owner or owners of any such land, executors, administrators, guardians or trustees, of a sum of money by them deemed equivalent to the damage to

Proviso.

be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount, or a less sum, be rendered, the costs shall be taxed to and paid by the owners of the land in relation to which such inquest may be held.

§ 10. The said company is hereby authorized to construct, build, equip and maintain and use a railroad, with a single or double track or way, of suitable width and dimensions, as may be determined by the directors of said company, and shall have power to regulate the time and manner in which passengers, goods, produce and property of any kind shall be transported, taken and carried on the same, and shall have power to erect and maintain all such buildings, for the accommodation and management of the affairs of said company, as they may [deem] necessary and suitable.

General powers.

§ 11. It shall be lawful for the company hereby incorporated to fix, from time to time, and regulate and receive the charges and rates of freight by them to be received for the transportation of persons and property on their railroad or way hereby authorized to be constructed, erected, built and maintained and used, or upon any part thereof.

Transportation.

§ 12. If any person or persons shall wilfully do or cause to be done any act or acts whatsoever, where any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said company double the amount of damage sustained by reason of any such offence or injury, to be recovered in the name of said incorporation, with costs of suit, by action of debt, in any court of competent jurisdiction.

Penalties.

§ 13. The said company, and, under their direction, their agents, servants and workmen, are hereby vested with the same power and authority as are granted to the Wabash Valley Railroad Company by an act entitled "An act to incorporate the Wabash Valley Railroad Company, and to regulate the capital stock of other railroads," approved June 22, 1852, to enter into and upon the lands or grounds of or belonging to the state, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such part as they shall think necessary and proper for making their said railroad or way, and for all purposes connected with the construction thereof; and the said company is hereby authorized and empowered, from time to time, to borrow such sum or sums of money as may be necessary for completing furnishing and operating their said railroad or way; and for that purpose they are hereby authorized to issue and dispose of the bonds, in denominations of not less than five

Same powers as granted to Wabash Valley railroad.

Power to borrow money.

Rate of interest. hundred dollars, at such rates of interest, not exceeding ten per cent. per annum, and at such rates of discount as may be deemed necessary for the benefit of said company.

Payment of subscription.

§ 14. The directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times, and in such proportions, and upon such conditions, as they may deem necessary and fit. And in case any stockholder shall refuse or neglect to make payment in pursuance of the requisitions of the board of directors, the stock of such stockholder may be sold by order of the directors, at public auction, after the lapse of ninety days from the time when the payment became due; and the surplus money, the avails of such sale, after deducting the necessary expenses of such sale, and the payment or payments due, shall be paid over to such delinquent stockholder.

Act to be null and void.

§ 15. If the said railroad or way shall not be commenced within six years from the passage of this act, and shall not be finished within ten years from the time of the commencement thereof, this act shall be null and void.

Public act.

§ 16. This act shall be deemed a public act, and shall be liberally construed in all courts whatever, and be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 11, 1853. AN ACT to incorporate the Macomb, Vermont and Bath Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James B. Kyle, David P. Wells, Jas. M. Campbell, Jesse Burr, Joab Mershon, H. L. Ross, Jas. H. B. Stephens, J. M. Ruggles, Benj. Beasley, Isaac Vail, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Macomb, Vermont and Bath Railroad Company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property whatever, real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, plead and be impleaded, in all courts of law and equity whatsoever, and may have and use a common seal, and alter, change and renew the same at pleasure; and may have and exercise all powers, rights, privileges and immu-

Style.

General powers.

nities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

§ 2. The Macomb, Vermont and Bath Railroad Company shall have full power and authority to locate, and, from time to time, alter, change, relocate, construct, reconstruct and fully to finish, perfect, equip and maintain a railroad, with one or more tracks, commencing at the town of Macomb, in the county of McDonough, and state of Illinois, running from thence, on the most eligible route, to the town of Vermont, in the county of Fulton, and state aforesaid, and from thence, on the most eligible route, to the town of Bath, in the county of Mason, and state aforesaid; and to transport, take and carry property and persons upon said railroad, by power or force of steam, or of any mechanical or other power, or combination of them, which said company may choose to use or apply. And for the purpose of constructing said railroad or way, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying, or tendering therefor, such amount of damage as shall have been settled by appraisal, in the manner hereinafter provided, on all such lands as may be taken, or upon any tracts which may be located by said company; and for the purpose of cuttings and embankments, and for the purpose of obtaining stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures in connection with and appertaining to said railroad, may take and have, use and occupy any lands, upon either side of said railroad, not exceeding two hundred feet in depth from said railroad; said company taking all such lands as gifts, or purchasing or making satisfaction for the same in the manner hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public roads or canals or railroads across the road of said company, when deemed expedient, but so as not materially to impair or obstruct the same.

§ 3. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and pro-

Objects.

Route.

Width of road.

Real estate.

Damages.

Provide.

Power of directors.

per for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad for which the said corporation by the last preceding section, is authorized to have, take and appropriate any lands, and to fell and to cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad the damage occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company; and also to make, build, erect and set up in and upon the route of said railroad, or upon the land adjoining or nearest the same, all such works, ways, roads and conveyances as may be requisite and convenient for the purposes of said railroad, and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying, conveying goods, commodities, timber or other things to and upon the said railroad, as for carrying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and to contract and agree with the owner or owners thereof for such timber, gravel, stone or other materials, or any articles whatever which may be wanted in the construction or repairing of said railroad or any of its appurtenances—they the said company doing as little damage as possible in the execution of the said powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said lands.

Real estate.

§ 4. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of lands and real estate for the purposes of said railroad, as may or shall be made to said company, to aid in the construction and maintenance and accommodation of said railroad, and said company may contract and agree with the owners and occupiers of any lands which said company may wish to use or occupy, for the purpose of procuring stone, sand, gravel or earth, or other materials to be used in embankments or otherwise in or about the construction, repairs or enjoyment of said railroad, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said railroad, for which said company is empowered or authorized by this act to take, have or appropriate any lands, and to receive and to take grants and conveyances of any and all interests and estates therein, to them and their successors or assigns, in fee or otherwise; and in case said company cannot agree with such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary

deed or act of such owners or occupiers thereof; or if the owners or occupiers thereof, or either or any of them, be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the land or property wanted is situated, the same may be taken, and [paid] for, if any damages are awarded, in the manner provided for in "An act to provide for a general system of railroad incorporations," approved November 5th, 1849; and the final decision or award shall vest in the corporation hereby created all the rights, privileges and immunities in said act contemplated: *And provided*, that any appeal that may be allowed under the provisions of the act above recited, or by virtue of any general law of this state, shall not effect the possession by said company of said lands appraised; and when the appeal may be taken or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the lands described in the petition for the uses and purposes therein set forth, upon said company giving bond and security, to be approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error all costs and damages that may be allowed against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all right to use the land or way so condemned.

Damages to property of infants, &c., how ascertained.

Proviso.

Giving bond.

§ 5. The capital stock of said company shall be five hundred thousand dollars, which may be increased from time to time by a vote of a majority in interest of stockholders at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road; which stock shall be divided in shares of one hundred dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at 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 the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt—the surplus money, if any remains after deducting the payment due and to become due on said stock, with interest and the necessary costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named shall cause books to be opened for subscription

Capital stock may be increased.

Shares to be sold.

to the capital stock of said company, at such times and places, and in such manner as they shall direct: *Provided*, that as soon as fifty thousand dollars of *bona fide* subscription shall be made to said capital, and five per cent. thereon paid, it shall be lawful for said company to elect a board of directors, not less than five nor more than nine in number, who shall hold their office for one year, and until their successors shall be elected and enter upon the duties of their office. The first election of directors shall be held in the said town of Vermont, thirty days' notice thereof first being given [by] said commissioners, in some newspaper published in said county of Fulton, and subsequent elections shall be held in such manner as the directors shall by by-laws direct.

§ 6. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the person receiving the largest number of votes to be declared duly elected, and to hold their office until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 7. After the directors are elected, they shall organize the board, by electing one of their number president, and by appointing a secretary and treasurer.

§ 8. Said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all materials, wagons, carriages and vehicles, of any description, which they may deem necessary and proper [for] the purposes of transportation on said railroad; and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company.

§ 9. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interest of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state.

§ 10. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road and the conveyance and transportation of persons and property thereon.

Proviso.

Directors.

Notice.

Election.

President and other officers.

Transportation.

By-laws.

Manner of transportation.

§ 11. When it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water, or water course, or road, or highway, lying on the route of said railroad, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that said company shall restore the railroad, stream of water, water course, road or highway, thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness. Intersections.

§ 12. The said company shall, annually or semi-annually, make such dividend as they may deem proper of the nett profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares. Dividends.

§ 13. If any person shall do or cause to be done, or aid in doing or causing to be done, any act whatever, whereby any building or construction, or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped or obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or be imprisoned not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation treble the amount of damages sustained by reason of such offence or injury; to be recovered in the name of said company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof. Said company shall have power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed to the said town of Macomb, or the said town of Bath, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute contracts with any other company as will secure the objects of such connection. Penalty.
Union with other roads.

§ 14. Said company is hereby authorized to borrow, from time to time, such sum or sums of money as may be necessary for completing and furnishing or operating their said railroad, and issue and dispose of their bonds, in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property, and purchase or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the prin- Power to borrow money.

capital due or owing thereon into stocks of said company, at any time, not exceeding ten years from the date of the bonds, under such regulations as the directors of said company may see fit to adopt.

Time of construction.

§ 15. The said company hereby chartered shall be required to construct and operate their said road throughout the entire length thereof, according to the terms of this charter, within ten years after the work shall have been commenced thereon; and upon a failure so to do shall forfeit all right and privileges, tracks contemplated and work done upon said road: *Provided*, the work shall be commenced on said road within six years after the passage of this act.

Proviso.

Public act.

§ 16. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

Power of extension.

§ 17. The said company hereby created be and are hereby authorized to extend their said railroad from Macomb to a point opposite or at the city of Burlington, in the state of Iowa, on the most eligible route, and also to extend their railroad from Bath, in Mason county, to some point that may be agreed upon on the Petersburg and Springfield railroad; and, for the purpose of such extension, said company are hereby declared to possess all the powers and be subject to all the restrictions contained in this act; and, for the purposes of said extension, said company are authorized to increase their capital stock to such amount as may be necessary to complete such extension, under the same provisions and regulations as herein provided for the increase of the capital stock of said company.

Increase of capital stock.

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Jackson County Coal and Railroad Company.

Corporators.

Style.

General powers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Robert Smith, John Cavender, John Tablean, William H. Smith and Edward Holden, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Jackson County Coal and Railroad Company," with perpetual succession; and by that name be and are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure;*

and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete a railroad from the southwest quarter of section No. nine (9,) in township No. nine (9) south, of range No. two (2,) west of the third principal meridian, in Jackson county, where the coal mines of the said corporation are now open and working, to any point on Big Muddy river, to the Mississippi river, by the most direct and eligible route; and for this purpose said company are authorized, upon the most eligible direct route, to lay out their said railroad, not exceeding one hundred feet in width, through the whole length, and for the purpose of cutting embankments, stone or gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.

§ 2. The capital stock of said company shall consist of four hundred thousand dollars, and may be increased to eight hundred thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year after their election and until others shall be duly elected and qualified to take their places as directors, a majority of whom shall form a quorum for the transaction of business; shall elect one of their number, to be president of the company; and said board of directors shall have power to appoint all necessary clerks and other officers necessary in the transaction of the business of said company.

§ 3. Said corporators are hereby authorized, by their agents, surveyors and engineers to cause such examination and surveys to be made of the ground and country between the said coal mines and the Mississippi river as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct the said railroad. And it shall be lawful for said company to enter upon and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of said railroad depots, side tracts, water stations, engine houses, machine shops, and other buildings and appendages necessary for the construction and working of said road: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by said corporation,

Damages.

shall be paid for by said company in damages, if any be sustained by the owner or owners thereof by the use of the same for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation, at such price as shall be mutually agreed upon by the corporation and the owner and owners of such land. And in case of disagreement the price shall be estimated, paid and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works, as prescribed by the act concerning right of way, approved March 3d, 1845.

Penalties.

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

Annual meetings.

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

Commissioners.

Notice.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called by thirty day's notice in newspapers published in Chester, Randolph county, and Jonesboro, Union county, are hereby authorized to open subscription books for said stock at such places as they may deem proper, and shall keep said books [open] until two hundred thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of the stockholders by giving thirty

Open books.

days' notice in some newspaper printed in the county of Randolph; and at such meeting it shall be lawful to elect the directors of said company, and when the directors of said company are chosen, the said commissioners shall deliver the said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock.

§ 7. That the right of way and the real estate purchased for the right of way of said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall upon the payment of the amount of money belonging to the owner or owners of said land, as a compensation for the same, become the property of said company in fee simple. Real estate.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force or power of steam or animal, or any combination of them, and may fix, establish, take and receive such rates of toll for any passengers and property transported upon the same, as the said directors shall from time to time establish, and the said directors are hereby authorized and empowered to make all necessary rules, by-laws regulations, and ordinances that they may deem necessary and expedient to accomplish the designs and purposes of said company, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company. Transportation.

§ 9. The said directors of said company after the same is organized shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said company, and all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital stock, shall be paid at such times and in such sums as said directors may prescribe. Power of directors.

§ 10. In case of the death, resignation or removal of the president, vice president, or any director, at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors, and in case of the absence of the president and vice president the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on Vacancies.

any day on which, in pursuance of his act, it ought to be made, the said corporation shall not for that cause be dissolved, but such election shall be held at any other time directed by the by-laws of said company.

§ 11. That when the lands of any *femmes covert* persons under age, *non compos mentis*, or out of this state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same may be lawfully demanded, together with six per cent. per annum; that to ascertain the amount to be paid to persons named in this section, for lands taken for the use of said corporation, it shall be the duty of the governor of this state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners. Said company shall have the power to extend its railroad to the coal lands now owned by said company on the line of the Central Railroad, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such extension.

§ 12. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding seven *per centum* per annum, for any amount so borrowed, and to mortgage the corporate property and franchise, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bonds, under such regulations as the directors of said company may see fit to adopt, and all sales of

Lands of persons
non compos, &c

Commissioners.

Recorded.

Power of extension.

Power to borrow money.

such bonds that may be made at less than their par value, shall be good and valid and binding upon said corporation as if such bonds had been sold for the full amount thereof.

§ 13. The width of said railroad is to be determined by the said corporation within the limits prescribed by the first section of this act. Width of road.

§ 14. This act shall be in full force from and after its passage, and said company shall commence said work within two years, and complete the same to the Big Muddy river within three years from the passage of this act. Time of commencement.

APPROVED February 12, 1853.

AN ACT to incorporate the Beardstown and Petersburg Railroad Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in this incorporation hereby created, shall be, and for the term of fifty years from and after the passage of this act shall continue to be, a body politic and corporate, by the name of "The Beardstown and Petersburg Railroad Company;" and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend in any court of law and equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with existent laws and the constitution of this state and of the United States, and may, moreover, appoint such subordinate agents, officers and servants as the business of said company may require, prescribe their duties, and require bond for the faithful performance thereof. Corporation. Style. General powers.

§ 2. That Amos Dick, Charles Sprague, V. A. Turpin, E. R. Saunders, David Kreaness, Charles Chandler, Thomas Plasters, Robert Davidson, Thomas T. Dowell, A. D. Wright, be and are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days previous thereto, by publication in some newspaper published in the city of Beardstown. Commissioners. Notice.

The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, Opening books.

and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of twenty-five thousand dollars shall be subscribed; and as soon as the said sum of twenty-five thousand dollars is subscribed the said commissioners shall give twenty days' notice, by publication in a newspaper published at Beardstown, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect seven directors, by ballot, and the commissioners present shall certify the result of such election, under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their office for one year and until their successors are elected and qualified.

Notice.

Commissioners.

Directors.

Capital stock.

Capital stock may be increased.

§ 3. The capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to a sum not exceeding one million of dollars, if necessary to complete the work herein authorized; and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

Power of directors

§ 4. The affairs of said company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections for directors, each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and by a plurality of the votes given at any election shall determine the choice, but no stockholder shall be allowed to vote at any election after the first for any stock which shall have been assigned to him within thirty days previous to said election. The directors shall hold their offices for one year after the election and until their successors are elected and qualified; and shall elect one of their number president of said board; and in case of any vacancy occurring in said board of directors between elections the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president the board of directors shall have power to elect president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said company

President.

President *pro tempore*.

The said board of directors shall be increased by a vote of a majority of the stockholders present at any annual meeting, to any number not exceeding thirteen.

§ 5. It shall be lawful for the directors to make calls Payment of stock. upon the sums subscribed to the capital stock of said company at such time or times, and in such amounts as they shall deem fit, giving at least thirty days' notice of each of Notice. said calls in at least two newspapers published in this state; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall have become due, the said board of directors are hereby authorized to declare such stock so in arrears and all sums paid thereon forfeited to said company.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from Authorized to locate. the city of Beardstown, in the county of Cass, by way of Route. Chandlersville, to the town of Petersburg, in Menard county, and to survey and determine the line of said road upon such route between said points as the company shall deem most eligible. And said company are further authorized Transportation. to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings, and machinery for the accommodation, management and operation of said road.

§ 7. That said company are hereby authorized, by their Preliminary survey. engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of Right of way. said road, and to enter upon, take and hold all lands necessary for the construction of said railroad and its appendages, first making just and reasonable compensation to the owners of said lands for any damage that may arise to Damages. them from the building of said railroad; and in case the said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damage sustained by such owner or owners, in the manner and upon the principles provided for the acquisition of the right of way by the Ohio and Mississippi Railroad Company, in Ohio and Mississippi R. R. Co.

the act entitled "An act to incorporate the Ohio and Mississippi Railroad Company, and for other purposes," approved February 12th, 1851.

Power to borrow
money.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be deemed necessary to aid in the construction of said work, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loans at such rate and on such terms as the board of directors may determine.

Repair highways,
&c.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured.

Union with other
roads.

§ 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by the state, at or along the route of the road hereby authorized to be constructed, and to grant to any such company the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between the said companies.

Time of com-
mencement.

§ 11. The said company shall be allowed three years from the passage of this act for the commencement of said railroad; and in case the same is not completed in ten years thereafter, the privileges herein granted shall be forfeited.

Public act.

§ 12. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to construct a railroad from Jacksonville, in Morgan county, to Rock Island.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Alexander M'Donald, David Robb, V. A. Turpine, Charles Sprague, Charles Farwell, E. M. M. Clark, James L. Anderson, James M. Campbell, James B. Hyle, Ivory Quim-*

by, James W. Davidson and Lemuel Andrews, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Upper and Lower Mississippi Railroad Company," and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and 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 vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate and construct and finally complete a railroad from the town of Jacksonville, in Morgan county, by way of Beardstown, Frederickville, Rushville, Macomb and Monmouth, to Rock Island, and for this purpose said company are authorized, upon the most eligible and proper route, to lay out their said railroad wide enough for a single or double track, through the whole length, and may enter upon and take a strip not exceeding one hundred feet in width, and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad: *Provided*, said company shall not be fully organized and be capable of constructing their said railroad until one thousand dollars per mile of the stock of said company shall, in good faith, be subscribed, and ten per cent. thereof be paid, agreeably to the provisions of the act entitled "An act to provide for a general system of railroad incorporations," passed November 5, 1849.

§ 2. The capital of said company shall consist of one million dollars, and may be increased to two millions dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their office for one year after election, and until others shall be duly elected and qualified to take their places as directors, and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that the said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary in the transaction of the business of said corporation.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to [cause] such examinations and surveys to be made of the ground and country between the points herein named as shall be necessary to de-

Style.

General powers.

Objects.

Capital stock.

Directors.

President.

All other officers.

Preliminary sur-
vey.

termine the most advantageous route for the proper line or course whereon to construct their said railroad, and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad, and all lands entered upon and taken for the use of said corporation which are not donated to said company shall be obtained and paid for in the manner provided for taking lands for the construction of public roads, canals and other public works as prescribed in the act concerning right of way, approved June 22d, 1852.

Right of way.

Proviso.

Penalties.

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

Annual meetings.

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

Commissioners.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of them, are hereby authorized to open subscription books for said stock at such places as they may deem proper. The said commissioners shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing, and whenever one hundred thousand dollars shall be subscribed the said commissioners shall call a meeting of the stockholders, by giving thirty days' notice in some

Notice.

newspaper printed in the county of Schuyler, and at such meeting it shall be lawful to elect the directors of said company, and whenever the directors of said company are chosen the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owner of said lands as a compensation for the same, become the property of the said company in fee simple. Property.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam, of animals, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same, as the directors shall, from time to time, establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances, that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided for by the by-laws and ordinances of said corporation. Transportation.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, and to fill up the additional one million dollars of stock, or any part thereof, at such times as they may deem it for the interest of said company; and all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital, shall be paid at such times and in such sums as said directors may prescribe. Power of directors.

§ 10. In case of the death, resignation or removal of the president, vice president, or any director at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be held on any Vacancies.

day on which in pursuance of this act it ought to be held, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Intersections.

§ 11. That whenever it shall be necessary for the construction of said railroad to intersect or cross any water course or any road or highway between the points aforesaid, it shall be lawful for the corporation to construct their railroad across or upon the same: *Provided*, that the corporation shall restore the water course, or road, or highway thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness.

Capital stock may be increased.

§ 12. That the capital stock of said company may be increased from one million dollars to two million dollars from time to time by new subscriptions, if such increase shall be found necessary to fulfil the intention of this act, upon the directors for the time being giving the notice as herein required, previous to the opening of the subscription books for the original stock herein, and that all stock of said corporation shall be deemed personal property and transferable in such manner as the said corporation shall by its by-laws prescribe.

Payment of stock.

§ 13. That it shall be lawful for the directors to require payment of the sums subscribed to the capital stock at such times and in such proportion and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least ninety days previous to the payment of the same, in some public newspaper of this state, published in some one of the places where the notice for the opening the books for subscription to the capital stock may have been published.

Width of road.

§ 14. The width of said railroad is to be determined by the said corporation, within the limits prescribed by the [first] section of this act.

Power to borrow money.

§ 15. The said corporation may, for the purposes of locating, constructing and maintaining said road, borrow money at an interest not exceeding eight per cent. per annum, and pledge the road, and all or any part of its property and effects, for the repayment thereof, and may loan any surplus funds at such rate of interest as is now allowed upon money loaned. If said road shall be constructed between any of the points herein named within ten years from the passage of this act, the corporation shall continue to exist, and have, use, manage and control the same as though the whole length of road had been completed. Every county through which said railroad shall run may subscribe any sum not exceeding fifty thousand dollars to the capital stock of said company: *Provided*, the consent of

Proviso.

the legal voters of such county shall be first obtained; and it shall be lawful for such counties to issue and negotiate these bonds for the purpose of meeting such subscriptions: Proviso.
Provided, no higher rate of interest than seven per cent. shall be paid on such bonds.

APPROVED February 11, 1853.

AN ACT to incorporate the State Line and Mississippi Railroad Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such Corporation. persons as may hereafter become stockholders according to the provisions of this act in the corporation hereby created, their successors and assigns, shall be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the State Line and Mississippi Railroad Style. Company, and by that name may sue and be sued, plead and General powers. be impleaded, defend and be defended, in all courts of law and equity, in this state or elsewhere; may have and use a common seal, and the same alter or renew at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities that are or may be necessary to carry into effect the objects and purposes of this act; and the said Objects. company are hereby authorized and empowered to locate, construct, maintain, equip, and operate a railroad from the northern line of the state of Illinois to the Mississippi river at any point not south of Savanna, and for this purpose may take, use, occupy and enjoy, in the manner herein provided for right of way, lands not exceeding one hundred feet in width on the whole of said line, and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may [be] necessary for the construction and maintenance of said railroad.

§ 2. The capital stock of said company shall be one Capital stock. million of dollars, with power in the board of directors to increase the same to an amount not exceeding the actual cost of the construction and equipment of said road, which capital stock shall be divided [into] shares of one hundred dollars each, shall be deemed and held personal property, and shall be transferred in such manner as the by-laws of the company may direct.

§ 3. That E. N. Barber, N. Hunt, William Lee, Wil- Commissioners. liam Mathews, Abel English, William Smith, Daniel Reynolds, William C. Easton and Thomas Brown, be and they are hereby appointed commissioners, whose duty it shall

Notice. be, at such times and places and upon such notice as a majority of them shall deem proper, to open books for subscription to the capital stock of said company; said books to remain open until the sum of two hundred and fifty thousand dollars shall be subscribed; and thereupon such commissioners shall give public notice to the stockholders to meet at a time and place in said notice specified, and elect a board of thirteen directors to manage the affairs of said company; and said persons, when so elected, shall be directors for one year, and until their successors are elected and qualified. They shall elect one of their number president, and such other officers and servants as they may deem necessary for the transaction of the business of said company. An annual meeting of stockholders shall be afterwards holden at such time and place as may be fixed by the by-laws of the company, for the election of directors, which election shall be conducted by three inspectors, to be chosen by the stockholders present, and each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock he may hold, and on which all calls made have been paid. A majority of the directors shall be a quorum for the transaction of business.

Directors. Election of president and other officers.

§ 4. The said corporation is hereby authorized, by its surveyors, agents and officers, to make such surveys of the line of said road as to determine the most eligible and direct route upon which to construct the same, and it shall be lawful for said company to enter upon, take possession of, and use all such land and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side tracks, water stations, engine houses, and other buildings, and appendages necessary to the construction and working of said road: *Provided*, that all such lands or real estate so entered upon and taken shall be paid for by said company in damages, if any be sustained by the owner or owners thereof; and if the company and said owner or owners cannot agree upon the amount of said damages, or if any of said owners shall be minors, insane persons, *married women* or non-residents, then the amount of said damages shall be assessed and recovered in the manner provided for taking lands for the construction of public roads, canals, or other public works, as prescribed by the act concerning right of way, approved March 3d, 1845.

Property. § 5. The right of way and the real estate purchased for the use of said company, whether by mutual agreement or otherwise, shall, upon the payment of the amount contracted for, or assessed as damages upon the same, become the property of said company in fee simple.

Power of directors. § 6. The directors of said company, after the same is organized, shall have power to open books in the manner

prescribed in the third section of this act, to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said company, and to call the instalments on such stock, and that previously taken, at such times as they may deem proper.

§ 7. The said corporation may take and transport on said railroad, passengers, merchandise and property, by the force and [power] of steam or animals, or any combination thereof, and may fix, establish, take and receive such rates of toll or freight for such passengers and property as the directors may from time to time determine; and the directors are hereby authorized and empowered to make all necessary by-laws, rules and regulations that they may deem necessary and expedient to carry into effect the provisions of this act.

§ 8. In the event of the death, resignation or removal of any director, the vacancy or vacancies so created shall be filled by the remaining directors until the next annual election. In case it shall at any time happen that an election shall not be held on the day designated therefor, the said corporation shall not for that cause be dissolved, but such election may be held at any time within twenty days thereafter, upon such notice as may be required of the annual election.

§ 9. Whenever it shall be necessary in the construction of said railroad, to intersect or cross the track of any other railroad, or to cross any stream of water, ravine, road or highway on the route of said road, it shall be lawful for said company to construct their road across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed to its former state, or in a sufficient manner not materially to impair its usefulness.

§ 10. Said company shall have power to unite its railroad with any other railroad now constructed within this state, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts, leases, or other agreements with any other company as will secure the objects of such connection, shall only connect with such railroads as it may cross on its route.

§ 11. Said company is hereby authorized and empowered to borrow money to aid in the construction, equipment and maintenance of its said road, to issue and dispose of its bonds therefor, and as security, to mortgage its said road, property and franchises; and all sales of said lands [bonds] that may be made at less than their par value, shall be as valid and binding upon said corporation as if said bonds had been sold for the full amount thereof.

Penalties.

§ 12. If any person shall wilfully, maliciously or wantonly obstruct the passage [of any] engine or car on said railroad, or any part thereof, or shall damage, break or destroy any part of said railroad or buildings, cars or machinery thereof, every such person so offending shall be deemed guilty of a misdemeanor, and upon indictment therefor and conviction thereof, shall be liable to a fine of not exceeding five hundred dollars, and may be imprisoned not exceeding one year, at the discretion of the court, and shall further be liable to said railroad company in treble the amount of damages sustained, to be recovered in any court of competent jurisdiction.

Time of commencement.

§ 13. This act shall be in force from and after its passage, and said company shall commence said work within two years, and complete the same within five years from the passage of this act.

APPROVED February 12, 1853.

In force Feb. 10, 1853. AN ACT to incorporate the Galena and Mississippi Intersection Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Alexander C. Davis, S. S. Merrell, Isaac P. Stevens, Cyrenus B. Denio and M. Y. Johnson, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of "The Galena and Mississippi Intersection Railroad Company ;"* and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended, in law and equity, in all places whatsoever, in as full a manner as natural persons ; may make and use a common seal, and alter or renew the same at pleasure ; and by their said corporate name and style shall be capable of contracting and being contracted with, and shall be and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

Style.

General powers.

Objects.

§ 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, from the southern or western limits of the city of Galena to a point on the Mississippi river at or near

the most practicable point opposite the Tete de Mort Valley. Said corporation shall have the right of way upon and may appropriate to its sole use and control, for the purposes contemplated, land not exceeding two hundred feet in width through its entire length, and may enter upon and take possession of and use, all and singular, any lands, streams and materials of every kind, for the location of depots, stations, and may construct bridges, dams, embankments, excavations, station grounds, spoil banks, turn-outs, engine houses and other buildings necessary for the completion and full operation, preserving, maintaining and continuing of said road; and all such lands, waters, materials and privileges belonging to the state are hereby given to said corporation for said purpose; but when owned by any other person or persons, and cannot be obtained by voluntary grant or release, the same may be obtained, taken and paid for, if any damages are awarded, in the manner provided for in an act concerning the Illinois Central Railroad company and amendments, with the limitations, restrictions, rights and privileges, so far as the same are applicable.

§ 3. The capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars, which shall be deemed personal property, and may be issued and transferred in such manner as the board may direct, who shall have power to require the payment of sums subscribed by stockholders in such manner as they may deem proper; and on refusal or neglect to make payment on requisition of said board, the shares of said delinquents may be sold by the order of the board, on giving thirty days' notice, under the rules and by-laws of the board, and the surplus, after deducting the payment due said corporation, shall be paid to such delinquent stockholder. Capital stock.

§ 4. The corporators herein named shall cause books to be opened for the subscription of stock, in such manner, time and place as they may think proper, and when a sufficient amount of stock is subscribed and actually paid in, said company may make the same a basis to effect a loan to complete said railroad. And all the corporate powers of said company shall be vested in a board of directors, and such officers, agents and attorneys as they may appoint, each share having one vote, to be given in person or by proxy, and all vacancies may be filled by the board from the stockholders, until the next annual election; and all officers, agents, servants and attorneys, whether members of the board or not, may be paid off and dismissed under such rules as the board may adopt. Subscriptions.
Loan money.

§ 5. That said corporation hereby created is fully authorized to connect with, intersect, consolidate or con- Union with other roads.

struct said road in connection with any other railroad either within the state of Illinois or elsewhere, and all the rights secured to either of said roads are hereby secured to the consolidated road, and may cross, run along with or upon the line of any other railroad now constructing or now in process of construction by any other company. The company formed by this act shall join with any other company in making all necessary turn-outs, switches and other conveniences, to further the object of such connection. And when the route of any other company shall be occupied, or the same cannot be agreed as to the terms on which such parts of said road may be used, the same shall be submitted to arbitration—said arbitrators being appointed by the judge of the circuit court, whose award shall embrace all matters of differences, and be final and conclusive on the parties: *Provided*, that this section shall and be so construed as to permit said company to extend said road to any other road or point other than between the two terminus of said road.

Arbitrators.

Proviso.

Acceptance of act

§ 6. That all grants herein contained shall cease and be void unless accepted by said company within ninety days after the passage of the act, the same being a public act, and to be construed liberally for the purposes herein declared.

Rights, &c. of
Central road ap-
plicable.

§ 7. That all the rights, privileges and advantages, with the limitations and restrictions conferred on the Illinois Central Railroad Company, so far as the same are applicable, are hereby conferred on this company.

APPROVED February 10, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Mendon Branch Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons that as shall become stockholders agreeably to the provisions of this act in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name and style of "The Mendon Branch Railroad Company," and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulation of its affairs, and for the transfer of its stocks, not inconsistent

Corporation.

Style.

General powers.

with the existing laws and constitution of this state or of the United States; and may, moreover, appoint such subordinate agents, officers and servants as the business of the said company may require, prescribe their duties, and require bond for the faithful performance of their trust.

§ 2. That Peter Wible, Edward Fowler, J. L. Arnold, Commissioners. S. R. Chittenden, Daniel Bradley, William Laughlin, A. Francis, C. Hooper, William Nelson be and they are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least Notice. thirty days previous thereto, by publishing in some newspaper printed and published in the city of Quincy, and also by putting up printed or written notices thereof at the town of Mendon, and along the line of the proposed road. The said commissioners, or a majority of them, shall attend at the places appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of twenty thousand dollars shall have been subscribed, and as soon as said sum of twenty thousand dollars is subscribed, the said commissioners shall give twenty days' notice, by publication in some newspaper published in the city of Quincy, of an election by said stockholders of a board of directors, as hereinafter provided, Directors. for the management of said company, at such time and place appointed by said directors for that purpose. The said commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect seven directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded Recorded. in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year, and until their successors are elected and qualified.

§ 3. The capital stock of said company shall be fifty Capital stock. thousand dollars, which shall be divided into shares of fifty dollars each, and may be increased by the directors of said company to any sum not exceeding two hundred thousand dollars, if necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

§ 4. The affairs of said company shall be managed by the said board of directors, the said directors to be chosen

annually by the stockholders from among themselves. At all elections for directors, each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy; and a plurality of votes given at any election shall determine the choice; and no stockholder shall be allowed to vote at any election, after the first, for any stock which shall have been assigned to him within thirty days previous to said election. The directors shall hold their offices for one year after elected, and until their successors are elected and qualified, and shall elect one of their number president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual election of the directors as aforesaid. In case of the absence of the president of the board, the directors shall have power to elect a president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said company; and the said board of directors may diminish their number to not less than five, or increase the same to any number not exceeding ten, by a vote of the majority of the stockholders present at any annual meeting.

President.

Payment of stock

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amount as they shall deem fit, giving at least thirty days' notice of each of said calls in at least two public newspapers published in this state, one of which notices shall be published in a public newspaper published in the city of Quincy; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall be due, the said board of directors are hereby authorized to declare the said stock in arrears, and all sums paid thereon forfeited to said company.

Notices.

Objects.

§ 6. The said company are hereby authorized and empowered to locate, construct, and complete, and maintain, and operate, a railroad with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from the town of Mendon, in the county of Adams, to the city of Quincy, in said county, and to survey and determine the time [line] of said road upon such route as the said company shall deem the most eligible; and it shall be lawful for the said company to unite with the Northern Cross Railroad Company, and to grant to said company the right to contract and use any portion of the road hereby authorized to be built and constructed, upon such terms as may be mutually agreed upon between said railroad companies; and the said company may connect with said road of the Northern Cross

Union with N. C.
Railroad.

Railroad Company, with the consent of the said Northern Cross Railroad Company, at any point on said road within within fifteen miles of the said city of Quincy. The said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops, and other buildings and machinery for the accommodation, management and operation of said road.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examination of said road, and to enter upon and take hold of any and all lands necessary for the construction of said railroad, first making just and reasonable compensation to the owners of said land for any damage which may arise to them from the building of said road; and in case the said company shall not be able to obtain the title of said lands through which said road shall be laid, by purchase or otherwise, or voluntary cession, the said company are hereby authorized to proceed to ascertain the damage sustained by such owner or owners, and determine the same in the manner and upon the principles provided in an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," in force June 22d, A. D. 1852: *Provided*, that after appraisal of damages as provided in said act, and upon deposit of the amount of such appraisal with the clerk of circuit court of the county of Adams, the said company are hereby authorized to enter upon such lands for the construction of said road.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sums of money, not exceeding the capital stock of said company, as in their opinion may be deemed necessary to aid the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rate or on such terms as the board of directors may determine.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be in-

jured in constructing the said road, and shall restore them, as far as practicable, to as good a condition as they were before they were injured.

Penalties.

§ 10. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damage occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court of record in this state.

Time of commencement.

§ 11. The said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad; and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited.

Public act.

§ 12. This act shall be taken and deemed a public act, and shall be construed beneficially for the purposes herein specified or intended.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Peoria and Bureau Valley Railroad Company.

Corporation.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William S. Maus, John S. Griswold, Isaac Underhill, James H. Temple, Benjamin Lombard, Richard Loyd, Thomas Harless and John Moffit, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Peoria and Bureau Valley Railroad Company," with perpetual succession; and by that name be and they 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 and equity in this state, or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as are hereinafter set forth. And said company are hereby authorized and empowered to locate, construct and finally complete a railroad from the city of Peoria, in Peoria county, to the valley of the Bureau, in Bureau county; said railroad not to strike the valley any higher up or above the town of Indiantown, on said valley of the Bureau; said railroad to be laid out and constructed by the most direct and eligible*

Style, &c.

General powers.

Object.

route from the said city of Peoria to the said valley of the Bureau; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said road, not exceeding one hundred feet in width, through the whole length; and for the purpose of cuttings, embankments, stone and gravel, make take as much more land as may be necessary for the proper construction of and security of said railroad.

§ 2. The capital stock of said company shall consist of one million of dollars, to be divided into shares or one hundred dollars each. The immediate government and direction of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary, treasurer, and other officers necessary in the transaction of business of said company.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground and country between the said city of Peoria and the said valley of the Bureau, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as will or may be necessary for the construction and maintenance of the said railroad, its depots, side tracks, water stations, engine houses, machine shops and other buildings and appendages necessary to the construction and working of said road: *Provided*, that all the land or real estate entered upon and taken possession of and by said corporation, for the purpose and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation, at such price as may be mutually agreed upon by the said corporation and the owner or owners of such lands; and in case of disagreement, the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of pub-

lic roads, canals, or other public works, as prescribed by the act concerning the right of way, approved March 3, 1845.

Penalties.

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

Annual meetings

§ 5. The time for holding the annual meetings of said company, for the election of directors, shall [be] fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to a vote in person or lawful proxy—one vote for each share of stock he, she or they may hold *bona fide* in said company, upon which all instalments called have been paid.

Commissioners.

§ 6. Isaac Underhill, James H. Temple and Benjamin Lombard are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called by twenty days' notice in newspapers published in Peoria and Marshall counties, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books open until one hundred thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay ten dollars on each share subscribed, at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of stockholders, by giving thirty days' notice in some newspaper printed in the counties of Peoria and Marshall, and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least four shares of the capital stock.

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

Right of way.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam, or animal, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

Transportation.
tolls, &c.

§ 9. In case of death, resignation or removal of the president, vice president or any director, at any time between the annual elections, such vacancy shall be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should, at any time, happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Vacancies.

§ 10. That when the lands of any *femme covert*, person under age, *non compos mentis*, or out of the state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum. That the damages to be paid by said company for the taking of the land of the persons named in this section, shall be estimated and assessed in the manner now in such cases provided by law.

Damages to in-
fants, &c.

§ 11. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or

Intersections, &c.

road, or highway on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

Union with other roads.

§ 12. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed within this state, on the line of said road, or at the terminus thereof, upon such terms as may be mutually agreed upon between the companies so connecting, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

Power to borrow money.

§ 13. That the said Peoria and Bureau Valley Railroad Company shall have power to borrow money on the credit of the company, not exceeding its authorized capital stock, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and may execute bonds therefor, with interest coupons thereto annexed, and secure the payment of the same by mortgage, or deed of trust, on the whole or any part thereof of the road, property and income of the company then existing, or thereafter to be acquired, and may annex to such mortgage bonds the privilege of converting the same into the capital stock of the company at par, at the option of the holders, if such election be signified in writing to the company three years before the maturity of said bonds.

Negotiate bonds.

§ 14. That the directors of said company be and they are hereby authorized to negotiate and sell the bonds of the said company, at such times and in such places, either within or without this state, and at such rates and for such prices as, in their opinion, will best advance the interests of the company; and if such bonds are thus negotiated or sold at a discount below their par value, such sale and disposition thereof shall be as valid and binding on the company, in every respect, as if they were sold or disposed of at their par value.

Power to mortgage, &c.

§ 15. That the said company, in securing the payment of said bonds by a mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust aforesaid, to secure the payment of the full amount of bonds which the company may, at the time said deed of trust or mortgage bears date, or at any time thereafter, desire to sell and dispose of, and may execute and sell, from time to time, such amounts of said bonds, and of such dates, and payable to such person or persons as to the directors of said company may

seem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold, and the said mortgage or deed of trust shall be as valid and effectually to secure the payment of the bonds so executed and sold, and of every part thereof, as if the same and every part thereof had been executed of even date with the said deed of trust or mortgage.

§ 16. This act to be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to construct a railroad from Jacksonville, in Morgan county, to La Salle, in La Salle county. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George E. Walker, William Paul, Samuel L. Fleming, Theodore Perry, William Fisher, William S. Maus, Gideon W. Rupert, Philo H. Thompson, George N. Walker, N. J. Rockwell, James M. Ruggles, F. S. D. Marshall, Benjamin Busby, James Dunlap, Joseph J. Cassell, Alexander McDonald, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Illinois River Railroad Company," with perpetual succession, and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and 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 vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate and construct, and finally complete, a railroad from the town of Jacksonville, in Morgan county, via Virginia, in Cass county, to the town of Bath Mason county, and thence by way of Pekin, in Tazewell county, Lacon, in Marshall county, to La Salle, in La Salle county, and for this purpose said company are authorized, upon the most eligible and proper route, to lay out their said railroad wide enough for a single or double track, through the whole length, and may enter upon and take a strip of land not exceeding one hundred feet in width, and for the purpose of cuttings, embankments, procuring stone and gravel, may take as much land as may be necessary for the proper construction of and security of said road.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two mil-

Corporators.

General powers.

Objects.

Route.

Capital stock.

lions of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their office for one year after their election, and until others shall be duly elected and qualified to take their places as directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretaries and other officers necessary in the transaction of the business of said corporation.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground and country between the points herein named as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon, and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands and real estate entered upon, and taken possession of, and used by said corporation for the purposes and accommodation of said railroad, or upon which the site of said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of the said railroad; and all lands entered upon and taken for the use of the said corporation, which are not donated to said company, shall be obtained and paid for in the manner provided for taking lands for the construction of public roads, canals, and other public works, as described in the act concerning right of way, approved March 3d, 1845.

§ 4. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, or shall damage, break or destroy any part of the said railroad, or implements, or buildings, he, she or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved before competent courts has been sustained, and be sued for in the name and behalf of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction every such offender shall

Directors.

President.

Appoint other of-
ficers.Objects of corpora-
tion.

Proviso.

Damages.

Penalties.

be liable to a fine not exceeding five thousand dollars, for the use of the county where such indictment may be found.

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

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock at such places as they may deem proper. The said commissioners shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing; and whenever one hundred thousand dollars shall be subscribed, the said commissioners shall call a meeting of the stockholders by giving thirty days' notice in some newspaper printed in the county of _____; and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock. Commissioners.
Notice.

§ 7. That the right of way, and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of the said company in fee simple. Real estate, &c.

§ 8. The said company may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect all the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided for by the by-laws and ordinances of said corporation. Transportation.
By-laws.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner Additional stock.

prescribed in the sixth section of this act, and to fill up the additional one million of dollars of stock, or any part thereof, at such times as they may deem it for the interest of said company; and all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital stock, shall be paid at such times and in such sums as said directors may prescribe.

Vacancies.

§ 10. In case of the death, resignation or removal of the president, vice president or any director at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of the absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be held on any day on which, in pursuance of this act, it ought to be held, the said corporation shall not, for that cause, be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Damages to infants, &c., how determined.

§ 11. That when the lands of any *femme covert*, person under age, *non compos mentis*, or out of this state shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the said last mentioned owners respectively, whenever the same shall be lawfully demanded. That to ascertain the amount to be paid to the persons named in this section for the lands taken for the use of said corporation, it shall be the duty of the judge of the judicial circuit within which said land may be situated, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall lie, and then the said corporation shall be deemed to be seized and passed in the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

Water courses and highways.

§ 12. That whenever it shall be necessary for the construction of said railroad, to intersect or cross any water course, or any road or highway, lying between the points aforesaid, it shall be lawful for the corporation to construct their railroad across or upon the same: *Provided*,

that the corporation shall restore the water course, or road, or highway thus intersected to its former state, or in a sufficient manner not to have injured its usefulness.

§ 13. The capital stock of said company may be increased from one million of dollars to two million five hundred thousand dollars, from time to time, by new subscriptions, if such increase shall be found necessary to fulfil the intention of this act, upon the directors for the time being giving the notice as herein required previous to the opening the subscription books for the original stock herein; and that all stock of said corporation shall be deemed personal property, and transferable in such manner as the said corporation shall by its by-laws prescribe.

Increase of capital stock.

§ 14. That it shall be lawful for the directors to require payment of the sums subscribed to the capital stock at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least ninety days previous to the payment of the same, in some public newspaper of this state published in some one of the places where the notices for the opening the books for subscription to the capital stock may have been published.

Payment of stock

§ 15. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding seven per centum per annum, for any amount so borrowed, and to mortgage the corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid. And the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stocks of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of such bonds that may be made at less than their par value shall be good and valid and binding upon said corporation as if said bonds had been sold for the full amount thereof.

Power to borrow money.

§ 16. The width of said railroad is to be determined by the said corporation within the limits prescribed by the first section of this act.

Width of road.

§ 17. This act shall be in force from and after its passage, and said company shall commence said work within three years, and complete the same within ten years from the passage of this act.

Time of completion of road.

Union with other
roads.

§ 18. Said company shall have power to unite its railroad with the railroad which may be constructed from Jacksonville, in Morgan county, to Alton, in Madison county, by the Jacksonville and Carrollton Railroad Company, or any other company, and for that purpose full power is hereby given to said company to make and execute such contracts with any company as will secure the objects of connecting with any railroad built or to be built at Jacksonville.

APPROVED February 11, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the Bloomington and Pekin Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That David Davis, John Moore, Isaac Funk, John E. McClun, James Miller, Jesse W. Fell, Asahel Gridley, Kersey H. Fell, William M. Bunn, John W. Ewing, William H. Temple, William H. Holmes, William P. Major, W. S. Maus, Peter Wyrick, Gideon H. Rupert, David Mark, John Smith, David P. Kenyon, Thomas N. Gill, Joshua Waggon seller, James Harriott, Benj. Kellogg, jr., William G. Stackpole, John W. Casey, James Haines, Wm. B. Doolittle, Benjamin S. Prettyman, R. H. Snell, C. J. D. Rupert, and their associates, successors and assigns, are hereby created a body

Style.

corporate and politic, under the name and style of "The Bloomington and Pekin Railroad Company," with perpetual succession, and by that name be and they are hereby

General powers.

made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from the city of Bloomington, in the county of McLean, and state of Illinois, to the city of Pekin, in the county of Tazewell, state of Illinois; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad, not exceeding one hundred feet in width, through the whole length; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.

Objects.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two million of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors, and the said directors (a majority of whom shall form a quorum for the transaction of business,) shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary, and other officers necessary in the transaction of business of said company.

Capital stock.

Directors and officers.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between the said city of Bloomington and the said city of Pekin as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side tracks, water stations, engine houses, machine shops, and other buildings and appendages necessary to the construction and working of said road: *Provided*, that all land or real estate entered upon and taken possession of, and used by said corporation, for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same, for the purposes of said railroad, and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land; and in case of disagreement, the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals, or other public works, as prescribed by the act concerning right of way, approved March 3d, 1845.

Surveyors, &c.

Providso.

§ 4. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, or shall damage, break or destroy any part of the said railroad, or implements or buildings, he, she,

Penalties.

or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved before any competent court shall have been sustained, and be sued for in the name and behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction, every such offender shall be liable to a fine not exceeding five thousand dollars, for the use of the county where such indictment may be found, and may be imprisoned in the county jail for any time not exceeding six months, at the discretion of the court.

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

Commissioners. § 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called by thirty days' notice in newspapers published in Bloomington and Pekin, are hereby authorized to open subscription books for said stock at such places as they may deem proper, and shall keep said books open until one hundred thousand dollars of said capital stock shall be taken. Said commissioner shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of the stockholders, by giving thirty days' notice in some newspaper printed in the county of McLean, and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least ten shares of the capital stock.

Right of way. § 7. That the right of way and real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said land, as a compensation for the same, become the property of said company in fee simple.

Transportation, tolls, &c. § 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other

property, by the force and power of steam or animal, or any combination of them, and may fix, establish, take and receive such rates of toll, for all passengers and property transported upon the same, as the said directors shall from time to time establish. And the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said company. And all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital, shall be paid at such times and in such sums as said directors may prescribe. Additional stock.

§ 10. In case of the death, resignation or removal of the president, vice president, or any director, at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation. Vacancies

§ 11. That when the lands of any *femmes covert*, persons under age, *non compos mentis*, or out of this state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum; that to ascertain the amount to be paid to persons named in this section, for lands taken for the use of said corporation, it shall be the duty of the governor of this state, upon notice given to him by said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon Damages to infants, &c., how determined.

by the said corporation, has or have sustained by the occupation of the same. And it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

Intersections, &c.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

Proviso.

Union with other roads.

§ 13. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed within this state within ten miles of the line of the road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection: *Provided*, that the Central Railroad shall not run upon the line or track of the road constructed by the company hereby incorporated, except at points crossing or intersecting the same.

Proviso.

Power to borrow money.

§ 14. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding eight per centum per annum, for any amount so borrowed, and to mortgage the corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid. And the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of such bonds that may be made at less than their par value shall be good

and valid and binding upon said corporation as if such bonds had been sold for the full amount thereof.

§ 15. The width of said railroad is to be determined Width of road. by the said corporation within the limits prescribed by the first section of this act.

§ 16. Said company are hereby authorized to acquire Authorized to use grade of branch of the Central road. and hold so much of the grade of the Pekin and Bloomington Branch of the Central Railroad as they may deem necessary, and may employ and use the same in the construction of their said road; and if said grade and right of way should belong to the state of Illinois, the said company may purchase the same from the government of this state, upon such terms as they shall agree upon; and such contract, if made, shall be binding upon both parties.

§ 17. This act shall be in force from and after its passage, and said company shall commence its work within Time for completion of road. five years, and complete the same within ten years from the passage of this act.

APPROVED February 10, 1853.

AN ACT to incorporate the Terre Haute and York Junction Railroad Com- In force Feb. 12, 1853.
pany.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, that* Corporation.
R. P. Ober, Henry Harrison, James Brooks, Ira Prevo, John H. Linley, Ezekiel Bishop, Nathan Musgrove, William Steel, John Newlan, R. A. Holmes, Isaac Wilkins, John Harmon, F. Fuller, Joseph Piquett, Peter Green, — Faris, E. V. Ball, James Farrington, C. Gilbert, C. Warren, Samuel Myers, James Drake, James Kelly and Robert Taylor, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the Style, &c. "Terre Haute and York Junction Railroad Company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing, General powers. selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, have a common seal, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

§ 2. The Terre Haute and York Junction Railroad Objects. Company shall have full power and authority to locate,

construct, furnish and maintain a railroad, with one or more tracks, commencing on the Chicago Branch (or at Salem,) of the Central Railroad, at or near the junction of that road with the Ohio and Mississippi Railroad, in Marion county, and running from thence through the counties of Marion, thence to Louisville, in Clay county, Effingham, Newton, in Jasper county, Hutsonville, in Crawford county, and Clark county, to a point on the Wabash river at or adjoining the town of York, with a view of crossing the Wabash river and extending the same to Terre Haute, in the state of Indiana, Marshall, in Clark county;* and to take and carry persons and property upon said railroad by any force or power which said company may choose to apply or use; and for the purpose of constructing said railroad, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said railroad, upon first paying or tendering therefor such amount of damage as shall have been settled by agreement or appraisal in manner hereinafter provided, on all such lands so designated for the line and construction of said railroad, and all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of embankments, cuttings, obtaining of stone, gravel and sand, may take and appropriate as much more land as may be necessary for the proper construction, maintenance and security of said road; and for constructing such depots and other suitable, proper and convenient fixtures in connection with and appurtenances to said railroad, may take and have, use and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad—said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

Survey and right
of way.

§ 3. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands or grounds of or belonging to the state, to any person or persons, body politic or corporate, and survey and take lands of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of said railroad; and for all the purposes connected with said railroad for which said corporation by the last preceding section is authorized, to have, take and appropriate any lands and to fell and cut down trees or timber standing or being within one hundred feet on each side of said line of

*This described route is unintelligible, but it is thus in the enrolled law.

said railroad; the damage occasioned by the felling of such timber, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company. Also, from time to time to alter, repair, amend, widen, or enlarge the same, or any of the conveniences above named, as well for carrying persons, goods, wares, or merchandise, commodities, timber, or other things to and upon the said railroad, or for conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending, or enlarging the works of or connected with said railroad, and to construct and agree with the owner or owners thereof for earth, timber, gravel, stone, or other material or any articles whatever, which may be wanted in the construction or repair of said railroad or any of its appurtenances; the said company doing as little damage as possible in the execution of said powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said land.

§ 4. The said company shall have power and authority Real estate, &c. to receive, take and hold all such voluntary grants and donations of lands and real estate, for the purpose of said railroad, as may or shall be made to said company, in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any lands upon which said company may wish to construct said railroad, or which said company wish to use or occupy for the purpose of procuring sand, stone, gravel, or either, or other materials to be used in embankments or otherwise, in or about the construction, repair or enjoyments of said railroad, or which said company may wish to use or occupy in any manner or for any purpose connected with said railroad, for which said company is empowered and authorized by this act to take, have or appropriate any lands, and receive and take grants and conveyances of any and all interests and estate therein, and to them and to their successors or assigns, in fee or otherwise; and in case said company cannot agree with such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or any of them, be a *femme covert*, infant, *non compos mentis*, unknown, or out of the county in which the lands or property wanted may lie or be situated, the same may be taken and paid for, if any damages are awarded, in the manner provided for in the act to provide for a general system of railroad incorporations, approved November 5th, 1849; and the final decision or award shall vest in the corporation hereby created all the rights, privileges, fran-

Damages to infants, &c., how ascertained.

Proviso.

chises and immunities in said act contemplated: *And provided*, that any appeal that may be allowed under the provisions of the above recited act, or by virtue of any general law of this state, shall not affect the possession of said company of the lands appraised, and when the appeal may be taken, or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error, that the said company may enter upon and use the lands described in the petition, for the uses and purposes therein set forth, upon said company giving bond and security, approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all right to use the lands or way so condemned.

Capital stock.

§ 5. The capital stock of said company shall be one million of dollars, which said capital stock may be increased, when necessary, to any amount not exceeding the actual estimated cost of constructing and equipping their said railroad; and subscription to the increased capital stock may be made, from time to time, as may be ordered and directed by the board of directors of the said railroad company; which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered by the board of directors, who shall have power to require the payment of stock subscribed, in 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 the requisition of the board of directors, the share of such delinquent may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt; the surplus money, if any remains after deducting the payments due, with the interest and necessary costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named shall cause books to be opened for subscription to the capital stock of said company at such times and at such places and in such manner as they shall direct: *Provided*, that as soon as eighty-five thousand dollars of *bona fide* subscription shall be made to said capital stock, and five per cent. thereon paid, it shall be lawful for said company to commence the construction of said road.

Notice.

Directors.

Proviso.

Power vested in directors.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven or more than thirteen in num-

ber, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of Chauncey Rose, James Farrington, Robert Taylor, R. P. Ober, John B. Richardson,¹ Nathan Musgrove, R. A. Holmes, F. Fuller, M. O'Kane, Peter Green, C. Johnson, Isaac Wilkins and L. O. Schultz, who shall hold their offices until their successors are elected and qualified; vacancies in the board may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next annual election of directors, and which said annual election shall be held on the first Monday in July in each year, at such place as the directors may direct, thirty days' printed notice being given in two newspapers having circulation along the line of said railroad.

Names of persons
constituting first
board.

Notice.

§ 7. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their offices until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

Elections.

§ 8. The directors herein named are required to organize the board by electing one of their number president, and appointing a secretary and treasurer.

President and
other officers.

§ 9. The said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all machines, carriages and vehicles of every description which they may deem necessary and proper for the purposes of transportation on said road; and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company.

Power to contract
for machines.

§ 10. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes, and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state.

By-laws.

Proviso.

§ 11. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other road, railroad, or stream of water or water course, lying on the route of said railroad, it shall be lawful for the company to construct their railroad across or upon the same; that for the purpose of extending their said railroad across the Wabash river to connect and extend the same

Intersections, &c

Proviso.

to Terre Haute, the privilege of bridging said stream is hereby granted to said company: *Provided*, that the said company shall restore the road, railroad, stream of water or water course, to its former state, or in a sufficient manner not materially to impair its usefulness: *And provided further*, that the bridge so to be erected across the Wabash river shall be provided with draws of sufficient width for the passage of boats or other craft navigating said river; that the said draw shall at all times be kept in good repair, and that attentive persons shall at all times be in readiness to open the same so as to cause as little delay as the nature of the case will reasonably admit.

Dividends.

§ 12. The said company shall annually or semi-annually make such dividends as they may deem proper of the net profits or income of said company among the stockholders therein, in proper proportion to their respective shares.

Penalties.

§ 13. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatsoever whereby any building or structure or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished upon conviction by fine in any sum not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of said offence or injury, to be recovered in the name of the company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

Union with other
roads.

§ 14. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed, either in this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

Power to borrow
money.

§ 15. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, at such rate of interest not exceeding seven per cent. per annum, and at such discount as may be thought for the benefit of the company, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure

Rate of interest.

the payment of any debt contracted by said company for the purpose aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt.

§ 16. The said company hereby chartered shall be required to construct and operate their said railroad, throughout the entire line thereof, according to the terms of the charter, within ten years after the work shall be commenced thereon, and upon failure so to do shall forfeit all rights and privileges to tracks completed and works done upon the said railroad: *Provided*, the work shall be commenced on said railroad within ten years after the passage of this act.

§ 17. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Rockton and Freeport Railroad Company. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That all such persons as shall become stockholders agreeably to the provisions of this act in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name and style of "The Rockton and Freeport Railroad Company," and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the existing laws and constitution of this state or of the United States; and may, moreover, appoint such subordinate agents, officers and servants as the business of the company may require, prescribe their duties, and require bond for the faithful performance thereof.

§ 2. That Wait Talcott, Thomas B. Talcott, Thomas J. Turner, Darius Adams, A. H. Merrill, Seth G. Bronson, and John B. Peterson, be and are hereby appointed commissioners for the purpose of procuring subscriptions to the

- Open books.** capital stock of said company, whose duty it shall be to open books for subscriptions to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least twenty days previous thereto, by publication in some newspaper published in Freeport and Rockford. The said commissioners, or a majority of them, shall attend at the places appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of twenty thousand dollars shall have been subscribed, and as soon as said sum of twenty thousand dollars is subscribed, the
- Notice.** said commissioners shall give twenty days' notice, by publication in a newspaper published in Freeport and Rockford, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect thirteen directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year, and until their successors are elected and qualified.
- Elect directors.**
- Capital stock.** § 3. The capital stock of said company shall be two hundred and twenty-five thousand dollars, with power to increase the same to a sufficient sum to complete the work herein authorized, not exceeding twenty thousand dollars per mile, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.
- Directors to manage affairs of company.** § 4. The affairs of said company shall be managed by a board of thirteen directors, to be chosen annually by the stockholders from among themselves. At all elections for directors, each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy; and a plurality of votes given at any election shall determine the choice; and no stockholder shall be allowed to vote at any election, after the first, for any stock which shall have been assigned to him within thirty days previous to such election. The directors shall hold their offices for one year after elected, and until after their successors are elected and qualified, and shall elect one
- Term of office.** of their number president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meet-
- President.**

ing of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board, the directors shall have power to elect a president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said company; and the said board of directors may diminish their number to not less than nine, or increase the same to any number not exceeding fifteen, by a vote of the majority of the stockholders present at any annual meeting.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amount as they shall deem fit, giving at least twenty days' notice of each of said calls in at least three public newspapers published in this state; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall be due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to said company. Payment of stock

§ 6. The said company are hereby authorized and empowered to locate, construct, and complete, and maintain, and operate, a railroad with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from a point on the north line of the county of Winnebago, through the village of Rockton, to the village of Freeport, in the county of Stephenson, and shall have power to build branches to connect said road with any railroad or railroads in either or any of the counties through which said road shall pass, and to survey and determine the line of said road upon such route as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops, and other buildings and machinery for the accommodation, management and operation of said road. Authorized to construct, &c.
Route.
Transportation, toll, &c.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and enter upon and take and hold all lands necessary for the construction of the said railroad and branches, and its appendages, first making just, reasonable com- Surveyor, &c.

compensation to the owners of said land for any damage that may arise to them from the building of said railroad; and in case the said company shall not be able to obtain the title of said lands through which said road shall be laid, by purchase, or voluntary cession, the said company are hereby authorized to proceed to ascertain the damages sustained by such owner or owners, and determine the same in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "right of way": *Provided*, that after the appraisal of damages as provided in said statute, and upon deposit of the amount of such appraisal with the clerk of the circuit court of the county wherein such lands may be situated, the said company are hereby authorized to enter upon such lands for the construction of said road.

Damages.

Power to borrow money.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sums of money, not exceeding the capital stock of said company, as in their opinion may be deemed necessary to aid the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rate or on such terms as the board of directors may determine.

Rate of interest.

Water courses and streams.

§ 9. Said corporation may construct their said road and branches over or across any stream of water, water course, road, highway, railroad, or canal, which the route of its road shall intersect, but the corporation shall restore the stream, water course, road, or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over said track, as may be found most expedient, and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such roads or highways as may be deemed requisite by said corporation, unless the lands so taken shall be purchased or voluntarily given for the purpose aforesaid; compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands—the same when so taken, or compensation made, to become a part of such intersecting

road or highway, in such manner, and by such tenure, as the adjacent parts of [said] highway may be held for highway purposes.

§ 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by the state of Wisconsin, and running from the terminous of said road in a direction towards Lake Michigan, and to grant to any such company the right to construct and use all or any portion of the road hereby authorized to be constructed; also, the right to purchase or lease all or any part of said road; also, the right to sell, lease, or convey the same to said company, or consolidate its stock therewith, and place the management and control of the same under said board of directors, upon such terms as may be mutually agreed upon between the said railroad companies.

Union with other roads.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any of its appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court of record in this state.

Penalties.

§ 12. The said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad; and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited.

Time of construction.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended, and shall take effect from and after its passage.

Public act.

APPROVED February 10, 1853.

AN ACT to incorporate the Mississippi and Wabash Railroad Company. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John D. Mellen, William S. Spencer, William N. Grover, Andrew Huston, William H. Rosevelt, William H. Ralston, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Mississippi and Wabash Railroad Company," with perpetual succession; and by that name and style shall be capable in law of taking,*

Corporation.

Style, &c.

General powers.

purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued; to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereinafter set forth.

Objects.

Route.

§ 2. The Mississippi and Wabash Railroad Company shall have full power and authority to locate and, from time to time, to alter, change, relocate, construct, reconstruct and fully to furnish, perfect and equip, and maintain a railroad, with one or more tracks, commencing at the city of Warsaw, on the Mississippi river, in the county of Hancock, and state of Illinois; running from thence, on the most eligible route, eastwardly, by the way of the city of Bloomington, in McLean county, to the east line of the state of Illinois, with the privilege of connecting by contract with any railroad in the state of Indiana terminating on the east line of the state of Illinois, at any point within twenty miles north or south of the latitude of said city of Bloomington, and to transport, take and carry property and persons upon said railroad, by power or force of steam, or of any mechanical power, or combination of them, which said company may choose to use or apply; and for the purpose of constructing said railroad or way, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damages as shall have been settled by appraisal in the manner hereinafter provided, on all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of cuttings and embankments, and for the purpose of obtaining stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures in connection with and appurtenances to said railroad, may take and have, use, and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad; said company taking all such lands as gifts, or purchasing or making satisfaction for the same, in the manner hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public

Proviso.

roads or canals or railroads across the road of said company when deemed expedient, but so as not materially to impair or obstruct the same.

§ 3. The said company, by their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said corporation, by the last preceding section, is authorized to have, take and appropriate any lands, and to fell and cut down all timber, and other trees standing, or being within one hundred feet on each side of said line of said railroad; the damages occasioned by the felling of said trees, unless otherwise settled, to be assessed and paid in the manner hereinafter provided for assessing and paying damages for land taken for the use of said railroad company; and, also, to make, build, erect and set up, in and upon the the route of said railroad, or upon the land adjoining, or near the same, all such works, ways, roads and conveyances as may be requisite and convenient for the purposes of said railroad; and, also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying and conveying goods, commodities, timber or other things, to and upon the said railroad, as for carrying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and contract and agree with the owner or owners thereof for earth, timber, gravel, stone, or other material, or any article whatsoever which may be wanted in the construction or repairing of said railroad, or any of its appurtenances; they, the said company, doing as little damage as possible in the execution of the said powers hereby granted, and making satisfaction in the manner hereinafter mentioned, for all damages to be sustained by the owner or occupiers of said lands.

§ 4. The said company shall have power and authority to receive, take, and hold all such voluntary grants and donations of lands and real estate for the purposes of said railroad as may or shall be made to said company, to aid in the construction and maintenance and accommodation of said railroad, and said company may contract and agree with the owners or occupiers of any lands which said company may wish to use or occupy for the purpose of procuring sand, stone, and gravel, or earth or other material

to be used in embankments, or otherwise, in or about the construction, repair or enjoyment of said railroad, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said railroad, for which said company is empowered or authorized by this act to take, have, or appropriate any lands, and to receive and take grants and conveyances of any and all interests and estates therein to them and their successors or assigns, in fee or otherwise; and [in] case said company cannot agree with such owner or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers thereof, or either or any of them, be a *femme covert*, infant, *non compos mentis*, unknown, or out of the county which the land or any property wanted may be, or be situate, the same may be taken and paid for, if any damages are awarded, in the manner provided for in an act to provide for a general system of railroad incorporations, approved November 5, 1849, and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated: *And provided*, that any appeal that may be allowed under the provisions of the act above recited, or by virtue of any general law of this state, shall not affect the possession by said company of the lands appraised, and when the appeal may be taken, or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the lands described in the petition, for the uses and purposes therein set forth, upon said company giving bond and security, to be approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all all right to use the land or way so condemned.

§ 5. The capital stock of said company shall be one million of dollars, which may be increased from time to time by a vote of a majority in interest of stockholders, at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road, which stock shall be divided in shares of one hundred dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the board of directors,

Damages to infants, &c., how ascertained.

Capital stock.

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 any stockholder, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt; the surplus money, if any remain after deducting the payment due, with interest and the necessary cost of sale, to [be] paid to the delinquent stockholder. The board of directors hereinafter named shall cause books to be opened for subscription to the capital stock of said company at such times and places and in such manner as they shall direct: *Provided*, that as soon as one hundred thousand dollars of *bona fide* subscription shall be made to said capital, and five per cent. thereon paid, it shall be lawful for said company to elect a board of directors, not less than five nor more than nine in number, who shall hold their offices for one year, and until their successors shall be elected and enter upon the duties of their office. The first election of directors shall be held in the said city of Warsaw, thirty days' notice thereof first being given by said commissioners in some newspaper published in said city, and subsequent elections shall be held in such manner as the directors shall by by-laws direct.

§ 6. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their office until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 7. After the directors are elected they shall organize the board by electing one of their number president, and by appointing a secretary and treasurer.

§ 8. Said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all materials, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purposes of transportation on said railroad, and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company.

§ 9. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes of this act, and for the well ordering and securing the affairs, business and interest of said company: *Provided*,

that the same be not repugnant to the constitution and laws of the United States and of this state.

Transportation,
&c.

§ 10. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon.

Intersections.

§ 11. When it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway, being over the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that said company shall restore the railroad, stream of water, water course, road or highway, thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

Proviso.

Dividends.

§ 12. The said company shall annually or semi-annually make such dividend as they may deem proper of the net profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares.

Penalties.

§ 13. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever whereby any building, or construction, or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished upon conviction by a fine in any sum not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation triple the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass before any justice of the peace of this state, or before any court having jurisdiction thereof. Said company shall have power to unite its railroad with any other railroad now constructed, or which may be hereafter constructed, either in this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting, and for that purpose full power is hereby given to said company to make and execute contracts with any other company as will secure the object of such connection: *Provided*, that the Central Railroad shall not run upon the line or track of the road constructed by the company hereby incorporated, except at points of crossing or intersecting the same.

Proviso.

Power to borrow
money.

§ 14. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be ne-

cessary for completing and furnishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt.

§ 15. The said company hereby chartered shall be required to construct and operate their said road, throughout the entire line thereof, according to the terms of the charter, within eight years after the work shall be commenced thereon; and upon failure so to do shall forfeit all rights and privileges, tracks completed, and work done upon said road: *Provided*, the work shall be commenced on said road within two years after the passage of this act. Time of construction.

§ 16. This act shall be deemed and taken as a public act, and shall be in force from and after its passage. Public act.

§ 17. It shall be lawful for the said company to enter upon and take, use and enjoy, for the use of their said road, so much of the Peoria and Warsaw Railroad belonging to the state of Illinois, as may be in the line and direction of their said road, and for that purpose they are hereby invested with all the rights and privileges of the state of Illinois in, to and over so much of said Peoria and Warsaw Railroad, and all property, maps, profiles, estimates, reports, books and papers belonging to the same, and are hereby authorized to demand and receive from any officer or person in whose hands or possession the same may be, all such property, maps, profiles, estimates, reports, books and papers as aforesaid: *Provided*, that this section shall not be construed to affect or impair any unforfeited right conferred in said Peoria and Warsaw Railroad upon any other company heretofore created. Union with other roads. Proviso.

APPROVED February 10, 1853.

AN ACT to incorporate the Springfield and Carlyle Railroad Company, and In force Feb. 12. 1853.
for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James Wightman, James M. Rodgers, Sidney Breese, Richard S.* Corporation.

Bond, Franklin D. Taylor, Michael G. Dale, James Bradford, Jacob Lansing, Hiram Rountree, William D. Shields, John S. Hayward, Thomas Phillips, William Butler, J. C. Conkling, L. P. Sanger, Ninian W. Edwards, John T. Stuart, Archer G. Herndon, and such other persons as may operate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Springfield and Carlyle Railroad Company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, or the law as hereinafter set forth.

Style, &c.

General powers.

Objects.

§ 2. The said company shall have full power and authority to locate, and from time to time alter, change, relocate, construct, reconstruct and fully to finish, perfect and maintain a railroad, with one or more tracks, commencing at some point on the Ohio and Mississippi Railroad, at the town of Carlyle, in Clinton county, and running from thence to the town of Greenville, in Bond county, and Hillsboro, in Montgomery county, on the most eligible route, to the city of Springfield, in the county of Sangamon, and to transport, take and carry property and persons upon said railroad, by power or force of steam, or animals, or of any mechanical or other power, or any combination of them, which said company may choose to apply or use; and for the purpose of constructing said railroad or way said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet through the centre [entire] line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of compensation or damage as shall have been settled by appraisal in the manner hereinafter provided, on all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of cuttings and embankments, and for the purpose of obtaining stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures, in connection with and appurtenant to said railroad, may take and have, use and occupy

E. of way

any lands upon either side of railroad, not exceeding two hundred feet in depth from the interior line of said railroad, said company taking all such lands as gifts, or purchasing or making satisfaction for the same, in the manner hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public roads or canals or railroads across the road of said company when deemed expedient, but so as not materially to impair or obstruct the same. Proviso.

§ 3. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said corporation by the last preceding section is authorized, to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line on said railroad; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said railroad company; and also to build, make, erect and set up in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said railroad; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying, conveying goods, commodities, timber or other things to and upon the said railroad, as for carrying or conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad; and to contract and agree with the owner or owners thereof for earth, timber, gravel, stone or other material, or any articles whatever, which may be wanted in the construction or repair of said railroad, or any of its appurtenances; they, the said company, doing as little damage as possible in the execution of the said powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said land. Survey, &c.

§ 4. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate, for the purposes of said railroad as may or shall be made to said company to aid in Real estate.

the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said railroad or way, on which said company may wish to use or occupy for the purpose of procuring stone, sand, gravel or earth or other materials to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said railroad, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said railroad, for which said company is empowered or authorized by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any and all interests and estates therein, and to them and to their successors or assigns, in fee or otherwise; and in case said company cannot agree with such owners or occupiers of said lands as aforesaid so as to procure the same by the voluntary deed or act of the owners or occupiers thereof, or if the owners or occupiers, or any or either of them, be *femmes covert*, infants, *non compos mentis*, unknown or out of the county in which the land wanted may lie or be situate, the same may be taken and paid for, if any damages are awarded, in the manner provided for in an act to amend the law condemning the right of way for purposes of internal improvement, approved June 22, 1852; and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated.

Partize to In-
fants, &c., how
determined.

Capital stock

§ 5. The capital stock of said company shall be one million dollars, which may be increased from time to time by a vote of a majority in interest of stockholders at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount to be expended on account of said road; which stock shall be divided in shares of fifty dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at 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 the requisitions of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt, the surplus money, if any remains after deducting the payment due, with the interest and the necessary costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed shall cause books to be

Payment of stock

Notice.

Directors to open
books.

opened for subscriptions to the capital stock of said company, at such time and places, and in such manner, as they shall direct: *Provided*, that as soon as two hundred thousand dollars of subscription shall be made to said capital stock, and ten per cent. thereon paid, it shall be lawful for said company to commence the construction of said road.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven, nor more than seventeen in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of Hiram Rountree, Sidney Breese, Ninian W. Edwards, Archer G. Herndon, Lorenzo P. Sanger, James Wightman, Thomas Philips, John T. Stuart, Elias S. Dennis, James Bradford, William Paisley, Wingate H. Maddux, William Young, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors, and which said annual election shall be held on the first Monday of September in each year, at such place as the directors may direct, thirty days' notice being given in two newspapers printed along the line of said road, or in the papers published in Springfield.

§ 7. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their office until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 8. The directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

§ 9. Said company shall have power to purchase with the funds of this company, and contract for and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purposes of transportation on said railroad; and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company.

§ 10. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes, and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and inter-

est of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state.

§ 11. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon.

§ 12. Whenever it shall be necessary, for the construction of said railroad, to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway, thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

§ 13. The said company shall annually, or semi-annually, make such dividend as they may deem proper of the net profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares.

§ 14. If any person shall do, or cause to be done, or aid in doing or causing to be done any act or acts whatsoever, whereby any building, or construction, or work of said company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, or weakened, impaired or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished upon conviction by fine in any sum not exceeding one thousand dollars, or by imprisonment, not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

§ 15. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed in this state, along or on the line of the road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

§ 16. The said company are hereby authorized to borrow money, from time to time, on the credit of the company, at any rate of interest, not exceeding eight per cent. per annum as may be agreed upon between the parties, for the sole purpose of constructing said road, and furnishing the same with cars, locomotives and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor in denominations of not less than five hundred dollars; and to secure the payment thereof, with the interest that may accrue thereon, may mortgage their corporate property or franchises, or convey the same by deed of trust for said purposes; and they may, by their president, or other officers or agents, sell, dispose of or negotiate such bonds or stocks of said company, at such times and places, either within or without the state, and at such rates and for such prices as, in their opinion, will best advance the interests of the said company; and if such bonds or stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value; and the said company may confer upon any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the board of directors of said company may prescribe.

Power to borrow money.

Mortgage.

§ 17. The said company hereby chartered shall be required to construct and operate their said road, throughout the entire line thereof, according to the terms of this charter, within five years after the work shall be commenced thereon, and upon failure so to do, shall forfeit all rights and privileges, tracks completed and work done upon said road: *Provided*, the work shall be commenced on said road within two years after the passage of this act.

Time for construction.

§ 18. All the stockholders of said company shall be severally individually liable to the creditors of said company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of capital stock fixed and limited by said company or by this act shall have been paid in, and shall be jointly and severally liable for all debts that may be due and owing to any and all their laborers, servants and apprentices for services performed for said company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders: *Provided*, that none of the provisions of this section shall be applicable to the said company hereby incorporated until the same provisions shall be

Stockholders individually liable

applied to the Central Railroad Company and branches, and the Rock Island, La Salle and Chicago Railroad Company.

§ 19. The certificate of the secretary of said company, under the corporate seal thereof, shall be received in all courts of justice and elsewhere, as evidence of the regular organization of said company under its charter, and of any act or order of the board of directors of said company.

§ 20. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

in force Feb. 11, 1853. AN ACT to incorporate the Rockton, State Line and Mississippi Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name and style of "The Rockton, State Line and Mississippi Railroad Company," and by that name shall have succession for the term of years above specified, may sue and be sued, complain and defend in any court of law or equity, may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock not inconsistent with the existing laws and constitution of this state or of the United States, and may appoint such subordinate agents, officers and servants as the business of the said company may require, prescribe their duties and require bond for the faithful performance thereof.

§ 2. That William Randall, Wait Talcott, John B. Peterson, Darius Adams, Thomas B. Talcott, Solomon Webster, William R. Weld, F. W. Merrill and Thomas Grouts, be and are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least twenty days previous thereto, by publication in some newspaper published in the county of Winnebago. The said commissioners, or a majority of them, shall attend at the place appointed for the opening said books and shall continue to receive subscriptions, either per-

Certificate of secretary to be evidence.

Corporation.

Style, &c.

General powers.

Commissioners.

Procure subscriptions.

Notice.

sonally, or by such agents as they shall appoint for that purpose, until the sum of twenty thousand dollars shall have been subscribed, and as soon as said sum of twenty thousand dollars is subscribed, the said commissioners shall give twenty days' notice by publication in a newspaper published in Winnebago county, of an election by said stockholders of a board of directors as hereinafter provided, for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect nine directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year, and until their successors are elected and qualified.

§ 3. The capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of fifty dollars each, and may be increased by the directors of said company to any sum not exceeding twenty thousand dollars per mile, if necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

§ 4. The affairs of said company shall be managed by a board of nine directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and a plurality of votes given at any election shall determine the choice, and no stockholder shall be allowed to vote at any election after the first for any stock which shall have been assigned to him within thirty days previous to such election. The directors shall hold their office for one year after elected and qualified, and until their successors are elected and qualified, and shall elect one of their number president of said board, and in case any vacancy occurring in said board of directors, between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president the board of directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company. The said board of directors may be diminished

to any number not less than seven, and increased to any number not exceeding thirteen, by a vote of a majority of the stockholders present, at any annual meeting.

Payment of stock.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amount as they shall deem fit, giving at least thirty days' notice of each of said calls in at least two newspapers published in this state; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall be due, the board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon, forfeited to said company.

Power to locate, &c.

§ 6. Said company are hereby authorized and empowered to locate, construct and complete, and maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors, for the convenient use of the same, from the village of Rockton, in Winnebago county, to the Mississippi river, at any point in this state not south of a line running due east and west from Savanna, at which point, or at any place east of said river, may connect with any other railroad now built or hereafter to be built in this state, and shall have power to run a branch to the state line in Winnebago or Stephenson counties, and also, to run to and connect with any railroad east of Rockton running to the city of Chicago, and to make such arrangements with such railroad companies as the interest of said company may require, and to survey and determine the line of said road upon such route as the said company shall deem most eligible; and the said company are further authorized and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and the property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops, and other buildings and machinery for the accommodation, management and operation of said railroad.

Power to connect.

Transportation, tolls, &c.

Surveys, &c.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and branches and its appendages, first making just and reasonable compensation to the owners of said lands for any damages that may arise to them from the building of said

Damages.

railroad; and in case the said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain the damages sustained by such owner or owners, and determine the same in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "right of way": *Provided*, that after the appraisal of damages as provided in said statute, and upon deposit of the amount of such appraisal with the clerk of the circuit court of the county wherein such lands may be situated, the said company are hereby authorized to enter upon such lands for the construction of said road.

§ 8. The said company are authorized and empowered to borrow from time to time such sums of money, not exceeding the capital stock of said company, as in their opinion may be deemed necessary to aid the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits, or franchises, of said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loans at such rate or on such terms as the board of directors may determine.

§ 9. Said company may construct their said road or branches over or across any stream of water, water course, road, highway, railroad or canal which the route of its road shall intersect, but the company shall restore the stream or water course, course, road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Whenever the track of said railroad shall cross a road, highway, railroad or canal, such railroad or highway may be carried under or over said track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway as may be deemed requisite by said company, unless the lands so taken or purchased, or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said company to the owners and persons interested in such lands; the same when so taken or compensation made, to become a part of such intersecting road or highway, in such manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

Penalties.

§ 10. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace, or before any court of record in this state.

Time of construction

§ 11. The said company shall be allowed five years from the passage of this act for the commencement of the construction of said railroad, and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited.

Public act.

§ 12. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended, and shall take effect from and after its passage.

APPROVED Feb. 11, 1853.

In force Feb. 5, 1853. AN ACT to amend an act entitled 'an act to incorporate the Chicago and Milwaukie Railroad Company,' approved February 17, 1851.

Corporate name changed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the corporate name and style of the company created by said act is hereby changed to "Chicago and Milwaukie Railroad Company."

Power to construct.

§ 2. Said company is hereby authorized and empowered to construct its railroad from the city of Chicago, contiguous to and not more than ten miles from the shore of Lake Michigan, by the way of Waukegan, to the north line of this state, and to terminate said road at such points on the north line of the state, within said limits as the board of directors may see proper, and to unite with any other railroad in the state of Wisconsin, within said limits, and to make all such arrangements, contracts and agreements as the board of directors may deem necessary with any railroad company with whom they may so unite for the transportation of freight and passengers, and the transaction of business generally between them, and for the use, or sole or joint ownership of either of said roads by the other company.

Union with other roads.

Power of extension.

§ 3. Said company is hereby authorized to extend its said road northwardly from its termination on said state line to the city of Milwaukee in the state of Wisconsin, or to purchase and own any railroad with which it may so connect, at said state line, to said city of Milwaukee.

§ 4. By and with the consent of the stockholders of said company, the capital stock thereof may be reduced by the board of directors of said company to the sum of five hundred thousand dollars, with the right to increase said capital at any time, in the discretion of said board, to the sum of two millions five hundred thousand dollars.

Power to reduce capital stock.

§ 5. So much of the act to which this is amendatory as conflicts with the provisions of this act is hereby repealed, and the remaining portions of said act shall remain in full force. This act to take effect and be in force from and after its passage.

Act repealed.

APPROVED February 5, 1853.

AN ACT to amend an act entitled "An act to incorporate the St. Clair Railroad Company." In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the corporate name of the St. Clair Railroad Company is hereby changed to "The St. Clair Railroad and Coal Company," by which name and style it shall succeed to and have and exercise all the rights, franchises, powers and immunities heretofore enjoyed by the St. Clair Railroad Company.

Corporate name changed.

§ 2. The said corporation may have and exercise all such powers, not heretofore granted, as are necessary to carry out its general objects, and may for that purpose issue bonds in sums not less than five hundred dollars each, at rates of interest not exceeding ten per cent. per annum, payable at a future time, not more than twenty-five years, and dispose of and negotiate the same in such manner and at such times and places as the board of directors of said company may appoint: *Provided,* said bonds may be, if said board shall deem expedient and necessary, secured by mortgages, deeds of trust, or otherwise, upon pledge of the property, real and personal, of said company; said bonds to be issued only in pursuance of an order of the board of directors, and to be signed and sealed by their president, and attested by their secretary, and a record kept by them in the books of said company. This act to take effect from and after its passage.

Power to issue bonds, &c.

APPROVED February 11, 1853.

in force Feb. 11, 1853. AN ACT supplemental to an "Act to incorporate the Ohio and Mississippi Railroad Company."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for the Ohio and Mississippi Railroad Company to elect a vice president from the persons composing the board of directors, who shall, in the absence or disability of the president, have the same powers and perform the duties appertaining to the office of president, and such other duties as the said company may prescribe by the by-laws or resolutions of its board of directors.

Power to elect vice president

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

APPROVED February 11, 1853.

in force Feb. 12, 1853. AN ACT supplemental to an act entitled "An act to incorporate the Ohio River and Wabash Railroad Company."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Bonnum and John Campbell, of Wayne county, and John A. Wilson and Samuel S. Marshall, of Hamilton county, be and they are hereby declared and created additional corporators with those named in the first section of the act to which this is a supplement, and that they have all the powers and privileges of corporators as fully and completely as if they had been named as such in said original act.

Additional corporators.

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

APPROVED February 12, 1853.

in force Feb. 12, 1853. AN ACT to amend an act entitled "An act to incorporate the Galena and Chicago Union Railroad Company," approved January 16, 1836.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Galena and Chicago Union Railroad Company be and they are hereby authorized to straighten the line or route of said railroad wherever and whenever said company may deem it expedient, and for that purpose may obtain, by purchase or condemnation, the right of way, in the manner provided in said act incorporating said company, and may lay down

Authorized to straighten route, &c.

and maintain one or more additional tracks on said road, whenever they shall deem the public interest requires it. Said company shall have the right to obtain, by purchase or condemnation, in the manner provided in their said act of incorporation, additional depot grounds for the use of said company, whenever they shall deem it necessary.

Right to condemn
lands, &c.

APPROVED February 11, 1853.

AN ACT to facilitate the construction of the Northern Cross Railroad and its Northern Branch. In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Northern Cross Railroad Company shall have power and authority to issue bonds or other evidences of debt for the purposes of raising money for the construction and equipment of the road of said company, and bearing such rate of interest, not exceeding ten per cent., as the company may deem advisable, and such evidences of debt may be sold or otherwise disposed of, either within or without this state, in raising money or procuring labor and materials in the prosecution of said work, upon such terms and rates as may be agreed upon by the parties, and if such sale or other disposition of such bonds or evidences of debt shall be at a discount, the same shall remain as valid and binding, in every respect, as if sold at par value.

Power to issue
bonds.

§ 2. It shall be lawful for the Chicago and Aurora Railroad Company and the Central Military Tract Railroad Company to subscribe and hold stock in the said Northern Cross Railroad Company, to an amount not exceeding ten per cent. of the capital stock of each of the said companies so subscribing.

Companies authorized to subscribe stock.

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

APPROVED February 10, 1853.

AN ACT to incorporate the Decatur and Danville Railroad Company. In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel Rea, Jacob Stangler, Wm. Rea, Wm. S. Cressey, Anderson Froman, Wm. Martin, R. G. Oglesby, Joseph King, H. C. Johns, James McReynolds, C. R. Ward, Wm. H.

Corporation.

Pratt, J. C. Johnson, Franklin Harris, W. D. Summers, W. N. Coler, Asa Gere, J. W. Jaqueth, Wm. Fithian, Enoch Kingsbury, Amos Williams, Samuel Craig and Milton Davis, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Decatur and Danville Railroad Company," for the purpose of surveying, locating, constructing, completing, operating and maintaining a railroad from the town of Decatur, in Macon county, Illinois, thence upon the most eligible and direct route, through the town of Monticello, in Piatt county, and the town of Urbana, in Champaign county, to the town of Danville, Vermilion county, and thence to the state line of Indiana, in the direction of Lafayette or Covington, in the state of Indiana, whenever the said persons, or their assigns, shall organize in full compliance with the provisions of the act entitled "An act to provide for a general system of railroad incorporations," approved November 5, 1849.

§ 2. Whenever the said company shall have organized as herein provided, it is hereby declared that the object is of sufficient importance and public use to justify the taking of private property for constructing and maintaining said road under the provisions of said act.

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

APPROVED Feb. 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Pekin, Canton and Macomb Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly.* That the Pekin, Canton and Macomb Railroad Company shall be and they are hereby constituted a body politic and corporate, and by that name shall have perpetual succession, and shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and shall have power to make by-laws not inconsistent with the laws of this state or United States.

§ 2. The said Pekin, Canton and Macomb Railroad Company be and are hereby empowered with all the rights and privileges heretofore granted to the Warsaw and Macomb Railroad Company, by an act entitled "An act to incorporate the Warsaw and Macomb Railroad Company," approved February 15th, 1851.

§ 3. That said Pekin, Canton and Macomb Railroad Company shall have power to lay out, and are hereby au-

thorized to construct and maintain a railroad, with one or more tracks, from Pekin, in Tazewell county, by the way of Canton, in Fulton county, to Macomb, in McDonough county, with full power to connect at or near either point of terminus with any railroad now built, or hereafter to be constructed, and for that purpose are hereby empowered and authorized to take and condemn such lands as may be necessary for the construction of said road in the manner provided for by said act above referred to, and by the laws of this state.

§ 4. That Thompson Maple, John W. Ingersoll, Thomas J. Little and Parley C. Stearns, of the county of Fulton, and Hugh Ervin and Isaac Grantham, of McDonough county, and William B. Doolittle, Samuel P. Bailey, David Mark, Richard N. Gill and James Haines, of the county of Tazewell, are hereby appointed commissioners, whose duty it shall be, within six months after the passage of this act, at some suitable place in the towns of Pekin, Canton and Macomb, and in such other places as a majority of them may direct, to open books and receive to the capital stock of said company, in shares of one hundred dollars each, after giving thirty days' notice of the time and place of opening such books; and the said commissioners shall be authorized to re-open said books at such other times and places, and in such manner as they may deem proper. The capital stock of said company shall be five hundred thousand dollars, in the manner provided for in said act above referred to: *Provided*, the publication of the notices shall be published in the said counties of McDonough, Fulton and Tazewell. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Western Air Line Railroad Company. In force Feb. 9, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That Jabez Fisher, William Fisher, William Fenn, Silas Ramsey, Theodore Perry, Robert Boal, William Maxwell, Henry L. Crane, Samuel L. Fleming, Jeriah Borham, James Maxwell, Washington E. Cook, T. L. Fetter, James W. Callahan, J. J. Fenn, David Vernay, John Weir, Sanford Broadus, Jesse B. Bane, William B. Green, Reuben Bell, William Drury, James S. Thompson, Levi Willet, E. Gilmore, Thomas R. Vanmeter, T. J. Henderson, Oliver Whitaker, Elijah Iles and Peter Vanbergen, and their as-

sociates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Western Air Line Railroad Company," with perpetual succession, and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete and put in operation, a railroad from the east bank of the Mississippi river, at the town of New Boston, in Mercer county, in this state, thence to the town of Lacon, in the county of Marshall, in this state, to the eastern line of this state, in the direction of Fort Wayne, in the state of Indiana, with privilege to locate said road from said town of Lacon to the east line of this state, at a point not exceeding fifteen miles north or twenty-five miles south of a direct line drawn from Lacon to Fort Wayne; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad, not exceeding one hundred and fifty feet in width through the whole length, and for the purpose of erecting embankments, may take as much more land as may be necessary for the proper construction and security of said railroad.

§ 2. The capital stock of said company shall be two millions of dollars, which said capital stock of this company may, by order of the the board of directors, be increased, when deemed necessary, to any amount not exceeding the actual *bona fide* estimated cost of construction and equipping said road; and subscriptions to the increased capital stock may be made from time to time, as may be ordered and directed by the board of directors of said company, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of the 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 the stockholders, or any of them, to make payment on the requisition of the board of directors, the share of such delinquent may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt; the surplus money, if any remains after deducting the payments due, with the inter-

Style.

General powers.

Objects.

Capital stock.

May be increased.

Require payment of stock.

est and necessary cost of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and approved shall cause books to be opened for subscription to the capital stock of said company at such times and places and in such manner as they shall direct: *Provided*, Proviso. that as soon as two hundred thousand dollars of *bona fide* subscription shall be made to said capital stock, and five per cent. thereon paid, it shall be lawful for said company to commence the construction of said road: *Provided* Provided further. *further*, that unless said company shall obtain *bona fide* subscriptions to their capital stock amounting at least to five hundred thousand dollars, and shall elect directors and become fully organized within three years from the passage of this act, then this act shall be null and void.

§ 3. All the corporate powers of said company shall be Directors. vested in and exercised by a board of directors, to consist of not less than seven and not more than eleven in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of William Fisher, Theodore Perry, J. J. Fenn, E. Gilmore, James S. Thompson, Thomas J. Henderson and E. A. Whipple, who shall hold their office until their successors are elected and qualified. Vacancies in the board may be filled by Vacancies. a vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors; the time, place and notice of said annual election to be determined by the said board of directors.

§ 4. The said company is hereby authorized, by their Survey, &c. agents, surveyors and engineers, to cause such examination and survey to be made of the ground and country between the said town of New Boston and Lacon, and between the latter place and the said east line of this state, as shall be necessary to determine the best route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side tracks, water stations, engine houses, machine shops and other buildings and appendages necessary to the construction and working of said road: *Provided*, Proviso. that all lands or real estate entered upon and taken possession of and used by said corporation for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof by the use of the same for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation which are not donated

to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land; and in case of disagreement the price shall be estimated, fixed, and recovered in the manner provided for taking lands for the construction of public roads, canals any other public works, as prescribed by the act concerning right of way, approved June 22d, 1852.

Penalties.

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

Real estate, &c.

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

Transportation.

§ 7. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animal, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the said directors [shall establish; and the said directors] are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

Failure to elect directors.

§ 8. In case it should at any time happen that an election of directors shall not be made any day in which in pur-

suance of this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

§ 9. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed to its former state, or in a sufficient manner not materially to impair its usefulness.

Intersections, &c.

§ 10. Said company shall have power to unite its railroad with any other railroad or railroads now constructing, or which may hereafter be constructed within this state, which may cross or intersect the same on its line or in the states of Indiana and Iowa, or in either of the said last mentioned states, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said companies to make and execute such contracts with any other company or companies as will secure the objects of such connections.

Union with other roads.

§ 11. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and furnishing or operating their said railroad, and to issue and dispose of their bonds, in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding ten per cent. per annum for any amount so borrowed, and to mortgage the corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of such bonds that may be made at less than their par value shall be good and valid and binding upon said corporation as if such bonds had been sold for the full amount thereof.

Power to borrow money.

§ 12. Every conductor, baggage master, engineer, breakman, or other servant of said corporation employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, the initial or style of the corporation. No conductor or collector without such badge shall demand or be entitled to receive from any passenger any fare, toll or ticket, ex-

Conductors, baggage masters.

ercise any of the powers of his office, and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property in forming passenger trains. Baggage, or freight, or merchandise, or lumber cars shall not be placed in rear of passenger cars; and if they or any of them shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of a misdemeanor, and be punished accordingly.

Bell or steam
whistle to be
placed on the
locomotive.

§ 13. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty rods from the place where the said road shall cross any road or street, and be kept ringing or whistling at intervals until it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by said corporation—one half thereof to go to the informer, and the other half to the state—and to be liable for all damages which shall be sustained by any person by reason of such neglect. Said corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street, where the same is crossed by the railroad, on such elevation as not to obstruct the travel and to be easily seen by travelers, and on each side of said board shall be painted in capital letters, at least the size of nine inches each, the words: "*Railroad crossing! Look out for the cars!*" But this provision shall not apply to streets or cities, or villages, unless the corporation be required to put up such boards by the officers having charge of such streets.

Power to estab-
lish ferry.

§ 14. Said company are hereby authorized and empowered to make and establish a ferry across the Mississippi river at New Boston, to such point on the Iowa shore of said river as the said company may be authorized or required to land at; and said company are also authorized and empowered to establish a ferry across the Illinois river, from any ground owned by them in the town of Lacon, to the opposite shore of said Illinois river, in said county of Marshall; and they are hereby authorized to make and use all necessary boats and apparatus, of all and every description whatsoever, advantageous and necessary for the use of said company, at either or both of said ferries, and propel the same by horse, steam or any mode or power that the said company may deem best: *Provided*, that the company shall not use said ferries or allow the same to be used for any other purposes than those connected with or carrying out of the business of said railroad.

§ 15. The width of said road is to be determined by Width of road. the said corporation, within the limits prescribed by the first section of this act.

§ 16. Said company shall have authority and power to Improve landing. improve all or either of their landings, at either or both of their ferries named in the fourteenth section of this act, by building a pier or piers, or making embankments into either or both of said rivers: *Provided*, that any such improvements does not interfere with the free navigation of either of said rivers.

§ 17. The directors herein named are required to or- Organize by elec-
ganize the board by electing one of their number president, ting president. and by appointing a secretary and treasurer.

§ 18. None but stockholders in said company shall be Eligible to office. eligible to the office of director in the same.

§ 19. Said company shall have the right of way over State lands. any lands belonging to this state, and it shall be lawful for said company to enter upon and take possession of and use, for the purpose of the construction or protection of said road, any lands belonging to the state, without being subject to any claim whatever for damages.

§ 20. This act shall be deemed a public act, and shall Public act. be favorably construed for all purposes therein expressed and declared, in all courts and places whatever, and shall be in force from and after its passage.

APPROVED February 9, 1853.

AN ACT to incorporate the Chicago, Sterling and Mississippi Railroad In force Feb. 7,
Company. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all Corporation. such persons as shall become stockholders agreeably to the provisions of the corporation hereby created, shall be, and for the term of ninety years from and after the passage this act, shall continue to be, a body corporate and politic, by the name of "The Chicago, Sterling and Mis- Style. sissippi Railroad Company," and by that name shall have succession for the term of years above specified; may sue General powers. and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulation of its affairs and for the transfer of its stock, not inconsistent with the existing laws and constitution of this state, or the the United States; and may appoint such officers, agents

and servants as the business of the said company may require, prescribe their duties, and require bond for the faithful performance thereof.

Commissioners.

§ 2. That Isaac Cook, William B. Egan, David Hess, Joseph Naper, Lewis Ellsworth, William B. Plum, Robert N. Mathews, Roswell Carter, Hugh Wallace, John Galt, Royal Jacobs, James McCoy, Samuel Happer and Charles Dement, be and they are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscriptions to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days previous thereto, by publication in some newspaper published Chicago, Aurora and Dixon. The said commissioners, or a majority of them, shall attend at the places appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of four hundred thousand dollars shall have been subscribed, and soon as said sum of four hundred thousand dollars shall be subscribed, the said commissioners shall give twenty days' notice, by publication in newspapers in Chicago, Aurora and Dixon, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company. At such time and place so appointed for that purpose, the commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect thirteen directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year, and until their successors are elected and qualified.

Notice

Capital stock.

§ 3. The capital stock of said company shall be one million of dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, at such time, and in such place and manner as the said directors shall from time to time direct. The shares of said capital stock of said company shall be deemed and considered as personal property.

§ 4. The affairs of said company shall be managed by a board of thirteen directors, to be chosen annually by the stockholders from among themselves. At all elections for directors, each stockholder shall be entitled to one

vote for each share of stock held by him, and may vote personally or by proxy; and a plurality of the votes given at any election shall determine the choice. The directors shall hold their offices for one year after their election, and until their successors are elected and qualified, and shall elect one of their number as president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board, the directors shall have power to elect a president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said board.

Directors.

President and other officers.

Payment of stock

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such times and in such amounts as they shall deem fit, giving at least thirty days' notice of each of said calls in at least three newspapers published in the vicinity of said road; and in case of failure on the part of any stockholder to make payment of any call made as aforesaid by the said directors, for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears and all sums paid thereon forfeited to the company.

§ 6. The said company are hereby authorized and empowered to locate, construct, and complete, and to maintain, and operate, a railroad, with a single or double track, and with such appurtenances as may be deemed necessary by the directors for the convenient use of the same, from the city of Chicago, thence by the most eligible route to the village of Naperville, in the county of DuPage, thence to Aurora, in the county of Kane, thence near to the village of Little Rock, in the county of Kendall, thence to Sterling, in the county of Whiteside, thence to the Mississippi river, to a point not above Fulton City, nor below Albany, on said river, in said county of Whiteside, and to survey and determine the line of said road upon such route between said points as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods and effects and persons shall be transported on the same, and prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary de-

Objects.

Rate of toll, &c.

pots, stations, shops, and other buildings and machinery for the accommodation, management and operation of said road.

Divided into divisions.

§ 7. The said road, when so located, shall be divided into three divisions, as follows, to wit: first division to be composed of that portion of said road situate and being between the city of Chicago and Aurora; the second division thereof to be composed of that portion of said road situate and being between Aurora and the point of intersection with and crossing of said road and the Illinois Central Railroad; the third division to be composed of that portion of said road situate and being between said point of intersection or crossing of said Illinois Central Railroad and the Mississippi river; and it may be lawful for the subscription of the stock to said road to be taken and subscribed for either of the said divisions, or for the whole of said road, as those taking and subscribing for the same may deem proper, and in the event that the whole or any portion of said stock be taken and subscribed for by divisions, the amount of stock so taken and subscribed for by divisions shall be applied and expended in the construction of that particular division for which the same was subscribed for and taken.

Surveys, &c.

§ 8. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of said railroad and its appendages, first making just and reasonable compensation to the owners of said land for any damages that may arise to them from the building of said railroad; and in case said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase, or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners, in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "right of way": *Provided*, that after the appraisal of damages as provided in said statute, and upon the deposit of the amount of such appraisals in the circuit court of the county wherein such lands may be situate, the said company are hereby authorized to enter upon such lands for the construction of said road.

Right of way.

Power to borrow money.

§ 9. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the amount of capital stock of said company, as in their discretion may be deemed necessary to aid in the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or

any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bond's issued for such loan at such rates or on such terms as the board of directors may determine.

§ 10. Said company shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured by reason of the construction of said road.

Highways and water courses.

§ 11. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, and to grant to such company the right to construct and use any portion of said road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between said companies; also, the right to purchase or lease all or any part of any other railroad which is or may be hereafter built in this state, upon such terms as may be mutually agreed between the said companies.

Union with other roads.

§ 12. Any person who shall wilfully injure or obstruct the said road, or any part of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum threefold the amount of the damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court of record in this state.

Penalties.

§ 13. The said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad, and ten years thereafter for the completion of the same.

Time of commencement.

§ 14. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

Public act.

APPROVED February 7, 1853.

AN ACT to incorporate the Fort Wayne and Chicago Railroad Company. In force Feb. 5, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Fort Wayne and Chicago Railroad Company, as now organized under the act of the general assembly of the state of Indiana, entitled "An act to provide for the incorporation of railroad companies," approved May 11, A. D. 1852, be and

Power to locate.

they are hereby authorized to locate, construct, maintain and use their said railroad, with either a single or double track, from the western line of the state of Indiana, at and from the point within the county of Cook where the said Fort Wayne and Chicago Railroad shall intersect the same, to the city of Chicago.

General powers.

§ 2. That in all cases when matters of controversy shall originate or arise within the limits of this state, the said company may sue and be sued in like manner as other bodies corporate within this state sue and are sued; and in all matters and things which may, in any way, relate to or concern the exercise or abuse of the rights, privileges, powers and franchises hereby granted, and also, in all things that may relate to or concern a compliance with or a breach of the conditions and provisions of this act, the said company shall be as perfectly subject to and under the control of the proper authorities of Illinois as if the said company had been created by a law of this state; and in any suit, action or proceeding at law against said company, the process may be served within the proper county or district upon any known officer or agent of said company.

Duty of president and directors.

§ 3. That it shall be the duty of the president and directors of said company, as soon as any portion of their railroad situated between the city of Chicago and the eastern line of the state of Illinois is completed and in use for transportation, to prepare a full and accurate statement of the cost of construction of said portion of their railroad, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the auditor or other proper officer of Cook county in this state, who shall file the statement in his office.

Taxation.

§ 4. That the stock of said company to an amount equal to the cost of construction of the said portion of their road shall be subject to state and county taxes in this state, in the same manner and at the same rate as other similar property is subject; and the rolling stock and equipments of said road used in this state on said road by said company shall be considered as part of the stock of said company, subject to taxation in proportion to the length of the line in this state as compared with the distance said rolling stock and equipments are used out of this state: *Provided*, that nothing in this act shall be so construed as to authorize a greater amount of tax upon this road than is assessed and collected on other roads under the general laws of this state; and it shall be the duty of said company to cause their treasurer, upon the declaration of any dividends after said portion of their railroad shall have been completed, to retain out of said dividends and pay into the treasury of Cook county the tax to which such portion of stock is liable, and

all taxes legally levied upon said road shall be a first lien upon the same.

§ 5. The said company are hereby authorized to use and exercise all the powers for appropriating and obtaining the right of way for the construction, maintenance and use of said road that are given and expressed by the act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849; and in case any lands so appropriated shall not be donated to the company, or in case of disagreement between the owners thereof and said company as to the fair value thereof, the sum to be paid shall be determined in the manner prescribed by said act. Right of way.

§ 6. For the purpose of maintaining said railroad and the work connected therewith, and protecting the same from injury, the said corporation shall have the benefit of the provisions of said act approved November the 5th, 1849, referred to in the previous section. Benefit of the law passed Nov. 5. 1849.

§ 7. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force or power of steam or animals, and may establish and collect such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish; and the directors are hereby empowered and authorized to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company. Transportation.

§ 8. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and furnishing or operating their said railroad, at such rate of interest as may be agreed upon, and to issue and dispose of their bonds in denominations of not less than five hundred dollars (\$500,) for less than par value, if necessary, for any amount so borrowed, and to mortgage their corporate property or franchises, or convey the same by deed of trust to secure the payment of any debt contracted by the said company, for the purposes aforesaid, and the said directors of said company may confer on any bond-holder of any bond issued, for money borrowed, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt. Power to borrow money.

§ 9. The said company are hereby authorized to construct their road upon or across any stream or water course, Water course, &c

road or highway, railroad or canal, which the route of its road shall intersect, but the corporation shall restore the stream, or water course, road or highway, railroad or canal thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness.

Real estate.

§ 10. The said company shall be and are hereby authorized and empowered to acquire within or in the vicinity of the city of Chicago, and to hold, use and occupy such lands or lots as it may acquire by purchase, donation or otherwise, for the purpose of constructing such depots, machine shops, and other proper fixtures and buildings as may be requisite or necessary for the accommodation and transaction of the business which may pass over and be connected with the road of said company.

§ 11. That two additional directors of said company shall be chosen, who shall be stockholders in said corporation, and citizens of the city of Chicago.

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

APPROVED February 5, 1853.

In force Feb. 10, 1853. AN ACT to incorporate the Belleville Eastern Extension Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George Trumbull, Edward Pittman, John Murray, Russell Hinkley, Simon Eimer, Henry Goedeking, Edward Omelveny, George Postel, H. B. Jones, H. S. Osburn, Jos. J. Swanwick, John Scheel, George Low, A. D. Hay, E. P. Hosmer and such other persons as they may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Belleville Eastern Extension Railroad Company," with perpetual succession, and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and not further; and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure; and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes or objects of this act, as the same are herein set forth.

§ 2. The said company shall have full power and authority to locate, and from time to time, to alter, change, relocate, construct, reconstruct and fully to finish, per-

Objects.

Corporators.

Style.

General powers.

fect and maintain a railroad with one or more tracks, commencing at Belleville, in the county of St. Clair, Illinois, and running from thence, by Mascoutah, in St. Clair county, Nashville and Richmond, in Washington county, to a point between section ten, township two south, one west of the third principal meridian, in the county of Washington, Illinois, and section six, township six south, one west of third principal meridian, in the county of Perry, Illinois, upon a route to be by said company selected, and to take, transport and carry property and persons upon said railroad, by power and force of steam, or of animals, or of any other power or other combination of them which said company may choose to use or apply; and for the purpose of constructing said railroad or way, said company shall have power and authority to lay out, designate and establish their said road, in width one hundred and fifty feet, through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal in the manner hereinafter provided on all such lands so designated for the line and construction of said road, and all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of embankments, cuttings, obtaining of stone, gravel and sand, may take and appropriate as much more land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures, in connection with and appurtenances to said railroad, may take and have, use and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad; said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public roads or railroads across the road of said company when deemed expedient, but not so as to materially impair or obstruct the same.

§ 3. The said company, and under their direction, State lands, &c. their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, to any person or persons, body politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think proper and necessary and proper for the making of said railroad, with one or more sets of tracks or rails; and for all the purposes connected with said railroad for which said corporation

by the last preceding section is authorized, to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid for in the manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company; also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above named, as well for carrying goods, commodities, timber or other things, to and upon the said railroad, for conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said road, and to contract and agree with the owner or owners thereof, for earth, timber, gravel, stone or other material, or any article whatever which may be wanted in the construction and repair of said road or any of its appurtenances, the said company doing as little damage as possible in the execution of said powers hereby granted, and making satisfaction in the manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said land.

Real estate.

§ 4. The said company shall have power to take, receive and hold all such voluntary grants and donations of land and real estate for the purposes of said road as may or shall be made to said company to aid in the construction, maintenance and accommodation of said road; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said road or way, or which said company may wish to use or occupy, for the purpose of procuring stone, sand, gravel or earth, or other materials to be used in embankments or otherwise in or about the construction, repair or enjoyment of said road, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said road, which said company is authorized or empowered by this act to have or appropriate any lands, or to take and receive grants and conveyances of any and all interests and estate therein, and to them and their successors or assigns, in fee or otherwise. And in case said company cannot agree with [the] owner or owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers, the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for the construction of public roads, canals and other public works as prescribed by the act relating

to the public right of way, approved March 3, 1845; but when the owners or occupiers, or either of them, of such lands shall be a *femme covert, non compos mentis*, unknown, out of the county in which the said lands or property wanted may lie or be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded. That to ascertain the amount to be paid as above to the said owners or occupiers for lands and materials taken for the use of said corporation, it shall be the duty of the governor of the state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the amount of damages which the owners or occupiers of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or other real estate appraised, to be recorded by the said corporation in the circuit clerk's office of St. Clair county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same all the rights, privileges, franchises and immunities in said act contemplated: *Provided*, that notice by publication in some newspaper in St. Clair county shall be first given for thirty days to the owners or occupiers or unknown owners, as the case may be, of the intention on the part of the said corporation to apply to the governor for the appointment of commissioners as herein provided: *And provided further*, that any appeal which may be allowed under the provisions of the act above mentioned, or of any general law of this state, shall not affect the possession by said company of any of the lands appraised or taken under this act; and when the appeal may be taken, or writ of error prosecuted by any person or persons other than said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the lands described in the petition, or required by the said company for the uses and purposes of the said road, upon said [company] giving bond and security, to be approved by the clerk of the circuit court of the county of St. Clair, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all right to use the land and the way so condemned.

Commissioners.

Recorded.

Provided.

Appeal.

Bond.

Capital stock.

§ 5. The capital stock of said company shall be five hundred thousand dollars, which may be increased from time to time, by a vote of a majority in interest of the stockholders at their annual meeting, or at any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road; which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and which may be issued, certified and registered, and transferred in such manner and at such places as may be ordered 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 delinquents 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 necessary cost of sale, to be paid to the delinquent stockholder. The board of directors herein named and appointed shall cause books to be opened for subscription to the capital stock of said company, at such times and places, and in such manner as they may direct: *Provided*, that as soon as fifty thousand dollars of *bona fide* subscription to said capital stock shall be made, and five per cent. thereon paid in, it shall be lawful for said corporation to commence the construction of said road.

Directors.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of George Trumbull, Edward Pittman, John Murray, Russell Hinkley, Simon Eimer, Henry Goedking, Edward Omelveny, George Postel, Humphrey B. Jones, H. S. Osburn, Jos. J. Swanwick, John Scheel, George Low, A. D. Hay and P. E. Hosmer, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining; such appointees to continue in office till the next regular annual election of directors is held, and which said annual election of directors shall be held on the first Monday in September in each year, at the office of the company—thirty days' notice being given in a newspaper published at Belleville.

Votes.

§ 7. At any election held for the election of directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the person receiving

the largest number of votes to be declared duly elected, and to hold their offices until the next annual election, and until their successors are elected and qualified. All elections to be conducted by three judges, to be selected by the stockholders present.

§ 8. The office of said company shall be located in the city of Belleville, and the directors herein named are required to organize their board by electing one of their number president, and by appointing a secretary and treasurer. Location.

§ 9. Said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description, which they may deem necessary and proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation, and rates of fare, such sums as shall be lawfully established by the by-laws of said company, not to exceed——. Machines, &c.

§ 10. The said company hereby chartered shall be required to keep and use a sufficient number of locomotives, passenger and freight cars, and the other conveniences properly pertaining to a railroad, to carry and transport all passengers and freight requiring transportation upon the said road, and shall transport the same, and shall have the power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes, and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interest of said company, not incompatible with the constitution and laws of this state. Locomotives, cars &c., to transport.

§ 11. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road and the conveyance and transportation of persons and property thereon. Transportation.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or any road or highway lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus obstructed or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness. Intersections.

Dividends.

§ 13. The said company shall, annually or semi-annually, make such dividends as they may deem proper of the net profits and receipts of income of said company among the stockholders therein, in proper proportion to their their respective shares.

Power to mine,
&c.

§ 14. The said company shall have power to dig, or mine stone coal upon their own lands within five miles of the line of their road, and to construct necessary branch roads to such mines, for the purpose of transporting their coal, and for no other purpose whatever.

Subscriptions.

§ 15. The said company may accept subscriptions to the stock of said road from the city of Belleville, and the county of St. Clair, or any other county through which the said road runs, or either of them, to an amount not to exceed twenty-five thousand dollars each; and for the purpose of raising the amount so to be by them subscribed, the said city of Belleville, by her corporate authorities, and the said county of St. Clair, are hereby authorized and empowered to borrow any sum not exceeding twenty-five thousand dollars, each payable at such times and places and in such sums and with such rate of interest as may be agreed upon, and may issue their city and county bonds therefor, under their respective seals.

Penalties.

§ 16. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building or construction or work of said company, or any machine or structure, or any matter or any thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished upon conviction by fine in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass before any justice of the peace of this state, or before any court having jurisdiction thereof.

Union with other
roads.

§ 17. The said company shall have power to cross, intersect, join, and unite its road with any other railroad now or hereafter to be legally chartered, at any point upon the line of the road authorized to be constructed under the provisions of this act, with the necessary turn-outs and siding switches, and other conveniences in furtherance of the object of its connections, upon such terms as may be mutually agreed upon by the respective parties.

Power to borrow
money.

§ 18. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and furnishing or operating their

said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of bonds for less than their par value shall be good and valid and as binding upon said corporation as if the same were sold for the full amount thereof.

§ 19. The said corporation hereby chartered shall be required to construct and operate their said road 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 whatsoever. Restriction.

§ 20. The said company shall carry and transport the mail of the United States on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies, and they may, by their president or other officers and agents, sell, dispose of, or negotiate bonds or stocks of said company, for such prices and at such rates as in their opinion will best advance the interest of said company; and if such bonds or stocks are thus sold at a discount such sale shall be as valid and binding in every respect as if sold at par value. U. S. mail.

§ 21. This act to be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to incorporate the Belleville and Murphysboro Railroad Company, in force Feb. 8, 1853. and for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* John A. Wilson, William Rosborough, Thomas McClonkin, James A. Foster, A. M. Allen, Joseph B. Holmes, James H. Lucas, Alexander Kayser, R. B. Stewart, James Harrison, John Cavender, Charles P. Choteau, William M. Morrison, Samuel B. Chandler, William W. Roman, William C. Kinney, John Reynolds, Lorenzo P. Sanger, Daniel D. Page, J. B. Brown, William Truesdail, J. N. Pearce, B. S. Gray, A. J. Corporators.

Kuykendall, Cyrus Thomas, James M. Morgan, John A. Logan, William H. Snyder, Henry D. Bacon, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of the "Belleville and Murphysboro Railroad Company," with perpetual succession; and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are hereafter set forth.

§ 2. The Belleville and Murphysboro Railroad Company shall have full power and authority to locate, and from time to time to alter, change, relocate, construct, reconstruct and fully to finish, perfect and maintain a railroad, with one or more tracks, commencing at Belleville, in the county of St. Clair, and running from thence, on the most eligible route, through Athens, Sparta, Murphysboro, to the Illinois Central Railroad, at a point to be chosen by the company, and to transport, take and carry property and persons upon said railroad, by power or force of steam or of animals, or of any mechanical or other power or combination of them, which said company may choose to use or apply; and for the purpose of constructing said railroad or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal in the manner hereinafter provided, on all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures in connection with and appurtenances to said railroad, may take and have, use and occupy any lands upon either side of said railroad, said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of pub-

Style.

General powers:

Objects.

Width of road.

Right of way.

Proviso.

lic roads or canals or railroads across the road of said company when deemed expedient, but so as not materially to impair or obstruct the same: *Provided*, that no relocation of the said road shall be made under this section by which any of the points herein named shall or may be abandoned. Proviso.

§ 3. Said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same, or of any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said road for which said corporation, by the last preceding section, is authorized to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad. The damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said railroad company; and also to make, build, erect and set up in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purposes of said railroad; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying, conveying goods, commodities, timber or other things to and upon said railroad as for carrying or conveying all manner of material necessary for the making and erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and to contract and agree with the owner or owners thereof for earth, timber, gravel, stone or other material, or any articles whatever which may be wanted in the construction or repair of said railroad or any of its appurtenances; they, the said company, doing as little damage as possible in the execution of said powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said land. Surveys.

§ 4. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said railroad as may or shall be made to said company to aid in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any land upon which said com- Real estate.

pany may wish to construct said railroad or way, or which said company may wish to use or occupy, for the purposes of procuring stone, sand or gravel, earth or other material to be used in embankments, or otherwise in or about the construction, repair or enjoyment of said railroad, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said railroad, for which said company is empowered or authorized by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any and all interests and estates therein, and to them and to their successors or assigns, in fee or otherwise; and in case said company cannot agree with such owner or occupiers of such lands as aforesaid so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or any or either of them, be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the lands or property wanted may lie or be situate, the same may be taken and paid for, if any damages are allowed, in the manner provided for in an "An act to provide for a general system of railroad incorporations," approved November 5, 1849, and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated: *And provided*, that any appeal that may be allowed under the provisions of the act above recited, or by virtue of any general law of this state, shall not affect the possession by said company of the land appraised; and when the appeal may be taken or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the lands described in the petition for the uses and purposes therein set forth upon said company giving bond and security, to be approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error, all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all right to use the land or way so condemned.

Proviso.

Capital stock.

§ 5. The capital stock of said company shall be one million dollars, which may be increased from time to time by a vote of a majority in interest of the stockholders, at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum not exceeding the estimated cost of constructing and equipping said road; which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and be issued, certified, transferred and

registered in such manner and at 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 the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction under such rules as the directors may adopt, the surplus money, if any remains after deducting the payment due, with the interest and the necessary costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed shall cause books to be opened for subscriptions to the capital stock of said company at such times and places, and in such manner as they shall direct: *Provided*, that as soon as two hundred thousand dollars of *bona fide* subscription shall be made to said capital stock, and twenty-five per cent. thereon paid, it shall be lawful for said company to commence the construction of said road.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of John A. Wilson, William Rosborough, A. J. Kuykendall, Lorenzo P. Sanger, John A. Logan, John Cavender, Henry D. Bacon, William W. Roman, James W. Hughes, William C. Kinney, Samuel B. Chandler, William Truesdail, Hart L. Stewart, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors, which said annual election shall be held on the first Monday in October in each year, at such place as the directors may direct, on said line, thirty days' notice being given in two newspapers printed along the line of said road. The office of said company shall be located in the city of Belleville.

§ 7. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the person receiving the largest number of votes to be declared duly elected, and hold their office until the next annual election, and until their successors are are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 8. The directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

Machines, &c.

§ 9. Said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purposes of transportation on said railroad; and they shall have power to charge for tolls and transportation and rates of fare such sums as shall be lawfully established by the by-laws of said company.

By-laws, &c.

§ 10. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state.

Transportation.

§ 11. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road and the conveyance and transportation of persons and property thereon.

Intersections.

§ 12. Whenever it shall be necessary for the construction of any railroad to intersect or cross a track of any other railroad, or any stream of water, or water course, or road, highway, lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

Dividends.

§ 13. The said company shall annually or semi-annually make such dividend as they may deem proper, of the net profits, receipts or income of said company, among the stockholders therein, in proper proportions to their respective shares.

Penalties.

§ 14. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, or construction or work of said company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or by imprisonment, not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation

treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said the company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

§ 15. Said company are hereby authorized to borrow money, from time to time, on the credit of the company, at any rate of interest not exceeding seven per cent. per annum, as may be agreed on between the parties, for the sole purpose of constructing said road, and furnishing the same with cars, locomotives and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor in denominations of not less than five hundred dollars, and to secure the payment thereof, with the interest that may accrue thereon, may mortgage their corporate property or franchises, or convey the same by deed of trust for said purposes; and they may, by their president or other officers or agents, sell, dispose of, or negotiate such bonds or stocks of said company, at such times and places, either within or without the state, and at such rates and for such prices as in their opinion will best advance the interest of said company; and if such bonds and stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt.

Power to borrow money.

§ 16. The certificate of the secretary of said company, under the corporate seal thereof, shall be received in all courts of justice and elsewhere as evidence of the regular organization of said company under its charter, and of any act or order of the board of directors of said company.

Certificate of secretary to be evidence.

§ 17. Said company shall carry and transport the mail of the United States on such terms as may be agreed, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies.

United States mail.

§ 18. Said company hereby chartered shall be required to construct and operate their said road throughout the entire line thereof, according to the terms of this charter, within seven years after the work shall be commenced thereon, and upon failure so to do shall forfeit all rights and privileges, tracks completed and work done upon said road.

Restriction

§ 19. All the stockholders of said company shall be severally individually liable to the creditors of said com-

Individual liability.

pany to an amount equal to the amount of stock held by them respectively, and for all debts and contracts made by said company, until the whole amount of capital stock fixed and limited by said company, or by this act, shall have been paid on, and shall be jointly and severally liable for all debts that may be due and owing to any and all their laborers, servants and apprentices, for services performed for said company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said company, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders.

Public act.

§ 21. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 8, 1853.

in force Feb. 12, 1853. AN ACT to incorporate the Madison and Clinton Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Solomon Keopfle, Joseph Suppinger, Gossit Crownover, Curtis Blakeman, Daniel Ground, George T. Allen, Joseph Gillespie, Andrew Miller, William T. Brown, Frederick T. Kroft, Samuel Wade, Amasa S. Barry, Benjamin K. Hart, Samuel A. Buckmaster, and their associates and successors, are hereby made and constituted a body corporate and politic, by the name and style of "The Madison and Clinton Railroad Company," with perpetual succession, and by that name and style shall be capable in law or equity of suing or being sued, and pleading or being impleaded, in any suit in law or equity in this state, and of taking, purchasing, holding, leasing, selling and conveying estate or property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; may have a common seal, which they may alter or renew at pleasure; and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary or proper to carry into effect the purposes or objects of this act, as hereinafter set forth.

Style.

General powers.

Objects.

§ 2. The Madison and Clinton Railroad Company shall have full power and authority to locate, construct, finish and maintain a railroad, with one or more tracks, commencing at some suitable point at or near the town of Milton, on Wood river, in Madison county, Illinois, and running from thence to a point on the Ohio and Mississippi Railroad, at or near where the said last mentioned road crosses Shoal Creek, in Clinton county, and by way of the towns

of Edwardsville and Highland, in Madison county aforesaid, and upon the most eligible route, and to take and carry property and persons upon said railroad, by power or force of steam or animals, or any mechanical or other power, or combination of them, which said company may choose to use or apply; and for the purpose of constructing said railroad, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding two hundred feet, through the entire route thereof; they may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor the amount of damages as shall have been settled by appraisal, in the manner as provided for by the general laws of this state; on all such lands as may be taken upon any track upon which [said] road may be located, and for the purpose of cuttings and embankments, and for the purpose of obtaining stone or gravel, may take and appropriate as much more land as may be necessary for the proper construction, maintenance and security of said road, and for constructing shops, depots and other suitable fixtures as appurtenant to said road, may take, have and use any lands on each side thereof, not exceeding three hundred feet in width from said road, said company taking all such lands as gifts or purchases, or by making compensation therefor as above provided.

Width of road.

Right of way.

§ 3. The said company shall have full power and authority to enter upon any lands of the state, or of any individuals or bodies politic and corporate, and, by their servants and agents, to make the necessary surveys for the location and construction of said road, and also for procuring the necessary sand, gravel, timber and other materials necessary for the construction, use and maintenance of their road and its appurtenances, upon the land so appropriated and to be used for that purpose.

State lands, &c.

§ 4. The said company shall have power and authority to condemn as aforesaid such temporary right to any land as shall be thought necessary, and in estimating damages for the right of way, or other rights claimed under this act, the commissioners or jury may take into consideration the benefits to be derived to the owner from the construction and operation of said road, in pursuance of the constitution and laws of this state.

Right of way.

§ 5. The capital stock of said company shall be five hundred thousand dollars, with the right to increase the same to an amount equal to the cost of constructing and equipping said road; which stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued, transferred and registered in such time, place and manner as may be pre-

Capital stock.

scribed by said company, who shall also provide the time and manner in which all subscriptions of stock may be paid, and may authorize and conduct all actions and suits at law or in equity for the recovery of such subscriptions, or instalments thereof, as they may deem necessary, and in addition, may declare all stock upon which any instalment is due and unpaid forfeited, and the same may be transferred either to said company or to the subsequent purchaser thereof; which proceeding may be had upon and after such notice and the expiration of such time as may be provided for by the said company through the board of directors.

Board of directors.

President.

§ 6. The above named persons, or a majority thereof, shall constitute the first board of directors of said company, one of whom shall be elected by ballot president of the board. The first meeting shall be held at Edwardsville, and the subsequent meetings at such times and places as may be provided. Said directors shall hold their office for one year, and until their successors shall be elected and qualified, and the said board shall prescribe the time and place of such elections, and the qualifications of those voting and to be voted for as directors. Said directors may choose a secretary, who shall keep and preserve a correct record of all the proceedings and doings of said board, and of such duties as may be required of him, and the book or books in which said records shall be kept shall be *prima facie* evidence of the truth of such records, in any court or place of judicature in this state wherein said company shall be a party. Vacancies in said board may be filled by two-thirds of the remaining members, until the next election. The said board of directors at any meeting may direct the opening of books at such time and places and in such manner and upon such notice as they may deem advisable, they shall also have power to prescribe the amount which shall be paid in at the time of subscription. They may also commence the construction of said road without reference to the amount of stock which may be subscribed at the time of such commencement. Said company shall also have power to appoint a treasurer and prescribe his duties, and may require a bond with security for the faithful performance of his duties as such, which shall be binding in law or equity upon the person entering into the same. Said company shall have power to regulate the tolls, charges and rates for transportation of freight and passengers upon the said road, and may change and alter the same at pleasure: *Provided*, that due notice of such change shall be given as prescribed by the said board. Said company shall also have power to build or purchase all necessary locomotives, passenger, freight and other cars, or vehicles for the use of said road, or to hire or rent the same from other persons or companies.

Treasurer

Regulate tolls &c

Proviso.

§ 7. Said company shall have power to make, ordain ^{By-laws.} and establish such by-laws, rules and regulations, for the government of the affairs of said corporation, as they may deem proper and not inconsistent with the constitution and laws of this state, or of the constitution of the United States.

§ 8. Said company shall have the right to cross any ^{Intersection-, water courses, &c.} other railroad or other road, or highway, or water course, in such manner as not to impair their usefulness.

§ 9. Said company shall be liable to taxation for state ^{Liabli to taxation} and county purposes as other property in this state, and the rolling stock thereon shall be taxed in each county for county purposes, in proportion to the length of the line in said county, and the secretary of said company shall, whenever required by the county court, furnish a statement, under oath, of the cost of the construction and equipment of said road in each county through which it passes, and the value of the said rolling stock; upon which oath, if false, perjury may be assigned; and no dividends shall be paid on said stock until a sufficient amount to meet said taxes shall be set apart for that purpose.

§ 10. Any person who shall do or cause to be done any ^{Penalties.} mischief to said road, or any car, machine, engine, structure, building, or other matter appertaining to said road, or who shall stop or obstruct, or attempt to stop or obstruct, any car or vehicle in motion or expected to be in motion, shall be punished by indictment, and fined in a sum not exceeding one thousand dollars, and imprisonment in the penitentiary not exceeding five years; and any person who shall maliciously, by weakening any part of said road or its fixtures, or by placing obstructions thereon, or otherwise, wilfully causing the same to be dangerous to life or limb, and shall thereby cause the death of any person using or being carried on said road, shall be deemed guilty of murder and punished accordingly; and for all offences done or intended and not herein named, the person so doing or intending shall be punished as now or hereafter may be provided by law.

§ 11. Said company is hereby authorized to unite its ^{Union with other roads.} road with the Alton and Terre Haute and Ohio and Mississippi Railroads, upon such terms as may be mutually agreed upon by and between them respectively; and in case no arrangement can be effected by agreement between the company incorporated under this act, and either of said companies, the terms and conditions of such union and connection may be fixed by the judge of the judicial circuit in which the greater part of said road may be situated, and either party may have an appeal from such decision to the supreme court, in the manner other appeals or writs of error can or may be taken.

Power to borrow
money.

§ 12. The said company is hereby authorized to borrow such sum or sums of money as may be necessary for completing and operating said road, and to issue and dispose of their bonds in such denominations as they may prescribe, at such rates of interest or discount as they shall determine upon, and in such form and upon such terms and conditions as to them shall seem best for effecting the speedy completion of said road; and they shall have the right to mortgage or in any manner to pledge their said road, its property and rights of every description, so as to secure the payment of any sum or sums of money borrowed, and they may do all things which natural persons might or could do, for effecting this object, and all such liens, mortgages, deeds of trust, or other instruments as may be executed by said company or its authorized agents, shall be deemed and taken to be valid and effectual in all courts and places, according to the true intent of the parties thereto.

Forfeitures.

§ 13. No forfeiture shall be occasioned by the means of non-completion of the whole of said road, but the company shall be permitted to use and operate so much as they have the means to construct; and the state of Illinois hereby surrenders to said company, to be used for the purpose of said railroad, and for no other purpose, all the right, title and interest she has in the track, grade, right of way, or other privileges or appurtenances of, in or belonging to so much of the Alton and Mt. Carmel Railroad as lies between the points of termini of the road authorized to be constructed under this act; and the said company is hereby authorized to take, use and enjoy, for the purposes aforesaid, all such right, interest, claim or demand of this state in the work or materials of the said Alton and Mt. Carmel Railroad as is now belonging or appertaining to this state.

Alton and Mount
Carmel road.

Power to continue
road to city
of Alton.

§ 14. In case the company incorporated under this act cannot, upon suitable terms, obtain from the Alton and Terre Haute Railroad Company, the right to use so much of the road and bridges of the latter company as is south of Wood river, and from thence to the city of Alton, then the company incorporated under this act shall have the power to continue their road into the said city.

General law ap-
plicable.

§ 15. The proceedings of the company incorporated under this act, in all things necessary to enable them to build, maintain and operate their road not herein provided for, shall be governed by the general internal improvement law of this state, approved November 5th, 1849.

§ 16. The company incorporated under this act shall commence their railroad within three years from and after the passage hereof; and this act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Decatur and Indianapolis Railroad Company. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That David L. Allen, Wm. Martin, J. C. Pugh, Wm. S. Cressey, Richard J. Oglesby, Henry Prather, T. H. Haywood, W. D. Watson, John Rucker, E. J. Howd, Samuel Yamale, J. J. Peddecord, B. H. Cassell and J. R. Hammett, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Decatur and Indianapolis Railroad Company," for the purpose of surveying, locating, constructing, completing and operating a railroad, from the town of Decatur, in Macon county, in the state of Illinois, and thence in a direct line, upon the most eligible route, to the east line of the state of Illinois, in the direction of Indianapolis, in the state of Indiana, whenever the said persons, or their assigns and associates, shall organize in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5, A. D. 1849.*

§ 2. Said road, with the points above herein indicated, is hereby declared of sufficient public utility to justify the taking of private property for the location, construction and maintenance thereof; and the company is hereby authorized to take private property for the purpose of constructing and maintaining the same, in the manner prescribed in the act referred to as aforesaid.

§ 3. Said company is hereby authorized and empowered to unite and form a junction with the Indiana and Illinois Central Railway Company, or any other company which is or may hereafter be organized in the state of Indiana, terminating on said line; and also, to unite and consolidate with the said Indiana and Illinois Central Railway Company, upon such terms and conditions as the directors shall mutually agree upon; and in the event that said companies shall consolidate, then and in that case there shall be but thirteen directors on the whole line of road so consolidated, and the number to reside in each state shall be determined as in the case of consolidation.

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

APPROVED February 8, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Waverley and Auburn Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That J. M. Metcalf, William Rhoades, R. H. Nelson, A. Coe, W. Lindley, Thomas Lumer, George Carter, James W. Munson, Isaiah Turney, Newton Cloud, William Deatherage, J. H. Brown, W. W. Hilton, A. J. Turner, Wm. A. Hutchinson, J. W. Ross, A. Edgemon, C. J. Salter, T. E. Curtis, W. W. Post, Charley Hopper, C. C. Sacket and Jacob Wimple, their associates, successors and assigns, be and are hereby constituted a body corporate and politic, under the name and style of "The Waverley and Auburn Railroad Company," for the purpose of surveying, locating, constructing, completing and operating a railroad from the town of Waverley, in Morgan county, to Auburn depot, in Sangamon county, whenever the said persons, or their assigns and associates, shall organize in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad incorporations," approved 5th November, A. D. 1849.*

Objects. § 2. Any real estate that may become the property of said company under the provisions of the preceding section shall not extend over fifteen miles from the said road, nor shall the company hold such real estate for a longer time than ten years after the said road shall be completed and in running order.

Real estate. § 3. Said board, with the points herein indicated, is hereby declared to be of sufficient public utility to justify the taking of private property for the location, construction and maintaining thereof; and the company is hereby authorized to take private property for the purpose of constructing and maintaining the same in the manner prescribed in the act referred to as aforesaid.

Right of way. § 4. This act shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 2, 1853. AN ACT to amend an act entitled "An act granting a charter to the St. Charles Branch Railroad Company," approved January 31, A. D. 1849, and to extend the same.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the name of the St. Charles Branch Railroad Company be and the same is hereby changed to that of the "Chicago, St. Charles and Mississippi Air Line Railroad Company."*

Name changed.

§ 2. That said company are hereby authorized and empowered to relocate and extend their railroad eastward from St. Charles to the city of Chicago, or to any point on the Galena and Chicago Union Railroad east of said place, or may lease or purchase of said railroad company any portion of their railroad, or may unite with any other railroad now built or hereafter to be built to Chicago, and may also extend their railroad westward from St. Charles to the Mississippi river to a point on said river not south of Albany nor north of Savanna; at which point, or at any place east of said river, may connect with any other railroad now built or hereafter to be built either in this state or the state of Iowa, and may operate in conjunction with the same, and may also extend their said railroad from such point on said river to Galena. Extension.

§ 3. The capital stock of said company may be increased to any sum not exceeding five millions of dollars, as may be deemed necessary to complete the said railroad as aforesaid by the directors. Capital stock

§ 4. The board of directors of said company may be increased to any number not exceeding thirteen. Directors.

§ 5. The said company are hereby authorized, by their engineers and agents, to enter upon any lands, and make all necessary examinations and surveys for the location of said road, and shall be responsible only for the actual damages done to any such lands or premises in so doing. Surveys.

§ 6. In all cases where said company shall not be able to acquire the right of way through any lands or premises which they may wish to occupy for the purposes of said railroad or its appendages, by purchase or voluntary cession, the same may be obtained in the mode provided by the 92d chapter of the Revised Statutes of this state, entitled "right of way;" or said company may proceed to obtain such right of way by the provisions of the 22d section of an act entitled "An act to provide for a general system of railroad incorporations," passed November 5th, A. D., 1849, and said company shall be entitled to all the beneficial provisions of said act, and the amendments to the same, or said company may proceed to obtain such right of way by the provisions of an act entitled "An act to amend the law condemning right of way for the purposes of internal improvement," in force June 22d, 1852, and said company shall be entitled to all the beneficial provisions of that act. Right of way.

§ 7. The said company are authorized and empowered to borrow from time to time, such sum or sums of money, not exceeding the capital stock of the company, as they may deem necessary to aid in the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent. per annum, and to pledge and mortgage the said railroad and its appendages, or any part thereof, Power to borrow money.

or any other property or effects, rights, credits or franchises of said company as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan, at such rate or on such terms as the board of directors may determine.

Payment of stock

§ 8. It shall be lawful for the directors of said company to make calls for the payment of sums subscribed to the capital stock of said company, at such time or times and in such amounts as they shall deem fit, not inconsistent with the terms of the subscription, giving at least not less than thirty days' notice of each of said calls in at least three public newspapers published in the city of Chicago, or on the line of said railroad; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall have been due and unpaid, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums previously paid thereon, forfeited to said company.

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

APPROVED February 3, 1853.

In force Feb. 12, 1853. AN ACT to change the name and further amend the charter of the Sangamon and Morgan Railroad Company.

Name changed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of the Sangamon and Morgan Railroad Company is hereby changed and declared henceforth to be "The Great Western Railroad Company," and by and under that name said corporation shall henceforth be known and have its corporate existence, and hold and be possessed of all the rights, powers and privileges granted to said Sangamon and Morgan Railroad Company, in the original charter of said company, as also under the amendments made to said charter, and shall be and become invested with all the property and estate of every kind whatsoever vested in the name of the said Sangamon and Morgan Railroad Company, and become liable to all the restrictions, contracts and obligations made or incurred in their original name, and all suits now pending, or liabilities accrued, or agreements made in said original name, shall proceed or continue to be enforced without any delay on account of said alteration, upon the suggestion of the change of name being entered of record in any court where any such agreements,

liability or right may be now pending, or hereafter sought to be enforced, and the Great Western Railroad Company shall be held subject to each and every act of the legislature having reference to said Sangamon and Morgan Railroad Company, and to repairing that portion of the Northern Cross Railroad, from Meredosia to the point of intersection by a lateral road, leading to Naples, and to keeping in use and repair, and subject to the provisions and forfeitures in said acts contained, as fully and effectually as though the Great Western Railroad Company were named in said several acts, in the view and stead of the said Sangamon and Morgan Railroad Company.

Repair Meredosia Branch.

§ 2. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, intersecting or extending to said road, and to grant to any such company the right to construct and use any portion of the road authorized to be constructed by said original charter, or any of the amendments thereto, made or to be made, upon such terms as may be mutually agreed upon between said companies; and the said Great Western Railroad Company shall have the power to take, use and make arrangements for the transportation of freight and passengers, carried or to be carried on said railroad, or otherwise, and for this purpose to construct, purchase, lease, use and own such boat or boats as may be necessary, to and from their termini on the Illinois river, and may construct, purchase, lease, use and own such wharfs, dykes and piers, with tracks, depots and warehouses thereon, and such tracks along the shore of the Illinois river, as may be necessary for the purposes of said road.

Union with any other road.

Powers.

§ 3. Whenever it shall be necessary for the construction and operation of said road to procure gravel, ballast stone, coal, or other material, said company shall have the power to construct, own, hold and use such branch roads to places three miles or more east of the Illinois river, where such material may be had, and are hereby empowered to take and hold, by donation, purchase, or by appraisal, as provided in the original charter of said company, land or right of way over any lands required for the construction of such branch or branches, not exceeding four rods in width, excepting where more is required for excavations, embankments, stations or materials: *Provided*, no one of such branches shall exceed five miles in length.

Materials for constructing road.

Right of way.

§ 4. That nothing in the second section of this act shall be so construed as to give to said company any power to release any other railroad company from completing any portion of their roads, and shall have no power or control over the charter or charters of any other railroad company whatever, or to release said Great Western Railroad Com-

Release.

Proviso.

pany from the construction of any portion of the Northern Cross Railroad which they are now required by law to construct, and they shall not be permitted to run a track along the shore of the Illinois river, either up or down said river, except for necessary turn-outs or switches, and the use of wharfs, dykes, piers, depots and warehouses aforesaid: *And provided further*, that the provisions of this act shall only be effectual upon this express condition: that the Great Western Railroad Company shall repair, and keep in repair and use, that portion of the Northern Cross Railroad which lies between Meredosia and a point where said Northern Cross Railroad is intersected by a lateral road extending to the town of Naples, in the time and manner as provided for in an act entitled "An act granting further time to the Sangamon and Morgan Railroad Company to repair a portion of the Northern Cross Railroad," approved January 24, 1853.

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

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to amend the charter of the Jacksonville and Carrollton Railroad Company.

Power of extension.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the Jacksonville and Carrollton Railroad Company, incorporated by an act entitled "An act to construct a railroad from Jacksonville, in Morgan county, to Alton, in Madison county," approved February 15th, 1851, be and are hereby authorized to extend the said railroad along the most eligible route to any point on the Mississippi river not more than twenty-five miles below the city of Alton, as may be deemed advisable by said company, and for the purpose of such extension, said Jacksonville and Carrollton Railroad Company are declared to possess all the powers, and shall be subject to all the restrictions contained in the original act of incorporation: *Provided*, that if the city of Alton shall subscribe and become responsible for the sum of one hundred thousand dollars as stock in the said railroad company, for the purpose of aiding in the construction of said railroad, in the same manner and upon the same terms that said city took stock in the Sangamon and Alton and Terre Haute and Alton Railroad corporations, then and in that case the terminus of the said Jacksonville and Carrollton Railroad shall be and remain at the said city of Alton. The

Proviso.

said city shall not, however, be required to take said stock in said railroad company until the county of Morgan, in its corporate capacity, or the inhabitants of said county, or both together, shall have subscribed the sum of fifty thousand dollars to the capital stock of said railroad company, and until the counties of Greene and Jersey, in their corporate capacity, shall have severally and respectively subscribed the sum of fifty thousand dollars to said capital stock. And when said several subscriptions shall have been made as aforesaid, and the subscribers become responsible for the payment of the same, it shall be the duty of the president of said railroad company to notify the authorities of the city of Alton of such subscriptions, and if the said city shall fail or refuse, within one month after said notification, to subscribe and become responsible for the said sum of one hundred thousand dollars, as herein directed, then and in that event the power of the said railroad company to make the extension aforesaid shall take effect.

§ 2. For the purpose of facilitating the construction of the railroad authorized by the act to which this is an amendment, the said corporation is hereby authorized to negotiate a loan or loans of money to the amount of its capital stock, and to issue the bonds of the said company for the same, and to pledge all its property, real and personal, and all its rights, credits and franchises for the payment thereof.

§ 3. If the said Jacksonville and Carrollton Railroad shall be extended as provided in the first section of this act, then the capital stock of said company may be increased to such a sum of money as may be deemed necessary to construct, finish and maintain such extension; and said company shall have authority to increase the number of their directors, not exceeding four, in addition to those already provided for.

APPROVED February 11, 1853.

AN ACT to amend an act entitled "An act to incorporate the Terre Haute and Alton Railroad Company." in force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all rights belonging to the state, in any roads heretofore constructed, or partly constructed, under the general internal improvement system, upon the line of the said company, are hereby granted to and vested in said company.

§ 2. The certificate of the secretary of said company, under the corporate seal thereof, shall be received in all

Certificate of secretary to be received as evidence.

courts of justice and elsewhere, as evidence of the regular organization of said company under its charter, and of any act or order of the board of directors of said company; and all the acts and doings of said company, in the organization thereof, are hereby declared to be good and valid, and the rights, privileges and franchises of said company as granted are hereby declared to be in full force and effect.

Increase of capital stock.

§ 3. The capital stock of said company may be increased from time to time by order of its board of directors to such amount as may be necessary to complete their road, not exceeding four millions of dollars; and subscription to the increased capital stock may be made from time to time, on such terms as may be ordered by the board of directors of said company.

Vacancies.

§ 4. The board of directors of said company, or a majority of the same, are hereby authorized to fill any vacancy that may occur or has occurred in their body, occasioned by death, resignation or otherwise.

Public act.

§ 5. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853.

AN ACT to incorporate the Decatur and Pekin Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Richard J. Oglesby, Henry Prather, W. D. Watson, J. C. Pugh, David L. Allen, Jabez Capps, J. F. C. Mershon, William H. Lowry, John Myers, George W. Turley, Geo. Musick, Solomon Kahn, Joseph Orenderf, W. S. Maus, John W. Case, John Smith, J. C. Thompson and Wm. D. Briggs, their associates, successors and assigns, be and are hereby constituted a body corporate and politic, under the name and style of "The Decatur and Pekin Railroad Company," for the purpose of surveying, locating, constructing, completing and operating a railroad from the town of Decatur, in Macon county, in the state of Illinois, and thence upon the most eligible route through the towns of Mt. Pulaski and Camden, in Logan county, in the state of Illinois, to the town of Pekin, in Tazewell county, Illinois, whenever the said persons, or their assigns and associates, shall organize in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, A. D. 1849.

Style.

Object.

§ 2. Any real estate which may become the property of said company under the provisions of the preceding section, shall not extend over fifteen miles from the said road, nor shall the company hold such real estate for a longer time than ten years after the said road shall be completed and in running order.

§ 3. Whenever the said company shall have organized as is herein provided, it is hereby declared to be of sufficient use to justify the taking of private property for the construction and maintaining said road, under the provisions of said act to provide for a general system of railroad incorporations.

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

APPROVED February 11, 1853.

AN ACT to incorporate the town of Carlinville.

In force Feb. 9,
1853.

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 Carlinville, in the county of Macoupin, are hereby constituted and declared a body corporate and politic, by the name and style of the "President and Trustees of the town of Carlinville," 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 city; 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.

§ 2. The boundaries of the said town shall be as defined by the last ordinances of the board of trustees thereof, and the said ordinances are 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 shall be attached to and form a part of the same.

§ 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, he shall have resided in said town for the space of six 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.

Trustees to determine qualification of its members &c.

§ 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.

Ordinance.

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 district for justice of the peace.

§ 6. The boundaries of said town as herein defined, or as may be hereafter defined by ordinance, shall constitute a district for the election of one justice of the peace and one town constable, who shall be elected by the qualified voters of said town at the same time and place at which the trustees are elected; and the said justice of the peace shall give bond and qualify as other justices are required by law to do; and he shall be *ex officio* president of the board of trustees, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a trustee by the third section of this act, and if he shall remove from said town his office shall be vacated.

President to give casting vote in case of tie.

Election to be determined by lot in case of tie.

§ 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 to be held for town officers.

§ 3. On the first Monday in the month of April, A. D. 1853, and on the first Monday in April in each year thereafter, an election shall be held in said town for one justice of the peace, one town constable and four 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 ten o'clock in the forenoon, and close at four 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 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 election before the board at its

Trustees to be judges of election.

Certified to county clerk.

first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

§ 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 who shall have resided in said town one month next before any such election.

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 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 ordinances not not repugnant to the constitution of the United States; or the said trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector.

Taxes for general purposes.

§ 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 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 them 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.

Trustees may adopt the assessment made by authority of the state.

Compensation of officers.

§ 12. The said board shall have power to appoint such 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 security, and take such oaths as may be judged necessary to ensure 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.

Board to appoint certain officers.

Give bond and take oath.

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.

Health regulations.

Nuisances.

To open, abolish, alter, widen, extend, establish, grade, or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges.

Open and repair streets, alleys, &c.

Bridges.

- To provide public buildings. To provide for the erection of all needful buildings for the use of the town, and to provide for the enclosing, laying off, improving and regulating all public grounds, squares and burial grounds, belonging to the town.
- Public grounds and burial grounds. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, pedlers, brokers and money changers, but not to license the sale of intoxicating drinks.
- Licenses. Auctioneers, grocers, &c. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Theatrical amusements and other exhibitions. To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses.
- Tippling houses. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Fires and fire companies. 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.
- Regulate fences. Hay, coal, &c. To provide for taking the enumeration of the inhabitants of said town.
- Census. To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.
- Election and duties of town officers. To fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance.
- Fines, penalties, &c. 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 encumbering 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 enclosed lots; to prevent the running at large of horses, cattle, hogs, sheep, or 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 of 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 ordinance.
- To prevent the firing of squibs, rockets, guns, or other combustibles or fire arms, within the limits of said town.
- 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 : Style.
“Be it ordained by the President and Trustees of the town of Carlenville;” 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 corporation, 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. Ordinances, how proven.

§ 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 wilful 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 in 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. President to preside at all meetings.

§ 16. The said president shall be commissioned by the governor as and he shall have and exercise the same power and jurisdiction conferred upon other 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 fees and compensation allowed for similar services, under the laws of this state, to other justices of the peace, and for any wilful and corrupt oppression, malconduct 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 one 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. President commissioned a justice of the peace.

§ 17. The president and trustees shall have power by ordinance to levy, assess and collect a special tax on the holders and owners of lots upon any street, square, lane or alley, or upon any part of any street, square, lane or alley, according to their respective fronts owned by them, Special taxes.

for the purpose of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of the tenth and eleventh sections of this act, or as may be provided by ordinance.

Road labor.

§ 18. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, to require every male inhabitant of said town, over the age of twenty-one years, to labor on said 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.

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.

Writs to be prosecuted in the name of the town.

§ 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 president of the board, or in case of his 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 other cases before other 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 upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Appeals.

Jurisdiction of town constable.

§ 21. The town constable elected 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 Macoupin, 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 said board shall by ordinance prescribe.

Suits to be commenced in name of town.

§ 22. All suits for fines and penalties in and for the violation of any ordinance, shall be in the name of "The

town of Carlinville," and the said corporation shall have power to regulate, by ordinances, the form and nature of the first and of any subsequent process, and the mode of executing the same.

§ 23. She president and trustees of said town shall have jurisdiction of common schools within said town, and shall have power to assess and provide for the collection of taxes for the erection of school houses, the support of schools, and finishing the said school houses, the employment of teachers and the payment of the same. Schools and school houses.

§ 24. This is declared to be a public act, to take effect from and after its passage.

APPROVED February 9, 1853.

AN ACT to incorporate the City of Warsaw.

In force Feb. 12, 1853.

ARTICLE FIRST.—*Of Boundaries and General Powers.*

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 Warsaw, in the county of Hancock, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Warsaw;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Corporation. Style, &c. Succession.

§ 2. All that district of country embraced within the following boundaries, to wit, beginning in the main channel of the Mississippi river, due west of the south side of the southwest fractional quarter of section nine, township four north, range nine west, in said Hancock county; thence up said river, along the middle of said channel, to a point due north of the east line of the southwest quarter of section three in said township; thence south to the southeast corner of the southwest quarter of section three; thence west to the centre of the south line of said quarter section; thence south to the southeast corner of the west half of the northwest quarter of section ten, in said township; thence east to the northeast corner of the southwest quarter of said section; thence south to the south line of Wilson's addition to the town of Warsaw; thence west to the east line of English's addition to said town; thence south to the south line of said English's addition to said town, and thence west to the place of beginning, is hereby declared to be within the boundaries of said city of Warsaw. Boundaries.

- Division into wards. § 3. The present board of trustees of the town of Warsaw shall, on or before the first day of March next, divide the said city of Warsaw into three wards, as nearly equal in population as practicable, particularly describing the boundaries of each.
- Addition. § 4. Whenever any tract of land adjoining the city of Warsaw 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 said city of Warsaw.
- General powers. § 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, 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 city, to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city, to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE SECOND.—*Of the City Council.*

- City council. SECTION 1. There shall be a city council, to consist of a mayor and board of alderman.
- Board of aldermen. § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years, and by general ticket, until otherwise ordered by the city council.
- Qualifications of aldermen. § 3. No person shall be an alderman unless, at the time of his election, he shall have resided six months within the limits of the city, and shall be, at the time of his election, twenty-one years of age, a citizen of the United States, and a resident of the ward for which he is elected.
- Removal to vacate office. § 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby become vacated.
- Aldermen to be divided into two classes. § 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually.
- Qualifications of members of council. § 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.
- Quorum. § 7. A majority of the city 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 penalties as may be prescribed by ordinance.

§ 8. The city council shall have power to determine the rule 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.

§ 9. The city 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 on the journal. Keep a Journal of proceedings.

§ 10. No alderman shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected. Aldermen not eligible to offices created during their terms.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies, how filled.

§ 12. The mayor and each alderman, 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 ability. Oath of office.

§ 13. Whenever there shall be a tie in the election of aldermen, the judge of election shall certify the same to the mayor, who shall determine the same by lot in such manner as shall be provided by ordinance. Tie, how to be decided.

§ 14. There shall be twelve stated meetings of the city council in each year, at such time and places as may be prescribed by ordinance. Stated meeting of aldermen.

ARTICLE THIRD.—*Of the Chief Executive Officer.*

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Mayor, and his term of office.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States. Qualifications of mayor.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated. When office of mayor to be vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of elections shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided by ordinance. Tie, how decided.

Contested election.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

Vacancy to be filled by election.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE FOURTH.—*Of Elections.*

Election of mayor.

For aldermen.

Manner of election.

Qualification of voters.

Proviso.

§ 1. On the first Monday of April next, an election shall be held in said city for one mayor for the city, and two aldermen for each ward; and forever thereafter, on the first Monday of April of each year, there shall be an election held for one mayor for the city, and one alderman for each ward. The first election for mayor and aldermen shall be held, conducted and returns thereof made as may be provided by ordinance of the present trustees of the town of Warsaw.

§ 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, shall be entitled to vote for city officers: *Provided*, the city council may at any time require by ordinance that said voters shall give their votes for mayor and aldermen in the wards in which they respectively reside, and in no other; and that no vote shall be received at any of said elections unless the person offering the same shall be at the time an actual resident of said ward.

ARTICLE FIFTH.—*Of the Legislative Powers of the City Council.*

Power to borrow money and collect taxes.

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said city, not exceeding one-half of one per [cent. 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 this state.

Officers.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisors of streets, and all such other officers as may be necessary.

Official bond.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bond 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 performance of the duties of their respective offices before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at

Oath.

Schools.

a greater interest than six per cent. per annum, except for railroad and plank road purposes, as hereinafter mentioned, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the corporation, except for railroad and plank road purposes, as hereinafter mentioned.

§ 4. To appropriate money and provide for the pay-
ment of the debt and expenses of the city. Debts.

§ 5. To make regulations to prevent the introduction
of contagious diseases into the city, and to make quaran-
tine laws for that purpose, and enforce the same within five
miles of the city. Contagious diseases.

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

§ 7. 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. Health. Nuisances.

§ 8. To provide the city with water, to erect hydrants
and pumps in the streets for the convenience of the in-
habitants. Hydrants and pumps.

§ 9. To open, alter, abolish, widen, extend, establish,
grade, pave, or otherwise improve and keep in repair
streets, lanes, avenues and alleys. Streets, &c.

§ 10. To establish, erect and keep in repair bridges. Bridges.

§ 11. To divide the city into wards, alter the bounda-
ries thereof, and erect additional wards, as the occasion
may require. Divide into wards.

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

§ 13. To establish, support and regulate night watches. Night watches.

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

§ 15. To provide for the erection of all useful build-
ings for the use of the city. Public buildings.

§ 16. To improve and preserve the navigation of the
Mississippi river within the limits of the city. Public grounds.

§ 17. To erect, repair and regulate public wharves
and docks, to regulate the erection and repairs of private
wharves and the rates of wharfage thereat. Wharves and docks.

§ 18. To license, tax and regulate hackney carriages,
wagons, carts and drays, fix the rates to be charged for
the carriage of persons, and for wagonage, cartage, and
drayage of property. Carriages, drays, &c.

§ 19. To license and regulate porters, and fix the rate
of portorage. Porters and portorage.

§ 20. To license, tax and regulate theatrical and other
exhibitions, shows and amusements. Theatrical shows, &c.

- Tipping houses,
 dram shops, &c. § 21. To restrain, prohibit and suppress tipping hou-
 ses, dram shops, gaming houses, bawdy houses, and other
 disorderly houses.
- Fires and fire
 companies. § 22. To provide for the prevention and extinguish-
 ment of fires, and to organize and establish fire companies.
- Regulate wooden
 buildings. § 23. To regulate or prohibit the erection of wooden
 buildings in any part of the city.
- Chimneys and
 flues. § 24. To regulate the fixing of chimneys and fixing the
 flues thereof.
- Storage of gun-
 powder. § 25. To regulate the storage of gunpowder, tar, pitch,
 rosin and other combustible materials.
- Walls and fences § 26. To regulate and order parapet walls and parti-
 tion fences.
- Weights and
 measures. § 27. To establish standard weights and measures, and
 regulate the weights and measures to be used in the city,
 in all cases not otherwise provided for by law.
- Inspectors of
 lumber, &c. § 28. To provide for the inspection and measurement
 of lumber and other building materials, and for the meas-
 urement of all kinds of mechanical work.
- Inspectors of hay,
 &c. § 29. To provide for the inspection and weighing of
 hay and stone coal, the measuring of charcoal, fire wood
 and other fuel to be sold and used within the city.
- Inspection of to-
 bacco, &c. § 30. To provide for and regulate the inspection of
 tobacco, beef, pork, flour, meat and whisky in barrels.
- Inspectors of but-
 ter, &c. § 31. To regulate the inspection of butter, lard and
 other provisions.
- Weight of bread. § 32. To regulate the weight, quality and price of
 bread to be sold and used in the city.
- Size of bricks. § 33. To regulate the size of brick to be sold or used
 in the city.
- Censuses. § 34. To provide for taking enumerations of the in-
 habitants of the city.
- Election and re-
 moval of city of-
 ficers. § 35. To regulate the election of the city officers, and
 provide for removing from office any person holding an
 office created by ordinance.
- Police regulations
 and fines. § 36. To regulate the police of the city, to impose
 fines, forfeitures and penalties for the breach of any ordi-
 nance, and provide for the recovery and apprehension of
 such fines and forfeitures, and the enforcement of such
 penalties.
- Compensation of
 city officers. § 37. To fix the compensation of all city officers, and
 regulate the fees of jurors, witnesses and others, for ser-
 vices rendered under this act, or any ordinance.
- § 38. The city council shall have power to make all
 ordinances which shall be necessary and proper for carry-
 ing 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 this state.
- Style of ordinan-
 ces. § 39. The style of the ordinance of the city shall be :
 "Be it ordained by the city council of the city of Warsaw;"

§ 40. All ordinances passed by the city council shall, Publication of ordinances. within one month thereafter, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 41. All ordinances of the city may be proven by the Proof of ordinances. seal of the corporation, and when printed and 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.

ARTICLE SIXTH.—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the Mayor to preside at meetings of council. city council, and shall have a casting vote, and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The mayor or any two aldermen may call special Special meetings. meetings of the city council.

§ 3. The mayor shall at all times be active and vigilant Duties of mayor. in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be presented and punished; he shall from time to time communicate to the aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorized to call on every male inhabitant of said city over the age of eighteen years to aid Posse. in enforcing the laws and ordinances, and in case of riot to call out the militia, to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it Power to compel exhibition of books, &c. necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may Executive power. be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a To be commissioned a justice of the peace. justice of the peace for said city, and as such shall be a conservative of the peace in said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take acknowledgments of deeds, mortgages and other instruments of writing,

and certify the same under the seal of the city, which shall be good and valid in law.

Exclusive jurisdiction.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the limits of said city arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases.

Jurisdiction under ordinances.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Salary.

§ 10. And he shall receive for his services such salary as shall be fixed by an ordinance of the city, and the usual fees of the justices of the peace.

Liability to indictment.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and 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 Hancock county, and on conviction he shall be fined not more than two hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

Judgment.

ARTICLE SEVENTH.—*Proceedings in Special Cases.*

Private property, how appropriated.

§ 2. When it shall be necessary to take private property for opening, widening or altering any public 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 such compensation cannot be agreed on, the mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the city.

Opening, widening and altering of streets.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered shall petition therefor, the city council 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 where property shall be taken for the opening, widening or altering of such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

Jurors to be sworn.

§ 3. All jurors impanelled to inquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley shall be first sworn

to that effect, and shall return to the mayor their inquest, in writing, signed by each juror.

§ 4. In assessing 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 benefit as well as the injury happening by such opening, widening or altering of such street, lane, avenue or alley. Rule of assessing damages.

§ 5. The mayor shall have power, for any good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and cause a new inquest to be made. Assessment may be set aside.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective parts owned by them, for the purpose of paving and grading the side walks. Special taxes for street purposes.

ARTICLE EIGHTH.—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Warsaw are hereby exempted from working on any road beyond the limits of the city. Exemption from road labor out of the city.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused. Street labor.

§ 3. The city council shall [have] power to provide for the punishment of offenders by imprisonment in the county or city 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.

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

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Warsaw shall remain in force until the same shall be repealed by the city council hereby created. Ordinances of trustees.

§ 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 city of Warsaw. Manner of instituting and prosecuting suits.

§ 7. All actions, fines and forfeitures which have accrued to the president and trustees of the town of Warsaw, Actions &c. commenced by old corporation, to be prosecuted by new.

shall be vested in and prosecuted by the corporation hereby created.

Property to vest
in new corpora-
tion.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Warsaw, 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.

Acts of town trust-
ees to remain
valid.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Warsaw, nor divest them of any right which may have accrued to them prior to the passage of this act.

Promulgation of
law.

§ 10. The president and trustees of the town of Warsaw shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Warsaw, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city for four weeks in succession prior to the day of election for said city officers.

Appeals.

§ 11. Appeals shall be allowed from all decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Hancock 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.

Mayor *pro tem*.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

This act to be
public.

§ 13. 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.

Acts and parts of
acts repealed.

§ 14. All acts and parts of acts coming within the provisions of this charter that are contrary thereto, or inconsistent with its provisions, are hereby repealed.

Power to execute
writs.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of said Hancock county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

Election.

§ 16. The city of Warsaw is hereby authorized, in addition to the taxes already authorized to be collected, to levy a tax not exceeding one-eighth of one per centum in each year on all taxable property in said city, the proceeds of which said tax shall be wholly applied to the support of common schools in said city, and to no other purpose. Said tax is to be collected in the same manner and under the same regulations that other city taxes are collected.

§ 17. The city council of said city shall have power to provide for enclosing, improving and regulating all public ground within the city, and for the punishment of injuries or damage done to trees, buildings or other improvements thereon, to license, tax and regulate auctioneers, merchants and retailers, groceries, taverns, and all places where fermented liquors are sold, and the venders of the same, hawkers, pedlers, brokers, pawnbrokers and money changers: *Provided*, that nothing herein contained shall be construed to vest in said city council authority to grant license in any cases or for any purposes where the same may be prohibited by any existing or future general law of this state.

Provide for enclosing grounds.

Auctioneers, grocers, &c.

Provide.

§ 18. The city marshal of said city shall, by virtue of his office, be a constable of Hancock county, with power to serve process, and to do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law, and shall, before entering upon the discharge of his office, in addition to the ordinary bond which may be required of him by city ordinance, execute another bond and file it in the office of the clerk of the county court of Hancock county, in like manner as other constables are now required to do by law, and he shall, moreover, take the same oath to discharge the duties of his office, and in the same manner that other constables are now required to take.

City marshal to perform duties of constable.

§ 19. The city council shall have power to provide by ordinance for the organization and maintenance of a mayor's court for said city, and for the trial and punishment of all offenders against the ordinances of said city, made in conformity with the powers granted in this charter and not inconsistent with the constitution of the United States, or of this state.

Organization of mayor's court.

§ 20. That in addition to the powers and privileges hereinbefore conferred, the city council of said city of Warsaw, whenever a majority of the legal voters of said city shall, by vote at an election called for that purpose by the city council, so express their wish to purchase or subscribe for shares of the capital stock in any railroad company or plank road company already incorporated, or or hereafter to be incorporated or organized under any law of this state, and located wholly or in part in said Hancock county, in any sum or sums not exceeding one hundred thousand dollars in the aggregate; and the stock so subscribed for or purchased shall be under the control of the city council of said city, in all respects as stock owned by individuals.

City council to subscribe for rail or plank road stock.

§ 21. That for the payment of said stock the city council of said city are hereby authorized to borrow money at any rate not exceeding ten per cent. per annum, and to pledge the faith of the city for the annual payment of the interest and the ultimate redemption of the princi-

Payment of stock subscribed for city.

pal; or if said city council shall deem it most advisable, they are hereby authorized to pay for such subscriptions or purchase in the bonds of the city, to be drawn for that purpose in sums not less than fifty dollars, bearing interest not exceeding ten per cent. per annum: *Provided*, that no bond shall be paid out at a less rate than par value.

Bonds of city to
be received as
capital stock.

§ 22. The railroad companies and plank road companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this state, and lying or being wholly or in part within the limits of said Hancock county, are hereby authorized to receive the bonds of said city to the capital stock of said company at par and in lieu of cash, and to issue their bonds bearing interest not exceeding ten per cent. per annum, for any moneys by them borrowed for the construction of their railroad or plank road and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

Amount that
bonds are to be
issued for.

§ 23. No bonds shall be issued under the provisions of this act, excepting for the amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders of said company shall be regularly assessed and made payable.

Special tax.

§ 24. The said city of Warsaw is hereby authorized, in addition to the taxes herein before authorized to be collected, to levy and collect a special annual tax upon the property, real and personal, situated in said city, sufficient for the payment of the annual interest which may accrue upon any bonds to be issued by said city for railroad or plank road purposes, under the provisions of this charter. Said special tax to be levied and collected at the same time and in the same manner as other taxes levied by said city, and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property or otherwise, as in or may be provided for in other cases relating to the city revenue. Said tax when collected shall be by the said city council set apart and held separate and distinct from the other portions of the city revenue as a fund specially pledged for a payment of the annual interest on the bonds aforesaid, and shall be by the said city council from time to time applied to the payment of said interest as the same becomes due and payable, and to no other purpose whatever.

School district.

§ 25. That portion of township four north, range nine, west of the fourth principal meridian, lying within the corporate limits of the city of Warsaw, with such parts of said township as may be hereinafter incorporated with and become under the jurisdiction of said city, shall be and the same is hereby erected into a common school district, to be known as and called the "Warsaw School District."

§ 26. The care and superintendence of the common schools within the city of Warsaw, together with the funds and estate, both real and personal, belonging to and which may be conveyed to said Warsaw school district, shall devolve upon the city council of the city of Warsaw, and they shall have power to appoint, at their first meeting after their annual election in each year, a general superintendent of public schools for said city of Warsaw whose term of office shall be for one year, and until his successor shall be duly elected and qualified, and his duties and the amount of his salary shall be defined by the city council of the city of Warsaw: *Provided, however,* that the said salary shall at no time be paid out of the school fund belonging to said Warsaw school district; and said city council shall have power to make all laws and ordinances necessary and proper for the management of said common schools not inconsistent with the constitution of this state.

Superintendence
of the common
schools.

Proviso.

§ 27. The township funds and estate, real and personal, belonging to said township four north, range nine west, shall be divided between the city of Warsaw, and the portions of said township lying without the city of Warsaw, as follows: the trustees of schools of township four north, range nine west, shall, within three months from and after the passage of this act, appoint three respectable householders, one from the city of Warsaw, one from township four north, range nine west, residing outside of the city, and one residing in township four north, range eight west, in said Hancock county, who, or a majority of whom, after being duly sworn well and truly to perform their duty, shall ascertain as nearly as may be the number of white persons under the age of twenty years residing within said township four north, range nine west, both within and without the limits of said city of Warsaw, and they shall divide and apportion the aforesaid township funds and estate according to the number of children under the age aforesaid, residing in said township within and without said city of Warsaw, and shall pay over and deliver to said city the distributive share of the said township funds and estate aforesaid, to which the said Warsaw school district may be entitled, according to the number of white persons under the age aforesaid, residing in said township within and without the limits of said city respectively, and the said commissioners shall have power to make their deed of partition, and convey to the city of Warsaw its distributive share of the real estate belonging to the school fund of said township aforesaid; and in case the commissioners appointed as aforesaid shall refuse or neglect to perform the duties aforesaid within one month from the time of their appointment, the said trustees of schools of said township shall have power to appoint others

Township funds
to be divided.

Commissioners to
make partition.

in their stead, either in or out of said city of Warsaw, who shall, in like manner, be sworn and perform the duties assigned to the first mentioned commissioners; and said trustees shall have power to make appointments and fill vacancies in the same until the objects of this act are carried into effect: *Provided*, the same shall be done within twelve months from and after the passage of this act.

Proviso.

Trustees to deliver funds and other property to Warsaw district.

§ 28. The trustees of schools of said township four north, range nine west shall, upon such partition being made, pay over and deliver to the city of Warsaw the funds and deeds to which said Warsaw school district may be entitled according to the division and distribution aforesaid, and shall take from the clerk of the city of Warsaw a receipt for the same. All school houses in said city of Warsaw which have been built by taxation or voluntary contribution shall be and remain the property of the city for school purposes, and not subject to partition as provided in the preceding section, but the same [shall] be by said commissioners conveyed to the said city in the same manner as the property which may be by them partitioned and set off to said city as hereinbefore provided.

City council to furnish commissioners with an abstract.

§ 29. It shall be the duty of the city council of the city of Warsaw to cause to be furnished to the school commissioner of Hancock county an abstract of the whole number of white children under the age of twenty years, residing in said Warsaw school district, within ten days after the number shall be ascertained; and the said school commissioner shall annually pay to the clerk of the city of Warsaw the proportion of the school, college and seminary fund to which the said Warsaw school district may be entitled according to the number of children under the age aforesaid residing in said district, taking his receipt for the same: *Provided*, that no abstract of the number of children as aforesaid, residing in said Warsaw school district, shall be returned to said school commissioner oftener than once in two years, as required in other school districts.

Members of fire companies exempt from serving as jurors and road or street labor.

§ 30. All members of any fire company of the city of Warsaw residing in said city, during the time he shall remain a member of such company, and comply with the rules and perform the duties thereof, shall be exempt from all road and street labor, and from serving as jurors, in every case whatever: *Provided*, that this section shall not be so construed as to exempt any person from any tax upon property.

Proviso.

Exempt from township organization.

§ 31. The said city of Warsaw shall be exempt from the provisions of any and all laws providing for a system of township organization now in force, or which may hereafter be in force: *Provided*, that nothing in this section contained shall prevent the legal voters residing in said city from vo-

ting on the question of township organization at any regular election held by the county for that purpose.

§ 32. That all general laws or parts of laws heretofore passed, or which may be hereafter passed, for the purpose of adding to or enlarging the powers of towns and cities which have been or hereafter may be incorporated by any special act, or by virtue of any general law of this state, shall be deemed and held to apply as well for the benefit of the said city of Warsaw as of any other; and it shall at all times be lawful for the city council of said city of Warsaw to claim and exercise any and all powers which may have or may hereafter be granted by general laws for the purpose of adding to or enlarging or extending the powers of towns and cities as aforesaid.

Application of
general laws.

§ 33. The city council shall have power to provide by ordinance that all taxes levied, assessed and collected under and by virtue of the provisions of this act shall be assessed and collected by the same assessor and collector, whose duty it shall be, by general law, to assess and collect the state and county tax for township four north, range nine west, in said Hancock county. If said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court as soon as convenient after the assessment is made in each year for state and county purposes, of the rate per cent. of taxation levied by them for city purposes for said year; and it shall thereupon be the duty of said county clerk to carry out each, and extend said tax upon the books of the assessor and collector in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer, whether resident or non-resident, owning property in said city; and said city tax shall be collected in every respect, and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Any court which shall render judgment in said Hancock county against lands and lots in said city for non-payment of taxes due the state and county shall, at the same time, include in the same judgment any and all taxes which may be due said city on any such property. For his services in carrying out, adding and extending said tax in the books of the assessor and collector, said clerk of the county court shall receive one per cent. on the amount of tax collected. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable on his official bond for the payment of all such city tax by

City council to
provide for the
assessment and
collection of tax-
es.

Duty of clerk of
county court.

Fees and compensation of officers.

him collected. The fees of the clerk and collector to be paid out of the taxes thus collected.

Tax not to exceed one per cent.

§ 34. The aggregate of the general tax levied on the entire real and personal estate within said city shall in no one year exceed one per cent. on the assessed value thereof.

§ 35. This act to take effect from and after its passage
APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Warsaw and Port Byron Railroad Company

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be a body corporate and politic, and shall have perpetual existence, by the name and style of "The Warsaw and Port Byron Railroad Company," and by that name may sue and be sued, complain and be complained of, defend and be defended, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulations of its affairs and for the transfer of its stock, not inconsistent with the existing laws and the constitution of this state and of the United States, and may appoint such subordinate agents, officers and servants as the business of said company may require, prescribe their duties, and require bond for the faithful performance of their several duties.

Powers.

Commissioners.

§ 2. That Wm. H. Roosevelt, David Gochenour, of Hancock county, Samuel Webster and Ivory Quimby, of Warren county, and Samuel Andrews and George E. Holmes, of Rock Island county, be and they are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books shall be opened, at least thirty days previous thereto, by publication in some newspaper published nearest where said books are to be opened. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, either by themselves in proper person or by their agent, duly authorized, and shall continue to receive subscriptions, either personally or by their said agents, until the sum of one hundred thousand dollars shall be subscribed: *Provided*, no sub-

cription shall be received unless five per cent. on the amount subscribed shall be paid thereon at the time such subscription is made. And as soon as said sum of one hundred thousand dollars shall be subscribed, the said commissioners shall give twenty days' notice, by publication in such newspapers published along the line of said road as they may deem proper, of an election by said stockholders of a board of directors as hereinafter provided for the management of the business of said company, at such time and place appointed for that purpose. The commissioners appointed for that purpose, or a majority of them, shall attend and shall act as inspectors of said election, and the stockholders shall proceed to elect seven directors by ballot, and the commissioners present shall certify the result of such election under their hands, which said certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors herein named. The directors thus elected shall hold their office for one year, and until their successors are elected and qualified.

§ 3. The capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and the said capital stock may be increased by the directors of said company to any amount not exceeding one million of dollars, if necessary to complete the work herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company in such manner as said directors shall from time to time direct. The stock of said company shall be deemed and considered personal property.

§ 4. The affairs of the company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share of stock held by him or her, and may vote either personally or by proxy duly authorized, and a plurality of votes given at any election shall determine the choice, but no stockholder shall be allowed to vote at any election after the first for any share or stock which shall have been assigned to him within thirty days previous to said election. In case of any vacancy occurring in said board of directors between the times for holding regular elections, the same may be filled by the board at any meeting of the said directors, and the persons so appointed to fill such vacancy shall hold their offices until the next regular election for directors. In case of the absence of the president of the board of directors, the directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company.

Make calls upon
stockholders.

§ 5. The directors are hereby authorized and empowered to make calls upon the stockholders at such time and in such sums as they shall deem fit, giving at least thirty days' notice of each of said calls, in at least two public newspapers published in this state; and in case of failure on the part of any stockholder to make payment of any call made by said directors for at least forty days after the same shall have become due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon, forfeited to said company.

Railroad.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from Warsaw, on the Mississippi river, in the county of Hancock, by the way of La Harpe, in said county, thence by and through the city of Monmouth, in Warren county, to Port Byron, on the Mississippi river, and are hereby authorized to survey and determine the line of said road upon such route between said points as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for transportation of persons and property thereon, and for the storage of merchandise or other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery for the accommodation, management and operation of said railroad.

Surveys, &c.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and its appendages, first making just and reasonable compensation to the owner or owners of said land for any damage which may arise to them from the building of said road; and in case the said company shall not be able to obtain the title of the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "right of way." *Provided*, that after the assessment of damages as pro-

Right of way.

vided in said statute, and upon deposit of the amount of such assessment in the county treasury of the county where such lands lie, the said company are hereby authorized to enter upon such lands for the construction of said road.

§ 8. The said company are authorized and empowered to borrow from time to time such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be deemed necessary to aid in the construction of said work, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rate and on such terms as the board of directors may determine. Borrow money.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them as far as practicable to as good a condition as they were originally. Highways, &c.

§ 10. It shall be lawful for said company to unite with any other railroad company which may have been or which may hereafter be chartered by any law of this state coming to the route of the road hereby authorized to be constructed, upon such conditions and under such regulations as may be agreed upon by the said companies. Union with other roads.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of said company a sum three-fold the amount of damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any court having competent jurisdiction. Penalty for injuring road.

§ 12. This act shall be deemed and taken as a public act, and shall receive a liberal construction in all courts and places, and shall be in force from and after its passage: *Provided*, that the rights herein granted shall be forfeited unless said road shall be commenced within two years, and the sum of ten thousand dollars expended *bona fide* thereon. Public act. Proviso.

APPROVED Feb. 12, 1853.

AN ACT for the relief of the American Bottom Plank Road Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the American Bottom Plank Road Company is hereby authorized* Borrow money.

ized and empowered to borrow any sum of money, not exceeding ten thousand dollars, at any rate of interest not exceeding ten per cent. per annum, and to execute bonds or other writings evidencing said indebtedness and binding upon the said company. Said company shall also have

Power to mortgage.

power to execute a mortgage upon the said road, and its profits, tolls and property, real and personal, for further securing the payment of any sum or sums of money which may be thus borrowed; which bonds, writings and mortgages shall be properly executed by the president of said company, under the authority of the board of directors.

Issue bonds.

§ 2. Said company may, if they deem it preferable, in order to effectuate said loan, issue their bonds to an amount sufficient to raise the said sum of not exceeding ten thousand dollars, and to sell and negotiate the same when and where and at such rates and prices as they may think proper, and to provide, in addition, that the bonds or other evidences of indebtedness, executed either under this or the first section of this act, shall or may be convertible into the stock of said company. And the said company may have the power of conveying or mortgaging their road, its property, tolls and profits, to trustees or other persons for better securing the repayment of any money thus borrowed, or bonds negotiated.

Convey a mortgage deed.

APPROVED February 12, 1853.

In force Feb. 6, 1853. AN ACT to establish the town of Essex, in Vermilion county, and for the organization thereof.

Boundary.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all of congressional township thirty-one (31) north, range nine (9,) east of third principal meridian, in Vermilion county, be and the same is hereby created and established a town, by the name of "Essex," with all the privileges and immunities of other towns in this state, and subject to the same liabilities.

Annual meeting

§ 2. The inhabitants of said town shall hold their annual town meeting, for the purpose of organizing and choosing their town officers, on the first Tuesday of April next, at the house of Hamilton Keeney, in said town, at which time they shall elect their town officers in the manner prescribed by law.

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

APPROVED February 8, 1853.

AN ACT to incorporate the Randolph County Plank Road Company.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created shall be, and for the term of twenty-five years from and after the passage of this act shall continue to be, a body politic and corporate, under the name of the "Randolph County Plank Road Company," and by that name shall have succession for the term of twenty-five years, may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity; they may make and use a common seal, and alter the same at pleasure; make by-laws, rules and regulations for the management of their property and affairs and for the transfer of their stock, not inconsistent with the laws of this state or of the United States.

Name and style.

General powers.

§ 2. Said corporation shall have power to construct, maintain and continue a plank or turnpike road, or both, of such width as they may deem advisable by the directors of said corporation, from the town of Chester to the town of Sparta, with a branch to the town of Steelville, and such other branches as the directors may deem advisable, within the limits of Randolph county: *Provided*, that the main track of such road from Chester to Sparta shall be completed before the construction of any branches shall be commenced.

Power of construction.

§ 3. The capital stock of said company may be fifty thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each. Said capital stock may, however, be increased to an amount sufficient to complete or furnish said road or roads.

Capital stock.

§ 4. William Rosborough, John A. Wilson, A. M'Dill, John Campbell, Seneca Parker, H. C. Cole and Seth Allen, and such others as they may associate with them, shall be commissioners for receiving subscriptions to the stock of said company, when and where and after such notice as they or a majority of them shall agree. They may require security for the payment of subscriptions thereto, and practical payment thereof from time to time, as they may deem necessary, before the same shall all be taken.

Commissioners.

§ 5. The affairs of said company shall [be] managed by five directors, three of whom shall be a quorum to transact the business of said company, who shall be chosen so soon as the sum of five thousand dollars shall be subscribed of the stock of said company. Said directors shall continue in office one year, and until their successors shall be qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting so

Management of affairs.

many votes as each may own shares of stock. Elections of directors shall be held at the time and place appointed by commissioners, and all subsequent elections may be held and regulated according to the by-laws of said company.

Commissioners to deliver money, &c., to directors

§ 6. Upon the election of directors and the organization of the board, the said commissioners shall deliver to the said directors all moneys received by them on subscriptions of stock, and the books of subscription and other property of said company.

Erect toll-gates.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road; and as soon as any three miles of said road shall be completed, they may erect toll-gates thereon, and collect the toll allowed by this act. Said company shall keep said road in repair, and shall have power to construct bridges and causeways over sloughs and streams any where on the route of said road they may deem necessary; and said company may have power to borrow money, not exceeding thirty thousand dollars, and may issue their bonds for the same in such amounts and at such times as the directors may deem advisable for the construction of said road.

Borrow money.

Rates of toll.

§ 8. The said corporation shall have power to fix and regulate the toll to be charged and paid for passengers on said road: *Provided*, said tolls shall not exceed the following rates: for every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents per mile; and one cent additional for each mile for every animal more than two; for every five of neat cattle, one cent per mile; and for every ten of sheep or swine, one cent per mile; and for every horse and rider, or led horse, one cent per mile; and it shall be lawful for any toll gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and any person who shall use said road and refuse to pay such toll, shall forfeit and pay for each refusal the sum of five dollars, to be collected by said corporation by action of debt before any justice of the peace of the proper county.

Time of construction.

§ 9. The said corporation shall be allowed two years from the passage of this act to commence the construction of said road or roads, and shall complete the same within five years from the commencement of the same; and upon a failure to do so, this charter shall be forfeited.

Right of way.

§ 10. The said corporation is hereby authorized to locate and construct said plank or turnpike road and branches over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rock, stone or gravel for the use of said road; and when the same cannot be obtained

by consent of owners upon reasonable terms, it shall [be] estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

§ 11. The county court of Randolph county may, by an order entered on record, authorize said company to use for the construction of said plank or turnpike road any of the public highways of said county.

Use of public roads.

§ 12. This act to take effect from and after its passage.
APPROVED February 11, 1853.

AN ACT to incorporate the Waukegan and Antioch Plank Road Company. In force Feb. 15, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be a body corporate and politic, by the name and style of "The Waukegan, Antioch and Beloit Plank Road Company," and by that name shall have perpetual succession, and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity; may have and use a common seal and alter the same at pleasure; may make rules, regulations and by-laws for the management of their property, regulation of their affairs, and transfer of their stock, not inconsistent with the laws and constitution of the United States and the laws and constitution of this state.

Name and style.

General powers.

§ 2. Said corporation shall have power to construct, maintain and continue a plank road of such width as may be deemed advisable by the directors of said company, from the city of Waukegan, in the county of Lake, to the town of Antioch, in said county.

Power to construct.

§ 3. The capital stock of said company shall be seventy-five thousand dollars, which shall be considered personal property and be divided into fifteen hundred shares of fifty dollars.

Capital stock.

§ 4. That David Corey, Daniel O. Dickenson, Elmsley Sunderlin, Reuben D. Dodge, Parnell Munson, John Theyer, John H. Elliott, Harrison P. Nelson, E. S. Ingalls and Clark W. Upton, or a majority of them, shall be commissioners for receiving subscriptions to the capital stock of said company, shall require at least two per cent. upon the amount of subscriptions to be paid down at the time of subscribing.

Commissioners.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall form a quorum for the

Management of affairs.

- transaction of business. But said company may at any time hereafter increase the number of its directors to nine by a vote to that effect by a majority of its stockholders. As soon as the sum of five thousand dollars shall be subscribed to the capital stock of said company the commissioners named in this act shall close the books and call a meeting of the stockholders, at some convenient place in Waukegan aforesaid, for the purpose of selecting directors, notice of which said meeting shall be given by publication in one or more newspapers published in Waukegan, at least two weeks previous to the time of holding thereof. The said directors shall hold their office for the term of one year and until their successors are elected and qualified; the stockholders may vote personally or by proxy in writing, and shall be entitled to one vote for each share of stock held by them. All subsequent elections after the first shall be held at such time and place as may be fixed by the by-laws of said corporation.
- Selection of directors.** § 6. It shall be the duty of the said commissioners, or a majority of them named in this act, within one year after the same takes effect, to open books at Waukegan aforesaid, for the purpose of receiving subscriptions to the capital stock of said company, and notice of the time and place when and where said books will be opened shall be given by said commissioners, by publishing the same in at least one newspaper published at Waukegan aforesaid, for the period of at least two weeks previous thereto.
- Votes.**
- Election.**
- Open books for subscription.**
- Commissioners to deliver money, books, &c., to directors.** § 7. Upon the election of directors, and the organization of the board, said commissioners shall deliver over to said board of directors all moneys received by them on subscription to said capital stock, together with all subscription books and other property and papers pertaining to the business of said company which may be in their hands.
- Construction.** § 8. The said corporation is hereby authorized as soon as the board of directors are chosen to commence the construction of said road, and as soon as any five miles thereof shall be completed may erect toll-gates thereon and collect the toll allowed by this act. Said company shall keep said road in repair; and said corporation shall have the power to construct bridges and causeways over any streams or sloughs any where upon the route of said road, that they may deem necessary. Said company shall have power to borrow any amount of money deemed necessary by the board of directors to aid in the construction of said road, at a rate of interest not to exceed ten per cent., and to secure the payment of said loan by the mortgage or pledge of the road and franchises and all property owned by said corporation, but the amount of money so bor-
- Toll-gates.**
- Keep road in repair.**
- Power to borrow money.**
- Rate of interest.**

rowed by said company shall not exceed the capital stock of said company.

§ 9. Said company is hereby authorized to locate and construct said plank road on any lands owned by this state or by individuals on the route of said plank road; and for the purpose of constructing their said road, said company is authorized to take the timber, stone, gravel or land of any person or persons for the use of said road, by paying to the owner or owners thereof all damages which shall arise or accrue by reason of said company taking the same, which said damages shall be settled and agreed upon between said company and the owner or owners of said land, gravel, stone or timber, whenever the same can be so agreed upon; but in cases where said damages cannot be agreed upon between the parties, the same shall be estimated, settled and obtained by proceeding under the provisions of an act entitled "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, 1852.

§ 10. Said company shall commence the construction of said plank road within three years from the time this act takes effect, and shall complete the same to Antioch aforesaid within three years thereafter.

§ 11. The said corporation shall have the right to use the whole width or any portion of any state or county road on the line of said plank road, for the purpose of constructing the same, by agreement with the board of supervisors of any county through which said plank road may pass; and all persons residing on the line of any state or county road thus taken by said company, shall have the privilege of doing their highway work on said plank road, and the labor so done shall apply, so far as the same will go, in commutation of tolls for the use of said plank road.

§ 12. Said corporation shall commence the construction of their said plank road at said city of Waukegan, and shall extend the same, as rapidly as their means will admit, to the town of Antioch aforesaid, and said company shall have power to extend their said plank road, whenever the board of directors may think it expedient, from said town of Antioch, by way of English Prairie, in McHenry county, to the state line, at or near the town of Beloit, in the state of Wisconsin, for such portion of said distance as the board of directors shall think proper.

§ 13. Said company shall have power to fix and regulate the rate of tolls to be charged and collected for passing on said road, and to fix and determine the number of toll-gates on said road; and it shall be lawful for any toll-gatherer to detain any person, team or animal passing on said road until the toll properly chargeable for such person, team or animal shall be paid; and any person who shall

Right of way.

During vs. l. o. paid.

Commence construction.

Power to use state or county roads.

Point of commencement.

Power to extend.

Tolls.

use said plank road and refuse to pay the toll thereon, or who shall avoid or go around any toll-gate erected thereon, shall forfeit and pay to said company the sum of ten dollars for each and every offense, to be sued for and collected in the name of said company, before any justice of the peace of the proper county; but the rates of toll fixed by said company shall, in no case, exceed the rates fixed by the 26th section of an act entitled "An act to provide for the construction of plank roads by general law," approved February 12th, 1849.

City of Waukegan authorized to subscribe to capital stock.

§ 14. Said city of Waukegan is hereby authorized to subscribe to the capital stock of said company an amount not exceeding twenty-five thousand dollars, and for the purpose of paying said subscription said city is hereby authorized to issue its bonds for such amount as may be necessary, which said bonds shall draw interest at a rate not to exceed ten per cent., and shall be payable at such time as the city authorities may deem proper, not to exceed twenty years from the date thereof; and it shall be lawful for the authorities of said city to provide for the payment of the interest and principal of said bonds by levying a special tax, if the same shall be deemed expedient.

§ 15. This act shall be deemed and taken to be a public act, and as such shall be liberally construed in all courts and places whatsoever. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In Free Vch. 10, 1853. AN ACT to incorporate the Galena and Mineral Point Plank Road Company.

Preamble.

Whereas certain parties, acting under and by virtue of an act of the legislature of this state, approved February 12, 1849, entitled "An act for the construction of plank roads by a general law," and of the subsequent act of the said legislature amendatory of the said act of February 12th, 1849, did form and constitute themselves into an association for the purpose of building and constructing a plank road from Franklin street, in the city of Galena, to the north boundary line of the state of Illinois, at or near where the Mineral Point road crosses the same, and to pass through township number twenty-eight and twenty-nine, in range one west of the fourth principal meridian; and whereas the said association consists of the following named persons, to wit: N. Corwith & Co., Thomas H. Bebee & Co., A. C. Davis, Nicholas Dowling, B. H. Campbell & Co., E. A. Collins & Co., C. S.

Hempstead, W. B. Green, H. H. Houghton, Wood, House & Co., Edward Hempstead, Jno. Loine, E. H. & H. P. Corwith, D. A. Barrows, Michael Nolan, H. Newhall, H. Robbin, Otee Welch, John Carver, L. S. Felt & Co., Geo. W. Campbell & Co., H. F. McClosky, James Carter & Co., E. Gorham, James Temple, L. Hustead, H. V. W. Brown, Charles R. Bennett, E. B. Washburne, Van H. Higgins, S. S. Brown, W. & J. M. Ryon, Samuel Cartin, John Adams, Patrick Cushing, Isaac Armitage, John E. Smith, Joshua Brooks, Kingel & Ferdinand, G. W. Fuller, J. A. Packard, C. R. Perkins, Philip Bryne; which said persons have formed themselves into a company under the name and style of "The Galena and Mineral Point Plank Road Company," for the purpose of building the plank road above described: and whereas the said associates are desirous of furnishing and completing the said road, and for the purpose of enabling them so to do,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the said parties above named, and their assigns and annual representatives, shall be, and for the term of fifty years from and after the passage of this act shall continue to be a body politic and corporate, by the name of "The Galena and Mineral Point Plank Road Company," and by that name shall have succession for term of years above specified; may contract and be contracted with, sue and be sued, complain and defend, in any court of law and equity; may make and use a common seal, may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts and for the transfer of its stocks, not inconsistent with the laws of this state or the United States; may take and receive conveyances of real estate, and hold and grant and convey the same at pleasure.

§ 2. That the said association, formed under the general plank road law as aforesaid for the purpose of building the plank road as aforesaid, its members and officers, may convey, transfer and set over to the said corporation hereby created the said plank road and the land over which the same passes, and all lands and fences, rights, benefits and privileges, interests and contracts belonging to said association or held for their use and benefit, whether derived under and by virtue of any agreement or license with the county court of Jo Daviess county or otherwise. Wherefore the said incorporation hereby created shall have, hold, own and contract, for the sole use of said incorporation, all and singular the said road, land, premises, rights, benefits, interest, privileges and contracts, and may claim, hold and

maintain the same in its own right, and may establish toll-gates and collect tolls on the said road, and shall have the benefit of the provision herein contained for the maintenance and protection thereof.

Capital stock. § 3. The capital stock of the said company shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, and the said capital stock may hereafter be increased at the option of said company.

Management of affairs. § 4. The affairs of said corporation shall be managed by a board of not less than three nor more than seven directors, to be chosen annually by the stockholders. Said stockholders shall be entitled to vote at all elections and upon all questions in meetings of the stockholders, one vote for each share of stock upon which all assessments due have been paid. The directors shall appoint their own president and other officers, and provide for the time, place and mode of elections, and give due notice thereof. The present board of directors of said association, namely, Alexander C. Davis, Henry Corwith, Elisha B. Washburne, Daniel A. Barrows, Horatio Newhall, William B. Green and Thomas H. Bebee, shall be the board of directors of said incorporation until the stockholders can elect a board of directors under this act.

Appointment of officers. § 5. As soon as the said association, formed as aforesaid under the act for constructing plank roads by a general law aforesaid, its members and officers, have conveyed, transferred and set over to said incorporation all and singular the property, rights and interests of the said company, the said directors shall proceed to open the books of the said corporation hereby created, wherein they shall assign, over their respective signatures, the stock of the said association as subscribed for by the members thereof, to the several members of the said corporation hereby created, or their assigns, in exact proportion to their respective shares and interest in said road at the time of making such assignment, and shall issue certificates of stock therefor, signed by the president and secretary. The said stock shall be transferable only on the books of the incorporation aforesaid. As soon after the stock of said association shall have been assigned to the said corporation hereby created, and certificates issued therefrom, the stockholders may proceed to hold their first annual meeting for directors in the corporation hereby created.

Power to erect toll-houses. § 6. The said company is authorized and shall have power to erect and maintain such toll houses, toll-gates and other buildings for the accommodation and management of the said road and the travel, and transfer them as the said company may deem suitable to its interests, and may demand, collect and receive of and from any and every person using said road, or so much thereof as may be

completed, toll, to be regulated by the directors of the said company, but not to exceed the following rates per mile : for every man and horse, one cent per mile ; for every carriage or wagon drawn by one horse or other animal, two cents and a half per mile ; for every carriage or wagon drawn by two horses or other animals, three cents per mile ; for every carriage or wagon drawn by four horses, four cents per mile ; for each additional pair of horses or other animals, one cent per mile ; for horses or mules in droves, one half cent per mile per head ; for cattle in droves, one half cent per mile per head ; for hogs, goats or sheep, two mills per head per mile. Rate of toll.

§ 7. If any person or persons shall wilfully cut down, break or deface or injure any mile post or posts on said road, or shall cut, throw or break down or injure any gate or fence erected on said road, or tear up, displace, break or injure in any way the said road, or any thing thereunto belonging, he shall forfeit and pay to the said company three times the amount of damage by him actually done ; and in every instance he shall forfeit and pay at least the sum of twenty-five dollars ; and if any person, to avoid the tolls chargeable on the said road, shall turn off said road and pass any gate on the said road and again enter upon the said road, he shall forfeit and pay to the said company the sum of ten dollars ; and if any person shall forcibly pass either of the toll-gates on said road without having paid the legal tolls, he shall forfeit and pay to the company for every such offence the sum of twenty-five dollars ; and if any team or teams that may travel on said road otherwise than to cross the same at the regular laid outs, when the terminus of the journey of any such teams shall be on different sides of any toll-gates and shall not pay the regular toll for the use of said road so traveled upon, or if they shall leave the road without paying the toll, whether formally demanded or not, such team or teams, owner or owners, shall forfeit and pay to the said company the sum of twenty-five dollars. All penalties and forfeitures incurred under this act may be recovered by an action of debt in any court having cognizance thereof ; and where the penalty or forfeiture does not exceed one hundred dollars, the same may be prosecuted and recovered before a justice of the peace where the offender or offenders may be found. Penal ties.

§ 8. The said company is hereby authorized to change its location, and to locate and construct said plank road over any lands owned by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rocks, stone or gravel for the use of the said road ; and when the same cannot be obtained by consent of owners upon reasonable terms, it shall be estimated and Right of way.

recorded in the manner provided by law for the recovery of damages happening by the laying out of highways.

§ 9. This act is declared a public act, and shall take effect from its passage.

APPROVED February 10, 1853.

In force Jan. 20, 1853. AN ACT to incorporate the Bloomington and Wabash Valley Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That David Davis, John Moore, Isaac Funk, John E. McClun, James Miller, Jesse W. Fell, Asahel Gridley, Kersey H. Fell, Edward H. Didlake, Richard O. Warriner, James H. Robinson, Jacob Ten Eycke, William M. Bruner, Oliver H. Lee, Allen Withers, John W. Ewing, William F. Flagg, William H. Temple, William H. Holmes, William S. Major and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Bloomington and Wabash Valley Railroad Company," with perpetual succession; and by that name be and they 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 and equity in this state or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete a railroad from the city of Bloomington, in McLean county, Illinois, eastwardly to the Indiana state line, to a point which shall be not more than twenty miles either north or south of a due east and west line that would run through Lafayette, Indiana; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad, not exceeding one hundred feet in width through the whole length; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two millions of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction

of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices one year after their election, and until others shall be duly elected and qualified to take their places as directors, and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary in the transaction of business of said company.

Government of affairs.

§ 3. The said corporation is hereby authorized, by their agents, surveyors or engineers, to cause such examination and surveys to be made of the ground and country between the said city of Bloomington and the said west line of the state of Indiana, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side tracks, water stations, engine houses, machine shops and other buildings and appendages necessary to the construction and working of said road: *Provided*, that all lands or real estate entered upon and taken possession of, and used by said corporation for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land, and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works, as prescribed by the act concerning "right of way," approved March 3, 1845.

Surveys.

Right of way.

Payment of damages.

§ 4. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or any thing belonging thereto, or shall damage, break or destroy any part of the said railroad or implements or buildings, he, she or they, or any person assisting, shall forfeit and pay to said company for every such offence treble the amount of damages that shall be proved before any competent court shall have been sustained, and be sued for in the name and behalf of

Penalty for obstructing, &c.

said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction, every such offender shall be liable to a fine not exceeding five thousand dollars for the use of the county where such indictment may be found, and may be imprisoned in the county jail for any time not exceeding six months, at the discretion of the court.

Annual meetings

§ 5. The time of holding the annual meeting of said company for the election of directors shall be fixed and determined by the by-laws of said company; and at all meetings such stockholders shall be entitled to a vote in person or lawful proxy, one vote for each share of stock he, she or they may hold *bona fide* in said company upon which all instalments called have been paid.

Commissioners.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called by thirty days' notice in newspapers published in Bloomington, Lafayette and Covington, are hereby authorized to open subscription books for said stock at such places as they may deem proper, and shall keep said books open until five hundred thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each

Open books.

share subscribed at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of the stockholders by giving thirty days' notice in some newspaper printed in the county of McLean, and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least ten shares of the capital stock.

Election of directors.

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

Transportation.

§ 8. The said corporation may take and transport upon said railroad any person or persons, or merchandise or other property, by the force and power of steam or animals, or any combination of them; and may fix, establish, take and receive such rates of toll for all passengers and prop-

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

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner Open books. prescribed in the sixth section of this act to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said company. And all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital, shall be paid at such times and in such sums as said directors may prescribe.

§ 10. In case of the death, resignation or removal of the president, vice president or any director at any time between the annual elections, such vacancy may be filled Vacancies filled. for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

§ 11. That when the lands of any *femme covert*, persons under age, *non compos mentis* or out of this state shall be taken in this construction of said railroad as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the last mentioned owners respectively whenever the same shall be lawfully demanded, together with six per cent. per annum; that to ascertain the amount to be paid to persons named in this section for lands taken for the use of said corporation, it shall be the duty of the governor of this state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to Damages to infants, &c.

said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall be; and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway, on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed to its former state, or in sufficient manner not materially to impair its usefulness.

Union with other roads.

§ 13. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed within this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection: *Provided*, that the Central Railroad shall not run upon the line or track of the road constructed by the company hereby incorporated except at points of crossing or intersecting the same.

Borrow money.

§ 14. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and furnishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding seven per centum per annum, for any amount so borrowed, and to mortgage the corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of such bonds that may be made at less than their par value shall be good and valid and binding upon said corporation as if such bonds had been sold for the full amount thereof.

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1853.
§ 15. The width of said railroad is to be determined by the said corporation within the limits prescribed by the first section of this act.

§ 16. This act shall be in force from and after its passage, and said company shall commence said work within five years and complete the same within ten years from the passage of this act: *Provided*, that there shall be a simultaneous commencement of the work at each terminus of said road, and an equal rate of expenditure of money.

APPROVED January 20, 1853.

AN ACT supplemental to an act entitled "An act to incorporate the Galena and Southern Wisconsin Railroad Company," approved Jan. 26, 1853. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Daniel A. Banners, Alexander C. Davis, Edward Hempstead, Frederick Stahl, James Carter and Henry Corrille shall be commissioners, until the board of directors are chosen, for receiving subscriptions to the capital stock of the Galena and Southern Wisconsin Railroad company; and they shall cause books of subscription to be opened at such times and places and upon such notice as they may direct; and as soon as the capital stock of said company, or twenty thousand dollars thereof, shall be subscribed, said commissioners shall call a meeting of the stockholders of said company, giving such notice as they may deem proper; and at such meeting, a majority of the stock being represented, a board of directors of said company shall be elected, in whom shall be vested all the corporate powers and franchises of said company.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT entitled "An act to change the name and amend the charter of the Bloomington and Wabash Valley Railroad Company," approved January twentieth, eighteen hundred and fifty-three. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of said company is hereby changed and declared henceforth to be the "Peoria, Bloomington and Lafayette Rail-

road Company," and by and under that name shall be henceforth known and have its corporate existence, and hold and be possessed of all the rights, powers and privileges granted to the Bloomington and Wabash Valley Railroad Company, in the original charter of said company, and shall be and become liable to the duties and obligations of the said Bloomington and Wabash Valley Railroad Company. The capital stock of said company may be increased to such sum of money as may be deemed necessary to construct, finish and maintain the railroad in said original charter mentioned and the extension hereinafter provided for: *Provided*, that the entire capital stock of said company shall not exceed three millions and five hundred thousand dollars.

§ 2. The said Peoria, Bloomington and Lafayette Railroad Company is hereby authorized to extend their railroad from Bloomington, in the county of McLean, by the most eligible route, to the city and county of Peoria, and to unite with any other railroad company, and not west of Peoria; to grant any such company the right to construct and use any portion of the road herein or in the said original charter authorized to be constructed, on such terms as may be mutually agreed upon between any other such railroad companies and the said Peoria, Bloomington and Lafayette Railroad Company.

§ 3. The said Peoria, Bloomington and Lafayette Railroad Company is hereby authorized and empowered to construct, erect and maintain a bridge across and over the Illinois river, at or near the city of Peoria, for the purpose of extending the said railroad over and across the said river, and for that purpose to construct and erect in said river all the necessary abutments and piers, to keep up and support the said road and bridge: *Provided*, that there shall be left and always kept open between two of said piers a space, embracing the main channel of said river at the place of crossing, of sufficient width for the passage of steamboats and other craft navigating said river, with a draw so constructed as not materially to obstruct the navigation of said river by steamboats and other craft navigating said river: *And provided further*, that said bridge shall be used only for the business of said railroad; and the said company shall not be permitted to use the same or at any time to take or receive any tolls or compensation for the ordinary travel and passage of teams, persons or property over the said bridge.

§ 4. The following named persons, to wit, Onslow Peters, Elihu N. Powell, Alfred G. Curtenius, N. B. Curtis, Peter Sweat, Mark M. Aiken, Joshua P. Hotchkiss, William S. Maus, Jacob Gale and Alexander G. Tyng, together with the persons named and appointed in and by the origi-

Increase of capital stock.

Union with other roads.

Erect a bridge across the Illinois river.

Corporators.

nal charter aforesaid, be and are hereby created a body corporate and politic, and the persons herein named, with those named in the said original charter, are hereby appointed commissioners, who, or the major part of whom, are authorized and empowered to procure and open books Open books. for the subscriptions and to procure subscriptions to the capital stock of the said Peoria, Bloomington and Lafayette Railroad Company; and the said commissioners, as thus appointed, shall have the same powers, perform the same duties and adopt the same proceedings for the purpose of obtaining subscriptions to the capital stock of said company and to organize the said company, as is provided in the said original charter.

§ 5. When said company shall be duly organized in conformity to the provisions of this act, and of the original charter aforesaid, the construction of said road shall be commenced and prosecuted at or near Peoria, and thence towards Bloomington and at Bloomington, and thence towards Peoria, till the same shall be completed between those two cities: *Provided*, that nothing herein or in the said original charter contained shall prevent the said company from putting under contract and constructing at any time any part of the said road, or any portion of the route between said Peoria and Bloomington. Construction of road.

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

APPROVED February 10, 1853.

AN ACT to change the name and amend the act entitled "An act to incorporate the Southern Illinois Railroad Company," approved June 23d, 1852. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of the corporation created by the act entitled "An act to incorporate the Southern Illinois Railroad Company," approved June 23d, 1852, shall be and the same is hereby changed to that of "The Massac and Sangamon Railroad Company," by which last name the said corporation shall hereafter exist and be known in law. Change of name.

§ 2. The said corporation shall be authorized to change the line or route of the road authorized to be constructed and operated by said act, so that the same shall commence at Metropolis, running thence, by the way of Vienna; thence, by way of Marion, Benton, Mount Vernon, Salem, and Vandalia, to Springfield, in the county of Sangamon; and the capital stock of said corporation may be increased by order of the directors, or by vote of the stockholders, Change route.

to three millions of dollars, with such addition thereto as may be necessary to execute the provisions hereof.

Right of way.

§ 3. The said corporation, acting under the law in relation to the right of way, shall be and is hereby authorized to take for their said road a strip of land along the line or route thereof, not exceeding one hundred and fifty feet in breadth.

Cities, towns and counties to subscribe stock.

§ 4. The several counties, cities and towns through or near which said road passes, may subscribe for and take stock in the corporation: *Provided*, that no such subscription shall be made unless the majority of the legal voters of the county, city or town shall vote for the same at elections to be held under orders of the county court, in cases of counties, and of the corporate authorities of cities and towns.

Borrow money.

§ 5. The said Massac and Sangamon Railroad Company are hereby authorized to borrow money, from time to time, on the credit of said company, at any rate of interest per annum to be agreed upon between the parties, for the sole purpose of constructing said road and furnishing the same with cars, locomotives, and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor, and to secure the repayment thereof, with the interest which accrues, may mortgage the road, income, and other property of said company, and they may, by their president, or other officers or agents, sell, dispose of, negotiate such bonds or stocks of said company at such times and such places, either within or without this state, and at such rates, and for such prices, as in their opinions will best advance the interest of said company, and if such bonds or stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value; and the said company are hereby authorized to confer upon the holder of any bond issued as aforesaid the right to convert the principal thereof, at any time unpaid, into the stock of the company.

Mortgage road.

Construction.

§ 6. The time for commencing the construction of said road shall be extended to five years from the passage of this act, and for the completion thereof ten years.

This act shall take effect on its passage.

APPROVED February 10, 1853.

In Force Feb. 12, 1853. AN ACT to incorporate a company to construct a plank road from the city of Pekin to the east line of Tazewell county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all such persons as shall become stockholders agreeably to*

the provisions of this act, in the corporation hereby created, shall be, and for the term of thirty years from and after the passage of this act shall continue to be, a body politic and corporate, under the name and style of the "Pekin Plank Road Company," and by that name shall have succession for the term of thirty years, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity; may make and use a common seal, alter the same at pleasure, make by-laws, rules and regulations for the management of their property, the regulation of their affairs, and for the transfer of their stocks, not inconsistent with the [laws] of this state and the United States.

§ 2. Said incorporation shall have power to construct, maintain and continue a plank road of such width as they may deem advisable by the directors of said corporation, from the said city of Pekin to such point on the east line of Tazewell county as they may deem advisable for the best interests of said company.

§ 3. The capital stock of said company may be seventy-five thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each.

§ 4. Thomas N. Gill, Richard T. Gill, George Miller, Elisha Burton, James Harriott, Peter Weyrich and Jacob Clauser, and such others as they may deem proper to add to their number, shall be commissioners for receiving subscriptions to the stock of said company when and where and after such notice as they or a majority of them may agree. They may require security for the payment of subscriptions thereto, and partial payments thereof, from time to time, as they may deem necessary, before the stock shall all be taken.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum and perform the business of said company, who shall be chosen as soon as six thousand dollars shall be subscribed to the stock of said company. Directors shall continue in office for one year, and until their successors are elected and qualified. They shall be chosen by the stockholders, each of whom shall have one vote for each share of stock he may own—the vote to be given either in person or by proxy. Elections of directors shall be held at time and place appointed by commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions to stocks, and books of subscriptions and other property of the company.

Erect toll-gates.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road; and as soon as any three miles thereof shall be completed, they may erect toll-gates thereon, and collect the tolls allowed by this act. Said company shall keep the road in repair, and said company shall have power to construct bridges and causeways over any sloughs or streams any where upon the route of said road they may deem necessary; and said company shall have power to borrow not exceeding fifty thousand dollars to aid in constructing said [road,] by issuing the bonds of the company, made payable any where within the United States, and at any period within the limits of their charter that they may think conducive to the interests of the company.

Borrow money.

Tolls

§ 8. The said corporation shall have power to fix and regulate the tolls to be charged on said road; *Provided*, said tolls shall not exceed the following rates: for every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents per mile; for each additional animal more than two, one-half cent per mile; for every horse and rider, or led horse, one cent per mile; for every ten head of neat cattle, one cent per mile; for every ten head of sheep or hogs, one cent per mile; and it shall be lawful for any toll-gatherer to stop and detain any person going on said road until the tolls properly chargeable shall be paid; and any person who shall use said road and refuse to pay such toll, shall forfeit and pay for such refusal the sum of three dollars, to be collected by said corporation by action of debt before any justice of the peace of the proper county.

Time of construction.

§ 9. The said corporation shall be allowed two years to commence, and ten years to complete the construction of the road from the passage of this act, and upon a failure to do so this charter to be forfeited.

Right of way.

§ 10. The said corporation is hereby authorized to construct said plank road over any lands owned by this state or by individuals on the route of said road; and they shall have power to use twenty feet in width of any county or state road over which they may pass, and grade and plank, keep in repair and control the same, and use any bridge or bridges belonging to the county, but may not collect tolls for crossing the same. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rock, stone, gravel or other materials for the construction of said road; and when the same cannot be obtained by consent of the owners upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

§ 11. Said company may make the western terminus of ^{Western terminus.} said road at the corporation line of the city of Pekin, or at low water mark on the Illinois river, using any street in the city of Pekin with the consent of said city of Pekin.

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

APPROVED February 12, 1853.

AN ACT to incorporate the Springfield and Richland Plank Road Company. ^{in force Feb. 13, 1853.}

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders in the corporation hereby created, and their successors and assigns, shall be and are hereby constituted a body politic and corporate, to have perpetual succession and existence, to be known as "The Springfield and Richland Plank Road Company," ^{Name and style.} and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law ^{General powers.} and equity; may have a common seal, and may alter and change the same at pleasure; shall have power in their corporate name, for the use of said corporation, to purchase and hold such real estate as may be necessary for the free and full enjoyment of all the privileges herein granted, for the purpose of constructing a plank road, with a single or double track, commencing at the western corporate limits of the city of Springfield, and extending ten miles westward, in the direction of Beardstown; and from thence to such point as may be designated and agreed upon by said company.

§ 2. Said corporation may, by their board of directors, ^{Make by-laws.} make all by-laws, rules and regulations necessary for the management of their property, the regulation of their affairs, and the transfer of their stock, not inconsistent with the constitution and laws of the United States or of this state.

§ 3. The capital stock of said company shall not exceed thirty thousand dollars, and shall be considered personal property, except for purposes of revenue, in which case it shall be deemed as real estate, and taxed as such, and shall be divided into shares of fifty dollars each. ^{Capital stock.}

§ 4. That John T. Stuart, William J. Black, James L. Lamb, John Cook and Abraham Lincoln, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where and after such notice as they, or a majority of them, shall agree, and ^{Commissioners.}

they may require partial payments thereof, from time to time, before the subscriptions shall all be taken.

§ 5. The affairs of said company shall be managed by five directors, any three of whom shall be a quorum to do and transact the business of said company, who shall be chosen as soon as the sum of ten thousand dollars shall be subscribed of the stock of said company. The directors shall continue in office one year, and until their successors shall be appointed and qualified; they shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. The first election of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions of stock, all stock notes, books of subscription, and all other property of said company.

§ 7. The said corporation is authorized, as soon as the board of directors are elected and qualified, to commence the construction of said road, and as soon as any two miles thereof shall be completed may erect toll-gates thereon, and collect the tolls thereon, at any rate not exceeding three cents per mile for any vehicle drawn by two horses, and other teams, horses, cattle and other animals in proportion. The said company may have power to borrow an amount not exceeding three-fourths of the amount of stock subscribed, in such mode as they may elect, to aid in the construction of said road.

§ 8. The said company shall be allowed five years from the passage of this act to complete the construction of said road, and upon failure to do so this charter is forfeited.

§ 9. Said company may procure, by purchase or gift from the owners thereof, any lands, or the right of way over any lands, necessary for the construction of said road and the other purposes of this corporation as herein specified; and may, also, by the permission and agreement of the county court of any county through which said road may pass, use any public highway for the construction of said road; such agreement with said court shall be in writing, and shall be filed and recorded in the office of the clerk of said court. Before constructing said road said company shall cause an accurate survey of the same, or such portion as is proposed to be built, to be made by a practical surveyor or engineer, signed by at least two of the directors, acknowledged by them, and filed in the office of the clerk of the county court of the county through which said road may pass.

Management of affairs.

Toll-gates.

Borrow money.

Time of completion.

Right of way.

Make survey.

§ 10. The route surveyed as aforesaid shall be the route of said road unless altered by the directors, and in that case such alteration shall be signed, acknowledged and filed as aforesaid, and the said company may thereupon enter upon and take and hold, subject to the provisions of this act, all such lands as the said survey or the alterations thereto shall describe as necessary for the construction of said road, and may be necessary to carry out the provisions of this act; but before entering upon any such lands, the company shall purchase the same of the owners thereof, or, pursuant to the provisions of this act, acquire the right to enter upon and hold the same.

Route surveyed
to be route of
road.

§ 11. If any owner of any such land shall, from any cause, be incapable of selling or granting the same, or if said company cannot agree with such owner for the purchase thereof, or if, after diligent enquiry, the name and residence of such owner cannot be ascertained, or if such owner be a non-resident of this state, the company may present to the county judge of the county in which the lands lie or are situated, a petition setting forth the grounds of the application, a description of the lands in question, and the name and residence of such owner, if known, and the means that have been taken to ascertain the name and residence of such owner, if unknown, and praying that the damages of the owner of the lands described in said petition may be ascertained by said court.

County judge to
assess damages.

§ 12. Upon receiving such petition the said judge shall appoint a time, at some regular or special term of the county court for the county, for the hearing of the petition: at least ten days' notice of the time and place of the hearing of the petition shall be served personally upon each owner of the lands described in the petition, if he reside in the county where said land is situated, and said notice shall be served on all others in like manner or by publication thereof for four successive weeks in some newspaper published in the county in which the lands lie, or if there are none published in said county, then in the nearest newspaper; the first of which publications shall be at least sixty days before the hearing.

Hearing of petition.

§ 13. At the time appointed for the hearing the county court shall, after hearing the evidence offered by the parties, assess and determine the damages which the owner of any such lands shall sustain over and above the value the owner will derive from the building of said road. The assessment of the court, which shall contain the name of the owner, if known, and an accurate description of the lands to be taken, shall be entered of record by the clerk of said court, and such assessment shall be final, subject only to the right of appeal of either party to the circuit

court on the same terms as is provided by law for appeals from the county court in other cases.

Company pay
damages.

§ 14. Within thirty days after the assessment of damages by the county court as aforesaid, or after the final trial in the appellate court, if an appeal be taken, or at least before the said company shall take possession of said land, the said company shall pay to the person entitled to receive the same the amount assessed as such damages, or shall make a legal tender thereof to him; and in case the owner or person entitled to the same is a non-resident, or not a resident of the county wherein said assessment is made, or when the owner is unknown, and proof being made of such facts by affidavit, the county judge shall order the amount due such owner to be deposited with the county treasurer of the county in which the lands lie or are situated, for the use of the owner, and thereupon the said company may take possession of said lands, and hold the same in the same manner as those acquired by purchase or gift for the purposes of said road.

Penalty for dam-
ages done to
road.

§ 15. If any person or persons shall wilfully cut down or break, deface or injure any mile post or posts on such road, or shall wilfully cut or throw down, break or injure any gate, fence or appendage erected on said road, or wilfully tear up, displace, break or injure in any way or manner said road or any thing belonging thereto, or being an appendage or for the use or convenience of said road, he or they shall respectively and individually forfeit and pay to said company three times the amount of the damages actually done; and in every instance he, she or they shall forfeit and pay at least the sum of twenty dollars. If any person, to avoid the legal tolls chargeable on said road, shall turn off of said road and pass around and avoid any gate on said road, he, she or they shall forfeit and pay to said company for every offence the sum of ten dollars. If any person shall forcibly pass any toll-gate on said road without having paid the legal toll as fixed by the directors, without the permission of the toll collector, he, she or they shall forfeit and pay to said company the sum of twenty dollars for each offence.

Refusal to pay
tolls.

Penalties to be
recovered by ac-
tion of debt.

§ 16. All penalties and forfeitures incurred under this act may be recovered by an action of debt, in any court having cognizance thereof, and when the penalty or forfeiture does not exceed the sum of one hundred dollars the same may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be found. All suits by and against said company shall be brought and prosecuted to judgment in and by their said corporate name.

§ 17. The shares in this company may be transferred by assignment, and any subscriber to the capital stock of said

company shall not be responsible beyond the actual amount of stock so by him subscribed, and said company shall have power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money or instalments thereof which may be subscribed as stock in said road, upon giving thirty days' notice of the time and place of such payments in any newspaper published in the county of Sangamon.

§ 18. The corporation hereby created is hereby vested with all the powers conferred on plank road companies organized under the general laws for the construction of plank roads, and all general laws for the construction of plank roads are made part of the charter hereby granted, so far as they are applicable thereto. Powers conferred

§ 19. This act shall be deemed and considered a public act, and shall be liberally construed for the objects and purposes therein expressed, and shall take effect from and after its passage.

APPROVED February 11, 1853.

AN ACT to incorporate the Henry, Caledonia, Magnolia and Central Plank Road Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Benjamin Lombard, Thomas Harless, Samuel J. McFadden, George W. Butler, James Shields and J. B. Ashley, and their associates and successors, be and they are hereby constituted a body corporate and politic, to have perpetual succession and existence, to be known as "The Henry, Caledonia, Magnolia and Central Railroad Plank Road Company;" and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law and equity; and have a common seal, alter the same at pleasure, and they shall have power, in their corporate name, for the use of said corporation, to purchase and hold such real estate as may be necessary for the free enjoyment of all privileges herein granted, for the purpose of constructing a plank road from the town of Henry, in Marshall county, through Caledonia and Magnolia, in Putnam county, to some point on the main track of the Illinois Central Railroad, eastward of Magnolia, in said Putnam county.* Corporators. Name and style. General powers.

§ 2. Said corporation may, by their board of directors, make by-laws and regulations for the management of their property, regulation of their affairs and for the transfer of their stock, not inconsistent with the constitution and laws By-laws.

of the United States or of this state. Said company may also purchase the ferry at the said town of Henry, and make the same a part of the capital stock of said company.

Capital stock. § 3. The capital stock of said company may be fifty thousand dollars, which shall be considered personal property, and be divided into shares of twenty-five dollars each.

Commissioners. § 4. That Benjamin Lombard, Richard Lloyd and Thomas Harless shall be commissioners for receiving subscriptions to the capital stock of said company, when and where and after such notice as they, or a majority of them, shall agree, and they may require partial payments thereof, from time to time, before the subscription shall all be taken.

Management of affairs. § 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of fifteen thousand dollars shall be subscribed of the stock of said company. Said directors shall continue in office one year, and until their successors shall be qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. The first election of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions of stock, and books of subscription and other property of said company.

Erect toll-gates. § 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road, and as soon as two miles thereof shall be completed may erect toll-gates thereon, and collect tolls thereon, at any rate not exceeding three cents per mile for any vehicle drawn by two horses, and other teams in proportion.

Right of way. § 8. Said company may procure, by purchase or gift from the owners thereof, any lands, or the right of way over any lands, necessary for the construction of said road and the other purposes of this corporation as herein specified, and may also agree to the use of any part of a public highway for the construction of said road until the county court of the county in which such highway may be situated; such agreement with said court shall be in writing, and shall be filed and recorded in the office of the clerk of the county court. Before constructing said road, said company shall cause an accurate survey of said road, or such portion of the same then proposed to be built, to be made by a practical surveyor, signed by a majority of the directors, acknowl-

Make survey.

edged by them and filed in the office of the clerk of the county court through which the same may pass.

§ 9. The route surveyed as aforesaid shall be the route Route. of said road, unless altered by the directors, and in that case such alterations shall be signed, acknowledged and filed as aforesaid; and the said company may thereafter enter upon and take and hold, subject to the provisions of this act, all such lands as the said survey or alterations thereto shall describe as necessary for the construction of said road, and that may be necessary to carry out the provisions of this act; but before entering upon any such lands, the company shall purchase the same of the owners thereof, or, pursuant to the provisions of this act, acquire the right to enter upon and hold the same.

§ 10. If the owner of any such land shall, from any Damages to non-residents. cause, be incapable of selling the same, or if any company cannot agree with such owner for the purchase thereof, or if, after diligent enquiry, the name and residence of any owner cannot be ascertained, or if such owner be a non-resident of this state, the company may present to the county judge of the county in which the land lies a petition, setting forth the grounds of the application, a description of the lands in question, and the means that have been taken to ascertain the name and residence of such owner, if unknown, and praying that the damages of the owner of the lands described in the petition may be ascertained by said court.

§ 11. Upon receiving such petition the said judge Hearing of petitions. shall appoint a time, at some regular or special term of the county court, for the hearing of the petition. At least ten days' notice of the time and place of the hearing of the petition shall be served personally upon such owner of the lands described in the petition, if he reside in the county where said land is situated, and said notice shall be served on all others in like manner, or by publication thereof Publication. for four successive weeks in some newspaper published in the county in which the land lies, or if there are none published in said county, then in the nearest newspaper, the first of which publications shall be at least sixty days before the hearing thereof.

§ 12. At the time and place appointed for the hearing, the court shall, after hearing the evidence offered by the parties, assess and determine the damages which the owner of any such lands will sustain over and above the value the owner will derive from the building of said road. The assessment of the court, which shall contain the name of the owner, if known, and an accurate description of the lands to be taken, shall be entered of record by the clerk of said court, and such assessment shall be final, subject only to the right of appeal by either party to the circuit court, on

the same terms as is by law provided for appeals from the county court in other cases.

Company pay damages. § 13. Within thirty days after the assessment of damages by the county court as aforesaid, or on the final trial in the appellate court, if an appeal be taken, or, at least, before the said company shall take possession of said land, the company shall pay to the person entitled to receive the same the amount assessed as such damages, or shall make a legal tender thereof to him; and in case the owner or person entitled to the same is a non-resident, or not a resident of the county wherein said assessment is made, or unknown, and proof being made of such fact by affidavit, the county judge shall order the amount due such owner to be deposited with the county treasurer of the county in which the lands lie for the use of the owner. Thereupon the said company may take possession of said lands and hold the same in the same manner as those acquired by purchase or gift for the purposes of said road.

Penalty for damages to road. § 14. If any person or persons shall wilfully cut down or break, deface or injure any mile post or posts on such road, or shall wilfully cut or throw down, break or injure any gate, fence or appendage erected on said road, or unlawfully tear up, displace, break or injure, in any way, said road, or any thing thereunto belonging or being an appendage, or for the use and convenience of such road, he or they shall, respectively and individually, forfeit and pay to said company three times the amount of the damage actually done, and in every instance he or she shall forfeit and pay at least the sum of twenty-five dollars. If any person, **Penalty for toll-avoiding gates.** to avoid the legal tolls chargeable on said road, turn off said road and pass around and outside any gate on said road, he or she shall forfeit and pay to said company for every offence the sum of ten dollars. If any person shall forcibly pass any toll-gate on said road without having paid the legal toll as fixed by the directors, without the permission of the toll collector, he or she shall forfeit and pay to said company the sum of twenty-five dollars for each offence.

§ 15. If said company shall purchase or receive the said ferry across the Illinois river at the town of Henry as part of their said capital stock, they shall be governed in relation to said ferry by the laws now or that may hereafter be in force in this state in relation to ferries, and may charge the tolls for crossing the same that may be prescribed by the county court or board of supervisors of Marshall county.

Penalties recovered by action of debt. § 16. All penalties and forfeitures incurred under this act may be recovered by action of debt in any court having cognizance thereof; and when the penalty or forfeiture does not exceed the sum of one hundred dollars, the same

may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be found. All suits by and against said company shall be brought and prosecuted to judgment in and by the said corporate name.

§ 17. The shares in this company may be transferred Transfer of stock. by assignment, and any subscriber to the capital stock of said company shall not be responsible beyond the actual amount of stock so by him subscribed.

§ 18. This act of incorporation is hereby declared a public act.

APPROVED Feb. 12, 1853.

AN ACT to incorporate the Galena and Southern Wisconsin Railroad In force Jan. 26, 1853. Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Henry Corwith, James Carter, Alexander C. Davis, Daniel A. Barrows, Lucius S. Felt, Eli A. Collins, William H. Bradley, Madison Y. Johnson, John Lorain, Edward Hempstead, Nicholas Dowling and Halstead Townsend, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of the "Galena and Southern Wisconsin Railroad Company," and under that name and style shall be capable to sue and be sued, implead and be impleaded, defend and be defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter or renew the same at pleasure; and by their said corporate name and style shall be capable in law of contracting and being contracted with, shall be and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act. Corporators. Name and style.

§ 2. The said corporation is hereby authorized and empowered to survey, locate and construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, from a point in the city of Galena to a point on the state line dividing the states of Illinois and Wisconsin, in the county of Jo Daviess. Power to construct.

§ 3. The said corporation shall have the right of way upon, and may appropriate to its own sole use and control, for the purposes contemplated herein, land not exceeding two hundred feet in width, through the entire length of said Right of way.

road, may enter upon and take possession of and use all and singular any lands, streams and materials of every kind for the location of depots and stopping stages, for the purpose of constructing bridges, embankments, excavations, station grounds, turn-outs, engine houses, shops and other buildings and things necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road; and when the right of way for the said road cannot be obtained by voluntary grant or release from the owner or owners thereof, the same may be taken and paid for, if any damages be awarded, in the manner provided in "An act to provide for a general system of railroad inc. corporations," approved November 5th, one thousand eight hundred and forty-nine; and the final decision or award shall vest in the corporation hereby created all the rights, franchises and immunities in said act contemplated and provided.

Capital stock.

§ 4. The capital stock of said corporation shall be one hundred thousand dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner as may be ordered and provided by the board of directors, who shall require the payment of sums subscribed by stockholders in such manner and on such terms as they may deem proper; and on refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at public auction, under such rules as said board of directors may adopt—the surplus money, if any remains after deducting the payments due, with the interest and the necessary costs of sale, to be paid to such delinquent stockholders. The board of directors shall cause books to be opened for subscription to said stock in such manner and at such times and places as they shall direct.

Delinquent stock
sold.

Corporate powers

§ 5. All the corporate powers of said company shall be vested in and be exercised by a board of directors and such officers and agents as they shall appoint. The board of directors shall consist of not less than three nor more than seven stockholders, and shall be chosen annually by ballot by the stockholders of said company, each share having one vote, to be given in person or by proxy. Said directors to hold their offices for one year, or until other directors are elected, and shall have power to make and establish such by-laws, rules and regulations as may be necessary for the well ordering of the affairs of said company. *Provided*, that the same be not repugnant to the constitution of the United States or of this state.

Directors chosen
annually.

By-laws, rules
and regulations.

§ 6. The president and directors for the time being are hereby authorized and empowered, by themselves, their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing, altering, maintaining and operating said road, and for the transportation upon the same of persons, goods, wares and merchandise, with all such powers and authority for the control and management of the affairs of said company as may be necessary and proper to carry into full and complete effect the intent of this act.

Management of affairs.

§ 7. Said corporation may construct their said road on or across any stream of water, road or highway which the route of its road shall intersect, but the corporation shall restore the stream, road or highway thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness; whenever the track of said railroad shall cross a public road or highway may be carried over or under said track, as may be found most expedient.

Construction across highways &c.

§ 8. The board of directors shall have power to connect the said railroad and operate the same with any railroad in the state of Wisconsin, meeting the said railroad upon the state line between the states of Illinois and Wisconsin, and may consolidate the capital stock of the said railroad with the capital stock of such road so meeting the same upon the said state line, and shall have full power to place the said road of the company hereby incorporated, or its capital stock so consolidated, under a direction of a joint board of directors, to be chosen upon such terms as the directors of the companies consolidating their capital stock shall agree upon; and which such joint board of directors shall have, possess and exercise all the powers and authority hereby given to the directors of the said Galena and Southern Wisconsin Railroad Company, and shall have power to change or alter the name and style of the said Galena and Southern Wisconsin Railroad Company, if they shall see fit so to do.

Union with other roads.

§ 9. The said railroad company are hereby fully authorized and empowered, in their corporate name and capacity, to borrow any sum or sums of money, from any person, corporation, body politic of any kind, and for any rate of interest that may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writing, notes, drafts, bonds, or other papers, and make, execute and deliver such securities, in amount and kind, as may be deemed expedient, and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, and the contracts and official acts of said

Borrow money.

File bonds.

company, are hereby declared binding in law and equity upon said corporation and all other parties to said contracts.

Penalty for Injur-

§ 10. If any person shall carelessly, wilfully, maliciously or wantonly delay, hinder or obstruct the passage of any carriage on said road, or shall place or cause to be placed any material thereon, or in any way trespass upon, spoil, injure or destroy said road, or any part thereof, or any thing belonging or pertaining thereto, or employed or used in connection with its location, survey, construction or management, all persons committing, or aiding and abetting in the commission of said trespass or offence, shall forfeit and pay to the said company treble such damages as and be proved before any court of competent jurisdiction; shall further, such offenders shall be liable to indictment in the county within whose jurisdiction the offence may be committed, and to pay a fine of not less than ten nor more than one hundred dollars, to the use of the people of the state of Illinois, or may be imprisoned in the penitentiary for a term not exceeding five years, in the discretion of the court before whom the same shall be tried.

Flag bell or whistle.

§ 11. A bell of at least twenty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at a distance of at least eighty rods from the place where said road shall cross any road or street, and be kept ringing or whistling at intervals until it shall have crossed said road or street, under a penalty of thirty dollars for every neglect, to be paid by said corporation, one-half thereof to go to the informer, and the other half to the state, and to be liable for all damages which shall be sustained by any person or persons by reason of such neglect. Said corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street where the same is crossed by the railroad, on such elevation as not to obstruct the travel, and to be easily seen by travelers, and on each side of said board shall be painted in large capital letters the words, "*Railroad crossing! Look out for the cars!*"

Bonds of Jo Daviess county and Galena.

§ 12. Said company shall have power to receive one-half of the amount of subscriptions to their capital stock for the construction of said road, in the bonds of the county of Jo Daviess, or the city of Galena, said bonds to bear interest at any rate not exceeding ten per cent. per annum.

Make crossings.

§ 13. For the convenience of persons owning or possessing lands through which the said road shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage way over or under said railroad whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with teams, wagons, carts and implements of husbandry, as occasion may require: *Provided*, that said company shall in

no case be required to make more than one such passage-way for each farm, and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

§ 14. This act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED January 26, 1853.

AN ACT to incorporate the Wiggins Ferry Company.

In force Feb. 11,
1853.

Whereas by an act of the legislature, approved on the second day of March, 1819, entitled "An act to authorize Samuel Wiggins to establish a ferry upon the waters of the Mississippi," the state of Illinois granted to Samuel Wiggins, his heirs and assigns, the right to establish a ferry on the waters of the Mississippi near the town of Illinois, in this state, and to run the same from lands at the said place that may belong to him: *Provided*, that he should not use any boat or water craft except such as should be propelled by steam, horses, oxen or other four-footed animals: *And provided*, that said Samuel Wiggins, his heirs or assigns, should have the said ferry in actual operation within eighteen months from and after the passage of that act; and that no person except those who then had ferries established at that place should establish any ferry of the description aforesaid within one mile of the ferry established under that act; and if any person should, contrary to the provision of that act, run any boat or boats of the description aforesaid, he, she or they should forfeit any such boat, with the furniture and apparel, to the said Samuel Wiggins, his heirs and assigns, which might be attached and recovered before any court in this state having competent jurisdiction; and it was thereby further provided and enacted that it should and might be lawful for the said Samuel Wiggins, his heirs and assigns, to demand and receive the same rates of ferriage as were then of right demandable at the ferry established nearest to the ferry authorized to be established by that act: *Provided*, that no more should be charged for a wagon, cart, or other carriage, if loaded, than could be charged if empty; and it was further thereby enacted, that the ferry thereby established should be subject to the same taxes as were then or thereafter might be imposed on other ferries within this state, and

[N]

subject to the same regulations and forfeitures. And by another act, approved the sixth day of February, 1821, said Samuel Wiggins, his heirs and assigns, were authorized to remove said ferry on any land which might belong to him or them on said Mississippi river, under the same privileges as were then prescribed by the act first above mentioned, and by another act entitled "An act to amend the several acts therein named concerning the establishing and regulating ferries in this state," it was provided as follows:

"SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of an act entitled 'An act to authorize Samuel Wiggins to establish a ferry upon the waters of the Mississippi,' approved March 2, 1819, as prohibits the establishing of a ferry within one mile of the ferry established by that act, and so much of the act entitled 'An act to authorize Samuel Wiggins to make a turnpike road, and for other purposes,' approved February 6, 1821, as authorized the said Wiggins to remove his ferry to any lands belonging to him, under the same privileges that were conferred to him by the act entitled 'An act to authorize Samuel Wiggins to establish a ferry upon the waters of the Mississippi river,' approved March 2, 1819, as relates to the prohibiting the establishing any ferry, or the running boats within one mile of the ferry established by said last mentioned act, and so much of the act entitled 'An act to amend an act to provide for the establishment of ferries, toll-bridges and turnpike roads,' approved February the 12th, 1827, amended January 22, 1829, as prohibits the establishing of any ferry on the waters of the Mississippi, Ohio, Illinois, or Great Wabash rivers, within two miles of any such established ferry or toll-bridge, be and the same is hereby repealed, approved January 19th, 1833;" and whereas, the said Samuel Wiggins did acquire lands on the Mississippi river, and establish a ferry in accordance with the provisions of said acts, and afterwards sold out his said lands and ferry franchise to other persons, who, and their representatives, also bought other lands, and also leased other lands near the first; and whereas, by means of assignments of various interests in said lands and ferry franchise, and of the death of some of the owners of undivided portions thereof, and of the dissent and devises of their interests therein, a number of persons, some of whom are minors, have become owners of said lands, ferry franchise; and whereas, it has become desirable that the said lands and ferry landing may be improved by the building of wharves, dykes and levees, the laying out of

streets and roads through a part of said lands, and the erection of houses for various purposes thereon, and establishment of a boat yard, and building of docks, and by other things of public utility, yet by reason of the minority of some of the present owners thereof, and and of the uncertainty of life, where so many are concerned, the present owners of said lands and ferry franchises cannot do these things and works, therefore, to remove their disability, and because the object desired cannot be attained under the general corporation law—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, as follows:* That Andrew Christy, Wm. C. Wiggins, Adam L. Mills, Lewis V. Bogy and Napoleon B. Mullekin, and their associates, successors and assigns, are hereby created a body corporate

Corporators.

and politic, by the name and style of "The Wiggins Ferry Company," and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and may have and use a common seal, and the same renew and alter at pleasure; and the said company shall have full power to do the following acts: 1st. To acquire by purchase or otherwise, and hold any lands, or any interest in lands, in fee simple, or less estate, in the counties of St. Clair and Madison, or either of them, and on or near the Mississippi river, and not exceeding twelve hundred acres, and also other lands further from the Mississippi river, for coal mines, not exceeding three hundred acres, and also to purchase, hold, use and enjoy the ferry franchise heretofore granted to Samuel Wiggins, his heirs and assigns, by the act referred to in the preamble of this act.

Name and style.

General powers.

§ 2. To construct a levee, and other works, calculated to improve the harbor and ferry landing, to construct a wharf on the Mississippi river, and grade and pave the same, on any part or all of said lands fronting on said river, and after the same shall be graded and paved, shall have the right to charge, collect and receive wharfage, at such rates as may from time to time be fixed by the by-laws of said company, not exceeding the rates of wharfage charged in St. Louis, Missouri, on boats, vessels and rafts landing or lying at such wharf.

Improve landing.

Receive wharfage.

§ 3. To build and keep one or more wharf-boats, to erect warehouses, stores and such other buildings as may be determined upon by said company, and to establish a boat yard, and erect all necessary shops connected with boat building, and build and finish, in all parts, ferry and other boats, and to work the coal mines said company may hereafter purchase.

Build wharf-boats, warehouses, &c.

§ 4. To survey and lay off said lands, or any part thereof, into blocks, lots, streets and alleys, and grade and

Lay off lands into blocks, &c.

pave said streets and alleys, or any part thereof, and to lay off and dedicate to public use, grounds for market places, schools, churches and parks, and to sell, lease and donate any part of said lands, in such manner and upon such terms as said company may deem proper, and execute conveyances for the same, and to subscribe for, take and buy and hold, and sell stock in any railroad, or plank or turnpike road company, and issue bonds bearing such rate of interest, and payable at such times and places as the company may think proper, not exceeding one hundred thousand dollars.

Issue bonds.

Ferry.

§ 5. To keep a ferry or ferries at and from any point or points on said lands, across the Mississippi river, to St. Louis, in the state of Missouri, and to remove the same from place to place on said lands as necessity or convenience may require, and use boats or other crafts propelled by steam, heat, or other power, and possess, use and enjoy all the rights, privileges, franchises and emoluments recited in the preamble of this act as having been heretofore granted to the said Samuel Wiggins, his heirs and assigns, on and from the lands to be purchased as herein provided for, and generally to do and perform all things in reference to the ownership, control, management, use and disposition of said ferry franchise, ferry and lands, and of the business carried on thereat, which a natural person might or could do.

Capital stock.

Government
company.

§ 2. [6] The capital stock of said company shall consist of one hundred thousand dollars, divided into shares of one hundred dollars each, and may be increased to one million dollars. The immediate government and direction of said company shall be vested in five directors, and the persons hereby incorporated shall constitute the first board of directors, and they shall distribute the stock in said company in such amounts to each as may be agreed among themselves, and shall prescribe the mode of transferring stock, and then cause an election to be held for directors, not less than ten days thereafter, and each stockholder shall be entitled to one vote for each share of stock held by him or them in said company, and may vote by person or by proxy, and the directors so elected shall hold their offices for one year, and until their successors are elected and organized by the election of a president, and in like manner annual elections of directors shall be held; and said directors, a majority of whom shall constitute a quorum to do business, shall elect one of their number to be the president of said company, and shall have power to elect a secretary and treasurer, and appoint such clerks, agents and servants as may be required to carry on the business of said company in all its various branches.

Quorum.

President.

Annual election.

§ 3. [7] The time of holding annual elections for directors shall be fixed by the by-laws to be passed by the direc-

tors, but a failure to hold an election at the time appointed, shall not operate as a forfeiture of any of the privileges granted by this charter, but in such cases the president and directors in office shall continue to exercise their official powers until successors shall be elected and organized; and in case of any vacancy in said board by death or otherwise, the remaining directors shall fill said vacancy till the next election.

§ 4. [8] The directors of said company shall have power to pass by-laws defining the duties and power of the president, secretary and treasurer, and of all employees of said company, and also prescribing or changing the manner of transferring stock and the manner of appointing proxies, and such other by-laws as they may deem expedient for the general management of their affairs, not inconsistent with this charter and the laws of this state. Make by-laws.

§ 5. [9] All conveyances of land sold, leased or donated by said company shall be executed by the president in his official capacity, in pursuance of an order of the board of directors, and by affixing the seal of the corporation, and attested by the secretary.

§ 6. [10] The courts of chancery or of probate in this state having care or jurisdiction of the estate of any minor interested in said ferry franchise granted to said Samuel Wiggins, his heirs and assigns as aforesaid, and the ferry carried on under that franchise, and the lands acquired by the said Samuel Wiggins, and by his assigns and their representatives, as recited in the preamble to this act, may, if in its judgment it is for the interest of said minor, on application of the guardian of said minor, appoint in the state where said minor resides, notice having been given by publication in a newspaper published in the county where said application is made, for four weeks successively before such application, order his or her interest in said property, including the ferry franchise, ferry boat, and appurtenances used about said ferry, lands, stock and property of every kind held by the assignees or representatives of said Samuel Wiggins, to be sold either for money, to the highest bidder, or to said company for stock in said company, at a rate to be approved by the court. Right of minors.

§ 7. [11] This act shall not be construed to interfere with any ferry now established by law, and is hereby declared to be a public act, and shall take effect and be in force from and after its passage: *Provided*, that nothing in this act contained shall be construed to create any private right so as to interfere with the powers of any existing municipal corporation, or with the right of the legislature, at any time hereafter, to create municipal corporations within the limits herein specified, and to confer upon said corporations all such powers of police, and also all such powers to open Not to interfere with ferries. Provide.

and extend streets, lanes and alleys, and to improve, manage and control the same, and also such powers to enter upon and condemn lands within the limits aforesaid, for public wharves, and to improve, control and fix the rates of wharfage for the same as may be usually or properly confided to a city corporation under the constitution of Illinois.

Wharves.

[§ 8.] Whenever a town or city shall be laid off and established on said land, or on the adjacent and contiguous land, it shall be lawful for the corporate authority of such town or city to own and possess the said wharves and landings on paying to the proprietors thereof, hereby incorporated, the cost of the same—from and after which time the said wharves and landings shall be dedicated to the use of such town or city, and said town or city shall have the right to establish and charge reasonable wharfage for the use of the same: *Provided*, that the same shall not exceed the wharfage dues charged and collected by the city of St. Louis.

Proviso.

Cost of wharves.

[§ 9.] The cost of the said wharves, landings, &c., shall be ascertained by petition filed with the county court of St. Clair county, on notice to any one of the persons named as corporators in this act, of at least five days before presenting the petition; and the said court shall, on presenting said petition, appoint three disinterested persons, who, after being sworn before some judge or justice of the peace faithfully and impartially to examine the premises, shall proceed to estimate the cost of said wharves and landings, and make a written report of the same to the said court, which shall be filed and recorded in said court; and on payment or tender of the amount so assessed and found, the said wharves and landings, and all estate in them, shall be transferred to the said corporation petition as aforesaid: *Provided*, however, that either party may appeal to the circuit court and to the supreme court, as in other cases.

Proviso.

Wharfage.

Proviso.

[§ 10.] No wharfage shall be allowed to be charged in any case until the said wharf or wharves, or landings shall be properly and sufficiently graded and paved: *Provided*, that this act shall not be construed to interfere with any of the powers, privileges or franchises heretofore granted and contained in an act entitled "An act to incorporate the Madison Ferry Company," approved February 3d, 1840, and "An act to amend an act to incorporate the Madison Ferry Company," approved February 11, 1847, or either of them.

APPROVED February 11, 1853.

AN ACT to incorporate the town of Paris.

In force Feb. 12.
1853.

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 Paris, 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 Paris," 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 within their limits all of that district of country known as section one, in township thirteen north, of range twelve, west of the second principal meridian.

§ 3. Whenever any tract of land adjoining the town of Paris 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 Paris.

§ 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 the said town, and to do all other things in relation thereto as natural persons.

ARTICLE II.—*Of the Town Council.*

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

Rule of proceedings.

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

Journal.

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

§ 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 filled.

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

Take oath.

§ 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.

§ 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.

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.

Police justice and town constable.

§ 1. There shall be elected in the town of Paris, by the qualified voters thereof, on the first Monday of April, 1853, 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.

Eligibility.

§ 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 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.

Elective precinct.

§ 3. For the election of police justice and town constable the town of Paris is hereby declared an elective 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 elections shall be held at the same time and shall be conducted by the same judges as the election for members of the town council.

Police justice commission.

§ 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, acknowledgment 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, 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.

§ 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.

§ 6. In case the police justice shall, at any time, be guilty of palpable omission of duty, or shall wilfully 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 Edgar county, and on conviction shall be fined in any sum not exceeding two hundred dollars, and removed from office.

ARTICLE IV.--*Of Elections.*

§ 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 Paris, and all succeeding elections as may be provided by ordinance of the town council by this act created.

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

ARTICLE V.—*Of the Legislative Powers of the Council.*

§ 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 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.

Appoint 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.

Officers to take oath.

§ 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.

Appropriate money.

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

Health.

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

Nuisances.

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.

Streets.

§ 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.

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 enclosing, improving and regulating all public grounds belonging to the town.

Peddlers, &c.

§ 11. To license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers.

§ 12. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

§ 13. To prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses.

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

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

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

§ 17. To provide for taking enumerations of the inhabitants of the town.

§ 18. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

Jurors.

§ 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 dollars for one year's service, excepting the president, who shall in no case receive more than eight 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. Fines, &c.

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

§ 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.

§ 23. The style of the ordinances of the town shall be, Style.
"Be it ordained by the town council of the town of Paris."

§ 24. All ordinances passed by the town council shall, within one month after they shall have been passed, to [be] published in some newspaper published in the town, or in some other way, to be provided by ordinance, in case no newspaper is published in the town, 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.

ARTICLE VI.—*Of the President.*

§ 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. Power of president.

§ 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; 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 Duties of president.

not obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

Require exhibit.

§ 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 this act.

ARTICLE VII.—*Of Proceedings in Special Cases.*

Opening or altering streets or alleys.

§ 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.

§ 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.

Damages.

§ 3. All jurors empanelled 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 altering.

§ 4. The police justice 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.

Special tax.

§ 5. 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 side-walks of said street or alley.

ARTICLE VIII.

Road labor.

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

§ 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 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 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.

Streets and alleys.

§ 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 offence, in all cases where such offender 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.

Publish statement.

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

Ordinances.

§ 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 Paris.

Suits, actions &c

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

Fines, &c.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Paris, 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.

Property.

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

Acts of president, &c.

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

Election of officers.

§ 11. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed

Appeals

in pursuance of this act, to the circuit court of Edgar 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.

Vacancies filled
by election.

§ 12. Whenever the police justice 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 an election.

Public act.

§ 13. 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.

Acts repealed.

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

Execution
writs.

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

Vote on charter.

§ 16. The president and trustees of the town of Paris shall cause an election to be held in said town on the first Monday of March next, at which the inhabitants residing within the limits of said town, who are authorized to vote for state officers, shall vote for or against this charter, and if the majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect as a law, but if a majority of the votes shall be against the adoption of said charter, then this act to be of no effect.

APPROVED February 12, 1853.

In force Feb. 3,
1853.

AN ACT to incorporate the Belleville Water Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George Bressler, Asbury Harrison, Russell Hinkley, Frederick Von Schrader, Wm. H. Snyder, Nathaniel Niles, Alexander Kayser, L. D. Cabanu, William Davis, Thomas Heberer, W. C. Kinney, Simon Eimer, John W. Pullian, Edward Tittman, and Samuel B. Chandler, and such other persons as they associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Belleville Water Company," with perpetual succession, and by that name and style shall be capable in law of taking, holding, purchasing,

Name and style.

leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes or objects of this act, as the same herein set forth.

§ 2. The Belleville Water Company shall have full power and authority to locate, and from time to time alter, change, relocate, construct, reconstruct and fully finish, perfect and maintain all such works, dams, canals, water reservoirs, water pipes, wells, pumps, steam engines, aqueducts, hydrants, and all such houses and buildings necessary for water-works, to supply with water the city of Belleville and the town of West Belleville, in the county of St. Clair, and state of Illinois, and for that purpose the said company shall have full power and authority to lay out, designate and establish their said works, and may take and appropriate to their own use any lands necessary for said water works, not exceeding sixty feet in width along the entire line from the water reservoirs to and through any part of the said city of Belleville and said town of West Belleville, and not exceeding six hundred acres of land for the purpose of water reservoirs, dams, dikes and depots; said company taking all such lands by gifts, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

§ 3. The said company, and, under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, body politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the constructing of said water works, and for all purposes connected with said water works for which said corporation, by the last preceding section, is authorized, to have, take and appropriate any land, and to fell and cut down all timber and other trees standing within fifty feet of the line of said water works; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid for in the manner hereinafter provided for assessing and paying damages for land taken for the use of said water company, the said company doing as little damage as possible in the execution of said power hereby granted, and making satisfaction in the manner hereinafter mentioned, for the damages to be sustained by the owners or occupiers of said land.

Grants, dona-
tions, &c.

§ 4. The said company shall have power to take, receive and hold all such voluntary grants and donations of land and real estate for the purposes of said water works as may or shall be made to said company to aid in the construction, maintenance and accommodation of said water works; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said water works, or which said company may wish to use for the purpose of procuring stone, sand, gravel or earth, or other materials to be used in dams, or otherwise in or about the construction, repairs or enjoyment of said water works, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said water works, which said company is authorized and empowered by this act to have or appropriate any lands, and to take and receive grants and conveyances of any and all interests and estate therein, and to them and their successors or assigns in fee or otherwise; and in case said company cannot agree with such owner or owners or occupiers of such land as aforesaid, so as to procure the same by the voluntary act and deed of such owners or occupiers of such land as aforesaid, then the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works, as prescribed by the act relating to "right of way," approved March 3d, 1845. But when the owner or occupiers, or either of them, of such lands shall be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the lands or property wanted may be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded; that to ascertain the amount to be paid as above to said owners or occupiers for land and materials taken for the use of said corporation, it shall be the duty of the governor of the state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the amount of damages which the owners or occupiers of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same: and it shall be the duty of the commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the lands or real estate appraised, to be recorded by said corporation in the circuit clerk's office of St. Clair county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same

Lands of Infant,
&c.

Governor appoint
commissioners.

Deliver state-
ment.

all rights, privileges, franchises and immunities in said act contemplated: *Provided*, that notice by publication in some newspaper in St. Clair county shall first be given for thirty days to the owners or occupiers, or unknown owners, as the case may be, of the intention on the part of the said corporation to apply to the governor for the appointment of commissioners as herein provided: *And provided further*, that any appeal which may be allowed under the provisions of this act above mentioned, or of any general law of this state, shall not effect the possession by said company of any of the lands appraised or taken under this act; and when the appeal may be taken or a writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the land described in the petition, or required by said company for the use and purposes of said water-works, upon said company giving bond and security, to be approved by the clerk of the circuit court of St. Clair county, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all rights to use the lands so condemned.

§ 5. The capital stock of said company shall be ten thousand dollars, which may be increased from time to time by a vote of a majority in interest of the stockholders, at their annual meeting, or any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding one hundred thousand dollars, which stock shall be divided into shares of fifty 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 board of directors hereinafter named and appointed shall cause books to be opened for subscription to the capital stock of said company, at such time and places, and in such manner as they shall direct: *Provided*, that as soon as five thousand dollars of *bona*

fide subscription shall be made, and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said water-works.

Powers vested.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such officers, agents and servants as they shall appoint. The first board of directors shall consist of George Bressler, Asbury Harrison, Russell Hinkley, Frederick Von Schrader, William H. Snyder, Nathaniel Niles, Alexander Kayser, D. L. Cabanu, William Davis, Thomas Heberer, Simon Eimer, William C. Kinney, John W. Pullian, Edward Tittman, Samuel B. Chandler, who shall hold their offices until their successors are elected and qualified. Vacancies of the board may be filled by vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors is held, and which annual election of directors shall be held on the first Monday in January, in each year, at the office of the company, thirty days' notice being given in a newspaper published in Belleville.

Directors.

Vote.

§ 7. At any election for directors each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their office until the annual election, and until their successors in office are elected and qualified. All elections to be conducted by three judges, to be selected by the stockholders present.

Office.

§ 8. The office of said company shall be located in the city of Belleville, and the directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

Charges for water.

§ 9. The said company shall have power to charge for the supply of water to families, mills, distilleries, breweries, fire companies, or to any person or persons, and bodies corporate, applying to said company for a supply of water, such sums of money per annum as shall be lawfully established by the by-laws of said company.

Dividends.

§ 10. The said company shall annually or semi-annually make such dividends as they may deem proper of the net profits, receipts or incomes of said company among the stockholders therein, in proper proportion to their respective shares.

Belleville subscribe stock.

§ 11. The said company may accept subscriptions to their stock from the city of Belleville and town of West Belleville, or either of them, to any amount not to exceed three thousand dollars each; and for the purpose of raising the amount so to be by them subscribed, the said city of Belleville, and the said town of West Belleville, by their

corporate authorities, are hereby authorized and empowered to borrow any sum not exceeding three thousand dollars each, payable at such times and places, and in such sums, and with such rate of interest, as may be agreed upon, and may issue their bonds therefor under their respective seals.

§ 12. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building or construction, or work of said company, or any machine, or water conveyance, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, or weakened, injured or destroyed, or if any person or persons, shall throw, conduct or convey, or cause to be thrown, conducted or conveyed into the water reservoirs, dams or dykes of said company, any filth, dirt, mud, still slops, offals, or any other impurities, the person or persons so offending shall be deemed guilty of a misdemeanor, and may be punished, upon conviction, by fine in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass before any justice of this state, or before any court having jurisdiction thereof.

Penalties.

Borrow money.

§ 13. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing, finishing, or enlarging their said water-works, and to issue and dispose of their bonds in denominations not less than four hundred dollars, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purpose aforesaid, and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of bonds for less than their par value shall be good and valid and as binding upon said corporation as if the same were sold for the full amount thereof.

§ 14. The said company hereby chartered shall be required to construct and operate their said water-works, 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.

Time of construction.

APPROVED February 3, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the town of Marshall, in Clark county.

Body corporate
and cities.

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 Marshall, in Clark 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 Marshall," 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.

Boundary.

§ 2. The boundary of said corporation shall include the original town plat and the several additions of the town of Marshall, as the same are recorded in the recorder's office in the county of Clark.

Election.

§ 3. That there shall, on the first Monday of May next, be elected five trustees, and on every first Monday of May thereafter, who shall hold their offices 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 president and trustees by an advertisement published in a newspaper in said town, or posting it up in at least four of the most public places in said town.

Legality of voters

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 *bona fide* freeholder, and, moreover, who has not paid a state or county tax; and all white free male inhabitants over the age of twenty-one years who have resided in said town 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 body trustee, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur for a longer period, the board shall give ten days' notice by posting up at least three advertisements in said town for such vacancy to be filled, in the same manner as provided for in the regular elections, and to appoint a clerk and an assessor, a treasurer, a street supervisor and a town constable, to give bond and security in such amount 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 processes at the suit of the corporation, and to do such other matters and things pertaining to the office as may be required of him by the ordinances and by-laws of said corporation.

§ 4. The said corporation is hereby made capable in law to take and hold, to themselves and their successors, any lands, tenements, hereditaments, have power to sue and be sued, to plead and answer and be answered, in any court whatever.

§ 5. 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 business and concerns of the corporation, as they may deem expedient, and to ordain and establish and put in operation by-laws, ordinances and regulations as shall seem necessary for the government of said corporation, and for the management, control, disposition and application of its corporate property; and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and not contrary to the laws and constitution of this state.

§ 6. 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, stores and groceries, 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 the circumstances render proper and expedient; and said trustees may adopt such modes and means for the assessment and collection of such taxes, and the rents, issues and profits thereof, which may be necessary for the erection of any public school house in said town, market houses or other public buildings, to promote the interest and public good of the citizens of said town, and the same to sell, grant and dispose of if necessary. They shall also have power to regulate, to grade, pave and improve the streets, lanes and alleys within the limits of said town and corporation, and to extend or open and widen the same, making the persons injured thereby adequate compensation, to ascertain which the board shall cause to be summoned six good and careful men, freeholders and inhabitants of said town, not directly interested, who, first being duly sworn for that purpose, shall enquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending or widening of any street, avenue, lane or alley, and shall, moreover, estimate the amounts which other persons will be benefitted thereby, and shall contribute towards the persons injured; all of

Levy and collect tax.

Streets.

which shall be returned to the board of trustees under their hands and seals, and they who shall be benefitted and so assessed shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury; and said corporation shall, as they may from time to time fix upon and determine, and to prescribe the manner of selling property when the tax levied on it is not paid: *Provided*, no sale of town lots or other real estate shall be made until public notice of the time and place shall be given by advertisement in the newspaper, or at four of the most public places in said town, at least fifteen days previous thereto: *Provided*, that in conducting such sale, the provisions of the laws concerning public revenue, so far as the same may be applicable, shall be complied with.

§ 7. That the trustees of said town, or a majority of them, shall have power to preserve good order and harmony in said town, to punish for open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting, and all disorderly houses and riotous meetings, to remove obstructions in the streets and public ways, and all nuisances; for which purpose they may make such by-laws and ordinances as they may deem expedient and not inconsistent with any public law of this state, and impose fines for the breach thereof, which fines shall be recoverable before any justice of the peace residing in said town. All suits and judicial proceedings under this act shall be brought in the name and style of the president and trustees of the town of Marshall.

§ 8. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable or any authorized county officer, to apprehend the offender or offenders, and bring him or them forthwith before him; and after hearing the evidence, if it shall appear that the said accused has been guilty of violation of any such laws or ordinances of said corporation, to impose such fines or imprisonment as shall be pointed out in such laws or ordinances: *Provided*, such fine shall not exceed five dollars and imprisonment shall not exceed twenty-four hours: *Provided, however*, that writs of *certiorari* and appeals shall be granted from judgments under this act as in other civil cases, and in all criminal cases the defendant shall be entitled to an appeal to the county or circuit court by entering into bond or recognizance, as the case may require, before the justice of the peace, within twenty days after the rendition of the judgment, with such security and in such an amount as the justice shall think right and proper; and all fines imposed for a breach of the peace or vio-

good order.

Justice of Peace.

lation of the corporation ordinances, shall be paid into the treasury of said corporation.

§ 9. That when any town lots or real estate shall be sold for taxes by virtue of this act, the same may be redeemed at any time within two years from the date of such sale by the owner of such property, or his or her agent, executor or administrator paying to the treasurer of said town for the use of the purchaser, at a rate of ten per cent. per annum, together with the cost accruing thereon. Sale for taxes.

§ 10. That upon the application of the owners of a majority of the front lots on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street or parts of street according to their respective fronts, not exceeding one per cent., for the purpose of grading and paving the said side walks on said street. Special tax.

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

§ 12. The justice of peace and constable who are required to render service under this act shall be entitled to the same fees and collect them in the same manner as now is or may hereafter be provided by law. Compensation.

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

§ 14. The qualified voters within the corporation shall vote on the first Monday of April next for or against becoming incorporated under this act. If a majority of all the votes cast at said election are in favor of being incorporated, then this act to be in full force; otherwise to be null and void. Vote upon incorporation.

APPROVED February 10, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the village of Lockport, in Will county.

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 village of Lockport, Will county, are hereby constituted a body corporate and politic, in law and in fact, by the name and style of "The President and Trustees of the Village of Lockport," and by that name shall have perpetual succession and a common seal, which they may alter at pleasure, and by such name and style shall be forever capable in law and equity to sue and be sued, defend and be defended, in all manner of suits and actions, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed, and who are hereby made capable in law to take and hold, to themselves and their successors, any lands, tenements or hereditaments, and to control or dispose of the same.

§ 2. That on the second Tuesday of March next, and annually on the same day thereafter, there shall be elected five trustees, who shall hold their offices for one year, and until their successors are elected and qualified. Ten days' public notice shall be given of the time and place of the election; the first notice of election to be given by the town clerk of the town, or by three qualified voters in the village, and thereafter by the board of trustees whose office is about expiring. John F. Daggett, John W. Paddock, Robert Wright, Joel M. Park and David C. Baldwin, or any three of them, shall prescribe the manner in which the election or elections for the organization under this charter shall be conducted, and the said board shall prescribe the manner in which all subsequent elections shall be conducted. No person shall be a trustee of said village who is not twenty-one years of age. He shall also be a resident of said village at the time of election, and for one year just previous have paid a state or county tax, and be, at the time of election, a *bona fide* freeholder within the limits of the corporation. All citizens within the limits of the corporation, who are qualified to vote at any presidential or state election, shall be entitled to vote for trustees. The regulations governing common elections shall be observed in elections for trustees, record of the same being kept upon the record book of the corporation. The said board of trustees, within ten days after their election, shall meet and qualify before some justice of the peace, and shall then appoint one of their number president. They shall also appoint from their number a treasurer and a clerk; they shall, in addition, appoint a village constable and a street supervisor. The constable shall be the collector of corporation taxes, and shall collect all fines and dues and

Body corporate
and politic.

Elections.

Notice of election

Trustees.

Elections.

and serve all processes at the suit of the corporation, and shall arrest on view all violators of the peace, and take them forthwith before a justice of the peace for trial, and to such other matters and things pertaining to his office as may be required of him by the ordinances and by-laws of the corporation. He shall take an oath of office, before some justice of the peace, that he will faithfully discharge the duties of his office. The trustees, in case of riot or in case of absence of the corporation constable, may appoint a special constable or constables, whose duties for the time being shall be the same as herein specified for corporation constable. The collector and treasurer shall give bonds, with good and sufficient security, to be fixed by the board, for the proper performance of their respective duties, and for the collecting, holding and paying, according to ordinances, all money that may come into their hands belonging to the corporation. They shall be appointed for one year and until others have been appointed and given bonds; they may, however, be removed for a sufficient cause at any time, and others appointed in their places. The street supervisors, under the direction of the trustees, shall have the immediate supervision of the streets and the superintendence of street labor, and may order the clearing of the streets, public grounds and side-walks from all obstructions, and remove the same if necessary at the expense, if any, of the person occasioning the obstruction. The board of trustees shall receive no compensation or salary for their services as trustees or president for the first year, and never afterwards unless directed by a majority of the voters at a general election. The treasurer, clerk, constable and supervisor shall receive for their services, respectively, such compensation as the board of trustees shall direct.

Oath.

Collector and treasurer.

Streets.

§ 3. That the boundaries of said incorporation shall include the village of Lockport proper, as laid out and recorded by the commissioners of the Illinois and Michigan Canal.

Boundaries.

§ 4. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business of the 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 to them shall seem necessary for the government of said corporation, and for the management and control, disposition and application of its corporate funds and property. The said board of trustees shall have supervision, control and authority over all public landings and public grounds, all streets and alleys within the corporation, and power to alter, narrow or widen said streets or alleys which, in their judgment, the public interest may require or permit, and

Powers.

generally to do and execute, all and singular, acts, matters and things which to them may seem necessary to do, and not contrary to the laws and constitution of this state.

Board of health.

§ 5. That the board of trustees shall constitute a board of health, and may make all necessary ordinances and regulations for the preservation of the health of the town, and may also provide such means as they may deem necessary to protect the town from injuries by fire. They shall have power to declare what shall be a nuisance within the limits of the corporation, and may provide for the abatement or removal thereof. They shall have power to preserve good order and harmony in said village, to punish for open indecency, breaches of the peace, gambling, gaming houses, horse racing, shooting and all disorderly houses, and riotous or disorderly meetings, to remove obstructions from the streets, side-walks and public ways or grounds; for which purpose they may make such by-laws and ordinances as to them may seem expedient and not inconsistent with any public law of this state, and may impose fines and penalties for the breach thereof, which fines shall be recoverable before any justice of the peace residing within said town; which said justices are hereby authorized and required, upon the violation of any ordinance of the corporation, to issue a warrant to apprehend the offender or offenders and bring them forthwith before him, and, after hearing the evidence, if it shall appear that the said accused has been guilty of a violation of any such law or ordinance of the corporation, to impose such fines or imprisonment as shall be provided in such laws or ordinances: *Provided*, that such fine shall not exceed ten dollars, and that such imprisonment shall not exceed forty-eight hours for any one offence. All moneys for fines, forfeitures or penalties for breaches of the peace and violation of the ordinances of the corporation shall be paid into the treasury of the corporation, and for an omission of any officer so to do such officer may be proceeded against by the president and trustees in an action of debt for the same.

By-laws and ordinances.

Keep streets in repair.

§ 6. That it shall be the duty of the said board of trustees to cause all the streets and public highways within the limits of the said corporation needed for public convenience to be kept in good repair, and to this end they are authorized to require every able-bodied male resident within the corporation limits, who is over twenty-one years of age and not over fifty-five, to labor in said streets or public roads not less than one nor over three days in each and every year, as a poll tax, and any person failing to perform said labor, either by himself or an able-bodied substitute, when duly notified by the street supervisor, shall forfeit and pay the sum of one dollar and twenty-five cents per day for each day so neglected or refused, or they may

labor on streets.

Compensation.

commute for the same by paying to the trustees through the street supervisors the sum of one dollar each day assessed. The said trustees may also assess a road tax upon all taxable property within the corporation limits, in the same manner and to the same amount as is now provided to be done by the commissioners of highways; and for the collection of all road taxes, commutation money and penalties, the trustees are authorized to adopt the same measures as are now provided by law for commissioners of highways. The said trustees shall have power to regulate, to grade and improve the streets and public grounds within the limits of the corporation, and order the proper appropriations of the road labor and road tax for that purpose, and may appropriate from the general fund, money not otherwise appropriated, such amounts as they may deem proper to carry out the above provisions. They may also, on petition, grant the right of way on or over any of the streets or public grounds of the corporation to any railroad company asking to locate and build a road through the corporate limits, and make all needful arrangements with the same for the location of depots or stations. The said trustees may also order the construction of side-walks upon any street or part of a street within the limits of the corporation: *Provided*, that the owners of lots, or parts of lots, in front of which any such side-walk is ordered, shall build the same at their own expense, and such side-walk so ordered by the trustees shall be built according to specifications by them established, within a time specified by said trustees, or in case of failure or refusal so to do, the trustees shall build the same and assess the property in front of which it is built, for the amount of the cost of construction.

Grant right of way.

§ 7. That the said trustees shall have power to levy and collect a tax in any one year, not to exceed one-half of one per cent. on all lots, improvements and personal property lying and being within the incorporate limits of said village, according to valuation, to tax public shows and entertainments, to collect rents for any property, land and dues of every kind belonging to the corporation, which taxes, rents, issues and funds arising from fines, penalties and forfeitures shall constitute a general fund, which may be appropriated by the board of trustees for the purpose of making such improvements and doing such acts of public utility as the interest and convenience of the inhabitants of said village may require, and circumstances render proper and expedient; and the said trustees may adopt such mode and means for the assessment and collection of such taxes, rents, issues and profits, and to prescribe the manner of selling property when the tax levied is not paid according to requirement: *Provided*, that in conduct-

Levy and collect tax.

ing such sale the provisions of the act concerning public revenue, so far as the same may be applicable, shall be complied with; and provided also, that when any town lot or real estate shall be sold for taxes or assessments, by virtue of this act, the same may be redeemed at any time within two years from the date of such sale by the owner of said property, or his agent, executor, administrator or assignee paying to the treasurer of the corporation, for the use of the purchaser, the amount of the tax for which it was sold, together with the cost accruing thereon, with interest on both taxes and cost, at the rate of ten per cent. per annum. The said trustees are also empowered to levy and collect taxes for any and all corporate purposes, to any amount which, at any regular election of trustees, or at any special election called for that purpose, shall be voted by a majority of the voters voting at such elections, due notice being given that a vote is to be taken upon the raising of money at such election.

Keep record.

§ 8. That the board of trustees, by their clerk, shall keep a record of all their acts and doings, which shall be open to the inspection of the citizens of the corporation at all reasonable hours; they shall also make out a written statement of the affairs of the corporation, at least ten days previous to the annual election of trustees, which shall be posted up at their place of doing business, or published in a village newspaper, and shall be read on the day of election to the assembled voters.

Make statement.

Borrow money.

§ 9. That the said trustees shall have no power to borrow money, or issue any evidences of indebtedness, at any time, for an amount above what is already provided for by taxes levied, or other certain sources of revenue, unless specially authorized so to do by a vote of a majority of the legal voters of the corporation.

Ordinances.

§ 10. That all ordinances passed by said trustees shall be fairly written out, signed by the clerk, and published either in a village newspaper or by posting, and no ordinance shall be in force until so signed and published or posted.

Call meetings.

§ 11. That the president or any two of the trustees shall have power to call meetings of the board by giving one day's notice thereof, and a majority shall constitute a quorum to do business, but a minority shall have power to adjourn from time to time. In the event that the notice of an election is not given as required by this act, or from any other cause an annual election shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said village, at any time thereafter, to give notice as aforesaid of the time and place of holding a special election, and the trustees

elected at such special election shall have all the powers conferred by this act.

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

Justices of the peace and constables.

§ 13. That the qualified voters within the corporation limits as described in section three of this act shall vote at the first election ordered for electing trustees, for or against becoming incorporated under this act. If a majority of all the votes cast at said election are in favor of being incorporated, then this act to be in full force, and in case a majority of votes given are not in favor of being incorporated after the expiration of three months from the day of such election, upon the written application of twenty legal voters of said village another election shall be held in the same manner, and if at said second election a majority of votes given shall be in favor of being incorporated, this act shall be in force, but if at this election a majority are not in favor of being incorporated, also in the same manner a third election may be held, and if at this third election the majority of votes shall be in favor of being incorporated under this act, then this act shall be in full force, otherwise be null and void; and after having been incorporated under this act, at any subsequent regular election for trustees two-thirds of the qualified voters of the corporation shall have power to dissolve the same by voting against the corporation.

Vote on incorporation.

§ 14. The trustees shall have power to make appropriations out of the general fund to assist in building sidewalks, upon the written application of a majority of the citizens who voted at the last general election previous to such application.

Appropriations.

§ 15. The trustees shall have power to buy or sell any real estate for the corporation, and build any public buildings on the corporate grounds, but shall exercise such power only when authorized to do so by a majority of votes cast at a special charter election, called and conducted in the common form for that purpose, and specially set forth in the notice therefor that such is the purpose for which the said election is to be held.

Real estate.

§ 16. 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 giving the proper notice.

APPROVED Feb. 12, 1853.

In force Feb. 10,
1853.

AN ACT to charter the City of Knoxville.

ARTICLE FIRST.—*Of Boundaries and General Powers.*

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 Knoxville, and all that district of country hereinafter described, in the county of Knox and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Knoxville," 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. All that district of country embraced within the following boundaries, to wit, beginning at the northeast corner of section number twenty-eight, thence running west along the north lines of said section twenty-eight and section twenty-nine, to the northwest corner of the northeast quarter of said section twenty-nine; thence running south to the southwest corner of the northeast quarter of section number thirty-two; thence running east to the southeast corner of the northeast quarter of section number thirty-three; thence running north to the place of beginning, including all of said section twenty-eight, the east half of section twenty-nine, the northeast quarter of section thirty-two, and the north half of section number thirty-three, all in township number eleven north, of range two, east of the fourth principal meridian, is hereby declared to be within the boundaries of said city of Knoxville.

§ 3. The present board of trustees of the town of Knoxville shall, on or before the first day of April next, divide the said city of Knoxville into four wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Knoxville shall be laid off into town lots, the same shall be recorded as now required by law, and shall be annexed to and form a part of said city of Knoxville.

§ 5. The inhabitants of said city, 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 or equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said city, to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

Body corporate
and politic.

Boundaries.

Wards.

Annexed.

General powers.

ARTICLE SECOND.—*Of the City Council.*

- § 1. There shall be a city council, to consist of a mayor City council. and board of aldermen.
- § 2. The board of aldermen shall consist of two mem- Aldermen. bers from each ward, to be chosen by the qualified voters for two years.
- § 3. No person shall be an alderman unless, at the time Qualifications. of his election, he shall have resided six months within the limits of the city, and shall be, at the time of his election, twenty-one years of age and a citizen of the United States.
- § 4. If any alderman shall, after his election, remove Office vacated. from the ward for which he is elected, his office shall there- by be declared vacated.
- § 5. At the first meeting of the city council, the alder- Divided by lot. men shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that half of the board shall be elect- ed annually.
- § 6. The city council shall judge of qualifications, Elections and re- turns. elections and returns of their own members, and shall de- termine all contested elections.
- § 7. A majority of the city council shall constitute a Quorum. quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent mem- bers, under such penalties as may be prescribed by ordi- nance.
- § 8. The city council shall have power to determine Rule of proceed- ings. the rule of its proceedings, punish its members for disor- derly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.
- § 9. The city council shall keep a journal of its pro- Journal. ceedings, and from time to time publish the same in some newspaper published in said city having the largest circu- lation therein, and the yeas and nays, when demanded by any member present, shall be entered on the journal of proceedings.
- § 10. No alderman shall be appointed to any office un- der the authority of the city which shall have been creat- ed or the emoluments of which shall have been increased during the time for which he shall have been elected.
- § 11. All vacancies that shall occur in the board of al- Vacancies. dermen shall be filled by election.
- § 12. The mayor and each alderman, before entering Oath. upon the duties of their respective offices, 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.

Tie. § 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Meetings. § 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE THIRD.—*Of the Chief Executive Officer.*

Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Eligibility. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

Vacated. § 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided by ordinance.

Contested elections. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

Vacancy. § 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE FOURTH.—*Of Elections.*

Elections. § 1. On the first Monday of April next an election shall be held in each ward of said city for one mayor for said city, one marshal, one treasurer, one assessor, one street commissioner, and two aldermen for each ward, and forever thereafter, on the first Monday in April of each year, there shall be an election held in each ward of said city, for one mayor for the city, one marshal, one treasurer, one assessor, one street commissioner, and one alderman for each ward. The present board of trustees of the town of Knoxville shall make the necessary arrangements for said first election, and the returns thereof shall be made as at present provided by ordinance of said trustees.

Voters. § 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers and who shall have been actual residents of said city thirty

days next preceding any city or ward election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in all city or ward elections in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

ARTICLE FIFTH.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. 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 city council shall have power to appoint a clerk, attorney, collector, city surveyor, and all such other officers as may be necessary.

§ 3. The city council 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, in such sums as may be deemed expedient, and also to require all officers of said city to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to build and keep in repair, school houses; to establish, support and maintain common schools; to borrow money on the credit of the city, by and with the consent of a majority of the inhabitants thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than eight per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue, arising from taxes assessed on real property within the limits of the city.

§ 4. To appropriate money and provide for the payment of the debt and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city.

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

§ 7. 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.

- Hydrants and pumps. § 8. To provide the city with water, to erect hydrants, and pumps in the streets, for the convenience of the inhabitants.
- Repair streets. § 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys.
- Bridges. § 10. To establish, erect and repair bridges.
- Roads. § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.
- Lighting streets. § 12. To provide for lighting the streets and erecting lamp posts.
- Night watches. § 13. To establish, support and regulate night watches.
- Market houses. § 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.
- Public grounds. § 15. To provide for the erection of all needful buildings for the use of the city.
- Auctioneers, &c. § 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.
- License hackney carriages, &c. § 17. To license, tax and regulate auctioneers, merchants, retailers, hawkers, pedlers, brokers, pawnbrokers and money changers.
- Porters. § 18. To license, tax and regulate hackney carriages, 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.
- Shows, &c. § 19. To license and regulate porters and fix the rate of portorage.
- Tippling houses. § 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Fires. § 21. To restrain, prohibit and suppress tippling houses and dram shops.
- Wooden buildings. § 22. To prohibit and suppress gaming, bawdy and disorderly houses.
- Chimneys. § 23. To provide for the extinguishment of fires, to organize and establish a fire department, with the necessary officers, and to organize, establish and equip fire companies.
- Gunpowder. § 24. To regulate or prohibit the erection of wooden buildings in any part of the city.
- Weight. § 25. To regulate the fixing of chimneys and to fix chimney flues.
- § 26. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- § 27. To regulate and order parapet walls and partition fences.
- § 28. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 29. To provide for the inspection and measuring of Lumber, &c. lumber and other building materials, and for the measurement of all mechanical work.

§ 30. To provide for the inspection and weighing of Hay, &c. hay and stone coal, the measuring of charcoal, fire wood, and other fuel to be sold or used within the city.

§ 31. To provide for and regulate the inspection of beef, pork, flour, meal and grain.

§ 32. To regulate the inspection of butter, lard, cheese and other provisions.

§ 33. To regulate the weight, quality and price of bread to be used in the city.

§ 34. To regulate the size of bricks to be sold or used in the city.

§ 35. To provide for taking enumerations of the inhabitants of the city.

§ 36. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

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

§ 38. To regulate the police of the city, to impose Police. 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.

§ 39. The city council shall have power, within the Billiard tables. city, by ordinance, to restrain and suppress billiard tables and ball alleys.

§ 40. To regulate, restrain and prohibit the running at large of horses, cattle and hogs.

§ 41. All moneys collected under and by authority of Moneys. any city ordinance, shall be deemed and taken to belong to said city, and disposed of by the city council under the ordinances of said city for the general use and benefit of the inhabitants thereof.

§ 42. The city council shall have power to make all Ordinance. ordinances which shall be necessary and proper for carrying into execution the powers specified in this act.

§ 43. The style of the city ordinances shall be, "*Be it* Style. *ordained by the mayor and common council of the city of Knoxville.*"

§ 44. * All ordinances passed by the city council shall, Publication. within twenty days after they shall have been passed, be published in the newspaper published in the city having the largest circulation, and shall not be in force until they shall have been published as aforesaid.

§ 45. All ordinances of the city may be proven by the Seal of corporation. 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.

ARTICLE SIXTH.—*Of the Mayor.*

Mayor give casting vote. § 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting.

Special meetings § 2. The mayor or any two aldermen may call special meetings of the city council.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Enforce laws. § 4. He is hereby authorized to call on every male inhabitant of said city 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, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

Exhibit books, papers, &c. § 5. He shall have power whenever he may deem it necessary to require of any officer of the said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace in said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Jurisdiction. § 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the city, and concurrent jurisdiction with all other justices of the peace, in all civil and criminal cases within the county of Knox, arising

under the laws of this state, and shall receive the same fees and compensation for his services as in similar cases.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within three miles of the boundaries of the city for the purpose of enforcing the health ordinances and regulations thereof.

§ 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city. Compensation.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and 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 Knox county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office. Liable to indictment.

ARTICLE SEVENTH—*Of Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the city shall make a just compensation therefor, to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Private property. Damages.

§ 2. When the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened, or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon condition to be prescribed by ordinance, but no compensation in such case shall 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.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror. Juries.

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

Power of mayor.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, or part of any lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the sidewalks and lighting said street, lane, avenue or alley.

ARTICLE EIGHTH.—*Miscellaneous Provisions.*

Road labor.

§ 1. The inhabitants of the city of Knoxville are hereby exempted from working on any road beyond the limits of the city and from paying any tax to procure laborers to work upon the same: *Provided*, that the city council may cause one-fourth of the labor tax to be laid out on roads leading into said city from the north and south sides thereof, and may expend a portion of the city tax upon the same, not to exceed one-fourth of the amount annually assessed.

Street labor.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues, alleys in repair, to require every male inhabitant in said city over twenty-one years of age to labor on said streets, lanes, avenues and alleys, not exceeding four days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner or those acting under him shall forfeit and pay the sum of seventy-five cents per day for each day so neglected or refused.

Fines.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment 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.

Statement.

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

Ordinances.

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

Suits.

§ 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 city of Knoxville.

Fines accrued.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the trustees of the town of Knoxville shall

be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the trustees of the town of Knoxville, 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.

Property of former incorporation.

§ 9 This charter shall not invalidate any act done by the president and trustees of the town of Knoxville, nor divest them of any right which may have accrued to them prior to the passage of this act.

Former acts valid.

§ 10. The trustees of the town of Knoxville shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Knoxville, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city for two weeks in succession, prior to the day of election for said officers.

Promulgate law.

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Knox 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.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

Vacancy in office of mayor.

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

Public act.

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

Acts repealed.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same anywhere within the limits of Knox county, and shall be entitled to the same fees for traveling as are allowed to sheriffs in similar cases.

Writs and process.

§ 16. The common council of said city shall have no power to remit any fine imposed upon any person for the violation of the laws or ordinances of said city, unless two-thirds of all the aldermen authorized to be elected shall vote such remission; nor shall anything in this act contained be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets or any other parts of said city, by indictments or otherwise.

Remit fines.

Vote rescinded.

§ 17. No vote of the common council shall be reconsidered or rescinded at a special meeting of said council, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Assessments.

§ 18. Every assessment or tax levied or assessed by the common council, the collection of which shall be delayed by injunction or other judicial proceeding, shall be a lien upon the property or premises assessed for the period of one year after the final disposition of the injunction or other judicial proceedings, unless said injunction shall be sustained. Secondly—if at any sale of real or personal estate for taxes or assessments levied or assessed by the common council, in virtue of any of its corporate powers, no bids shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers under the revenue laws of this state at such sales.

Prosecutions.

§ 19. In all prosecutions for violations of any ordinances of said city, the first process shall be a summons, unless oath or affirmation be made by some officer of said city, or other persons, for a warrant, as in other cases before justices of the peace. Secondly—in all suits for the violation of ordinances, the writ shall specify the particular clause of the ordinance violated.

Intoxicating liquors.

§ 20. Nothing in this act shall be construed to authorize said city to license the sale of intoxicating liquors.

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

APPROVED February 10, 1853.

In force Feb. 12, 1853.

AN ACT to incorporate the town of St. Charles.

Body corporate and politic.

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 St. Charles, in the county of Kane, 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 St. Charles," 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.

§ 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 benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons. General powers.

§ 3. That the boundaries of the corporation of said town be as follows, to wit: Beginning three-fourths of a mile east of the east end of the bridge that crosses the Fox river, in said town, in the centre of Main street, on the public highway that leads easterly from said bridge; from thence southerly, at right angles with a line drawn from said bridge to said point on said highway, three-fourths of a mile; from thence westerly, and at right angles with the last mentioned line, one mile and a half; thence northerly, and at a right angle with the last mentioned line, one mile and a half; thence easterly, and at a right angle with the last mentioned line, one mile and a half; thence southerly, to the place of beginning: *Provided, nevertheless*, the president and trustees of said town may, at any time, by ordinance, prescribe other or different boundaries for said town, not exceeding five miles square. Boundaries.

§ 4. The president and trustees of said town, as incorporated under the general act of incorporation, are hereby appointed president and trustees of the said town, and shall hold their office until the first Monday of April next, and until their successors are elected and qualified; and on the first Tuesday of April next, or within ten days thereafter, and on the first Tuesday of April of every year thereafter, an election shall be held for five trustees of said town, who shall hold their offices for one year, and until their successors are elected and qualified. And ten days' public notice of the time and place of holding any election for trustees shall be given by the president and trustees, or by their clerk, by advertisements in any weekly newspaper published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected trustee in said town who shall not be qualified to vote for state and county officers, and who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the incorporated limits of said town. President and trustees.

§ 5. That at any election for trustees, every person who shall be qualified to vote for state officers, and who shall have a residence within the limits of said corporation for six months previous to such election, may enjoy the right of an elector. Electors.

President.

§ 6. That the trustees shall elect one of their number president, and shall be judges of the 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 penalties as they may provide, and punish their members for disorderly conduct, and by vote of three-fourths of their 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 vacancy in the board of trustees occasioned by death, resignation or continued absence from town for three months, or otherwise.

Quorum.

Streets, &c.

§ 7. The president and trustees of said town shall have power 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 resident of said town, over the age of twenty-one 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 from the general funds of the corporation as they shall deem necessary therefor.

2d. To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys, public grounds and public roads within the limits of said town.

Tax.

3d. To make, construct and keep in repair side-walks 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 side-walks 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. And until the said president and trustees shall provide by ordinance for the levying and collecting of 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 collected, and the number of the lot or lots upon which the tax is proposed to be collected, 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 10th, 1849, for the collection of other corporation taxes.

4th. To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one per cent. per annum upon the assessed valu-

ation 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, they shall be collected in the manner provided by the ninth section of the act aforesaid.

5th. 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 exhibition of horses and other animals. Prevent cattle, & running at large

6th. To prevent and regulate the running at large of dogs, and authorizing the destruction of the same when at large contrary to any ordinance. Powers of trustees.

7th. To regulate and prohibit any indecent exposure of person.

8th. 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 or public road in said town.

9th. To establish and maintain a public pound, and to appoint a pound master and prescribe his duties.

10th. To restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments.

11th. To suppress and prohibit disorderly houses or groceries and houses of ill fame.

12th. To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.

13th. To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries or shooting within the limits of said town.

14th. To abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be deemed nuisances and otherwise, and direct the summary abatement thereof.

15th. To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any disease, not exceeding two miles from the limits thereof.

16th. To regulate the storage of gunpowder and other combustible materials.

17th. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

18th. To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.

19th. To provide for enclosing, improving and regulating all public grounds or other lands belonging to said town.

20th. To provide for the erecting all needful buildings for the use of said town and the county by themselves or in conjunction with the county.

21st. To make all necessary regulations to secure the general health of the inhabitants thereof.

22d. To suppress and prohibit the selling, bartering, exchanging and traffic of wines, gin, rum, brandy, whisky or other intoxicating liquors within the limits of said town: *Provided*, that they may allow druggists to sell the same in good faith for purely medicinal, mechanical or sacramental purposes, and for no other purpose.

23d. To appropriate and provide for the payment of any debts or expenses of the town, and to fix the compensation of town officers.

24th. 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 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 for assault, assault and battery, riots, and affrays, shall any such fine exceed the sum of twenty-five dollars for any one offence.

§ 8. That the president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute any where any writ, process or precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest or receive any and all persons who may violate the same, and take them before any justice of the peace of said town, and to collect any fines, forfeitures and penalties which may be assessed or recovered for the use of said town, and to perform any and all other duties which are now or shall hereafter be prescribed by any general statute of the state to be done or performed by constables any where in Kane county: *Provided*, that any other constable of the county may execute any process issued by any justice of the peace by virtue of this act. 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.

§ 9. 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 in a book to be provided for that purpose, and such book purporting to be the records of the corporation of the town of St. Charles, shall be received in all courts, without further proof, as evidence of all matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or be posting up printed copies of the same in at least three of the most public places in the town.

§ 10. 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 creditable person; but in all cases of assaults, assaults and batteries, affrays or riot, a warrant shall issue for the arrest of the offender in the same manner as for like offences against the laws of the state. It shall be lawful to declare generally in debt for such fines, penalties and forfeitures, stating the clause of the 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 cause, as in other cases. Upon the rendition of judgment for any such fine or 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, 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, her or them to the jail of the county, there to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so in proportion to the amount of the said 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 of 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 said

Fines, penalties
and forfeitures.

circuit court: *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.

§ 11. The justice of the peace and constable who may 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 required by law in other cases.

§ 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 such suit any security for costs.

Fines, forfeitures
and penalties.

§ 13. 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.

Road labor.

§ 14. The inhabitants of said town are hereby exempted from working upon 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.

Bridge.

§ 15. Nothing in this act contained shall require the inhabitants of said town, in their corporate capacity, to build or keep in repair a bridge across Fox river.

§ 16. All ordinances, by-laws and resolutions passed by the president and trustees of the town of St. Charles, as incorporated under the general law, and which are now in force and not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation created by this act.

§ 17. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued to or have been commenced by the president and trustees of the town of St. Charles, as incorporated under the general law, shall be vested in and prosecuted by the corporation hereby created.

Property.

§ 18. All property, real or personal, or any estate or interest therein, held by or belonging to the president and trustees of the town of St. Charles, as incorporated under the general law, for the use of the inhabitants thereof, shall be and the same are hereby declared to be vested in the corporation hereby created.

§ 19. This charter shall not invalidate any act done by the president and trustees of the town of St. Charles as at present incorporated; and all taxes, assessments in favor of said corporation and which have not yet been paid into the treasury thereof, shall, when collected, be paid into the treasury of the corporation hereby created.

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

APPROVED February 12, 1853.

AN ACT to incorporate the town of Grafton.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Grafton, as set forth in section two, 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 Grafton," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure; and by said name they may sue and be sued, implead, answer, or defend in any court of competent jurisdiction, and in which the government of the corporation shall be vested and by whom its affairs shall be managed.

§ 2. The said corporation shall extend to and embrace all the lands and lots of said town, within the following boundaries, to wit: Commencing at the foot of State street, on the Mississippi river; thence north along said street to Russell street; thence west along said street till said line intersects an imaginary line, directly north of the point where the 16th section intersects the Mississippi river, and thence, in the Mississippi, to the place of beginning. More particular description of said boundaries may be had by reference to the recorded plat of said town.

§ 3. That there shall, on the first Monday of April next, and on the first Monday of April thereafter, annually, be elected, five trustees for said town, who shall hold their offices for one year, and until their successors are elected and qualified; and notice of the time and place of the first election shall be given by the now acting president and trustees, by posting up four notices of the same, and giving at least ten days' notice, and annually thereafter notices of elections shall be given by the president and trustees, by publication in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the time of notice as aforesaid. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, who has not resided six months in said town next preceding his election, and who has not paid a corporation tax.

§ 4. All white male inhabitants over twenty-one years of age who have resided in said town three months next

preceding an election, and who are qualified to vote for members of the general assembly, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board that may be occasioned by death, resignation, removal, six months' absence from the town, or otherwise, and to appoint a clerk, assessor, treasurer, street commissioner and town constable, who shall be collector, who shall give bond and security in such amounts as the trustees may require.

Hold land.

§ 5. The said corporation is hereby made capable in law to take and hold to themselves and their successors any lands, tenements and hereditaments, and the rents, issues and profits, that may be necessary for the erection of a market house, or other public buildings necessary to promote the interests and public good of the citizens of said town, and the same again to alien, sell, lease or otherwise dispose of, when necessary; they shall also have power to regulate, grade, pave and improve the river bank, the streets, lanes and alleys within the limits of said town and corporation: *Provided*, said corporation shall not have power to borrow money and pledge its revenues, or any part thereof, for any purpose whatever, without the consent of a majority of the legal voters of said town, who may be assembled by the trustees thereof for that purpose, on giving ten days' notice of the time and place of such voting.

By-laws.

§ 6. The trustees aforesaid and their successors in office, or a majority of them, shall have power to ordain and establish such rules and regulations for the transaction of the business and concerns of the corporation as they may deem expedient, and to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the good order and government of said corporation and for the management, disposition and application of its corporate property, and generally to execute all such acts and powers requisite to the full exercise of the powers hereby conferred and not contrary to the laws and constitution of the state.

Tax.

§ 7. The said trustees shall have power to levy and collect a tax, in addition to the state and county taxes, not exceeding one per cent., on all lots and improvements lying and being within the corporate limits of said town, according to valuation; to tax and license public shows and theatrical amusements, houses of public entertainment, taverns and stores in said town, or lying at the landing on the river, for the purpose of improving the streets, bridges, public commons and landings along the river, and to keep them clean and in good repair, and to defray the necessary expenses of said corporation, and for the purpose of erect-

ing such buildings and works of public utility as the interests and convenience of the inhabitants may require, and the circumstances render necessary; and their license so granted by the trustees of said town to public shows and taverns, shall except said public shows and taverns from obtaining a license from the county of Jersey, for the privileges granted them while in the limits of the corporation of said town, but shall not exempt them from paying county or state tax according to valuation.

§ 8. Said trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine by ordinance, and prescribe the manner of selling property when the taxes levied and assessed upon it are not paid: *Provided*, that all the proceedings shall be had in reference to delinquent taxes as are now or shall be required by the revenue laws for the collection of the state and county taxes, and the said collector shall give due notice by publication in a newspaper, if any shall be published in the county of Jersey, and make application to the county court of Jersey county for judgment against said delinquent lands and lots, and the said county court shall have jurisdiction over the same. The sales of said lands and lots shall be held within the corporate limits of said town, and the said constable shall have full authority and power to make and execute all deeds and conveyances under this act when thereto directed by said board of trustees.

Assessments and collection of taxes.

§ 9. 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 from the date of such sale by the owner of such property, or his or her agent, executor, administrator or other representatives paying to the treasurer of said town the amount of redemption money required by law in the same as is now provided or may be provided for redemption under sales held for taxes under the revenue laws, and the same rights shall be secured to minors, *femmes covert*, etc., as is now provided by law.

Sale for tax s.

§ 10. That the trustees of said town, or a majority of them, shall have power to preserve good order and quiet in said town, to punish public indecency, breaches of the peace, bawdy houses, gaming houses, riots, affrays, shooting within the limits of the incorporation, and all disorderly houses, to remove obstructions and all nuisances from the streets, alleys, public ways and landings of said town, to keep the same clean and in good repair, for which purpose they may make such by-laws and ordinances as to them may seem necessary, and not inconsistent with any public law of this state, and impose fines for the breach thereof, which fines shall be recoverable before any justice of the peace residing in said town; and all suits and judicial pro-

Good order.

ceedings under this act on behalf of said corporation shall be brought in the name of the president and board of trustees of the town of Grafton.

Violation of law.

§ 11. It shall be the duty of any justice of the peace residing in said town, upon complaint on oath being made to him of the violation of any law or ordinance of said corporation, to issue his warrant directed to any constable to apprehend the person or persons so offending, and bring him or them forthwith before him, and if it shall appear from the testimony that the accused has been guilty of the violation of any law or ordinance of the corporation, the said justice shall impose such fines as may be prescribed in such law or ordinance, not to exceed in any instance the sum of fifty dollars: *Provided*, that an appeal from such decision may be taken to the circuit court of the county of Jersey as in other cases, and all fines so recovered shall be paid into the treasury of said corporation.

Repair streets.

§ 12. It shall be the duty of said trustees to cause all streets, alleys, public roads and river landings in said corporation limits to be kept in good repair, and for this purpose they are authorized to require all the male inhabitants of said town, over the age of twenty-one years and under fifty, to labor on said streets, alleys, roads and landings, not to exceed five days in each year, and if any such person shall fail or refuse to perform such labor after notice from the street commissioner in writing, he shall forfeit and pay one dollar per day for such days, not exceeding five, on which he shall fail to labor according to said notice, to be recovered with costs before any justice of said town.

Special tax.

§ 13. That upon application of two-thirds of the owners of the front lots on any block, it shall be lawful for the trustees to levy and collect a special tax on the owners of the lots in said block, according to their respective fronts, for the purpose of curbing and paving the side walks.

Ordinances.

§ 14. That all ordinances of said town shall be written out and signed by the president and clerk, and published in a newspaper, or posted up at three of the most public places in said town for ten days before said ordinance shall be in force.

Justices and constables.

§ 15. Justices of the peace and constables who shall render service under this act shall be entitled to have and collect the same fees as are now provided for by law in other cases.

Call meetings.

§ 16. The president or any two trustees shall have power to call a meeting of the board by giving one day's notice thereof, and a majority shall constitute a quorum, but a minority may adjourn from time to time, and compel the attendance of absent members; and if from any cause an annual election shall not be holden at the proper time, the same may be held at any time thereafter, the clerk of

the late board, or any two trustees thereof, giving notice at least ten days previous of the time and place of holding such special election.

§ 17. The qualified voters within the corporation shall, at the first annual election for trustees, vote for or against becoming incorporated under this act, and if a majority of all the votes given at said election be in favor of being incorporated, then this act to be in force, otherwise to be null and void. The return of said election to be made to the clerk of the county commissioners' court, who shall examine the same as in other cases of elections, and it shall be the duty of the clerk to give public notice by putting up or causing to be put up notices in writing, in four of the most public places in said town, of the result of said election, and if this act shall at said election be accepted, then it shall be lawful for the board of trustees under this act to receive and collect all moneys and property belonging to said incorporated town, and they are hereby authorized to complete and close up any outstanding business of said town and liquidate all outstanding claims.

§ 18. This act to be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Murphysboro and Grand Tower Plank Road Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Evans, Benjamin F. Henson, Richard Worthen, James M. Morgan and John M. Hanson, and all such persons as shall hereafter become stockholders in the company hereby incorporated, their assigns and successors, be and they are hereby chartered and constituted a body corporate, and by the name of the "Murphysboro and Grand Tower Plank Road Company," that they have succession, be capable of suing and being sued, pleading and being impleaded, within all courts of this state, of contracting and being contracted with, of purchasing, selling, holding and conveying real estate and personal property, so far as may be necessary and convenient to enable them to build, construct and complete a plank road from the Big Hill, in Jackson county, across the Mississippi Swamp, at or near Kinkaid, in the direction of Murphysboro, in Jackson county, and have all other necessary powers to carry out the

privileges and franchises herein granted, with power to make by-laws, rules and regulations for the management of its property, the stock of said company and to regulate its affairs.

Capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, in shares of twenty-five dollars each, which is declared to be personal property, transferable by assignment. When the capital arising from said stock is invested and expended in the objects of this charter, the stock of said company may from time to time be increased in amounts of fifty dollars each as required in the completion of said work, but said stock shall not be increased beyond twenty thousand dollars.

Tolls.

§ 3. Said plank road company, when said road is constructed in whole or in part, may collect such tolls for traveling thereon as the county court of Jackson county may determine.

Injury to road.

§ 4. If any person shall wilfully do or cause to be done any act or acts whatever whereby any damage may be done to said road, or any construction or work of said corporation, the person or persons so offending, on conviction thereof, shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such injury, to be recovered in the name of said corporation in any court of this state by action of debt, trespass or trespass on the case, with costs of suit; and nothing herein contained, in consequence of a recovery thereof, shall be a bar to the punishment of such offenders under the criminal laws of this state.

Taking timber.

§ 5. Said company shall have the privilege of taking and using the timber and such materials as are necessary for the construction of said plank road from any swamp lands or other lands belonging to the state, with the right of way through the same.

§ 6. This act is declared to be a public act, and is to be construed liberally, to promote and carry out the objects herein intended.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Seneca Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created shall be and continue to be a body corporate and politic, under*

the name of the "Seneca Plank Road Company," and by that name shall have succession forever; may sue and be sued, complain and defend, in any court of law or equity in this state; may make and use a common seal, alter the same at pleasure; may make by-laws, rules and regulations for the appointment of officers and their number, and for the transfer of its stock, for the management of its property, and for any purpose for the better regulation and controlling said company, not inconsistent with the laws and constitution of the United States or of this state; may appoint subordinate officers, and require of them and their agents such security as may be deemed necessary under the said restrictions, to carry out and sustain said corporation in the exercise of its powers.

§ 2. Said corporation shall have power and the right to construct, and during its continuance, to maintain a plank road of such width as may be deemed advisable by the directors of said company, and upon the usual and best mode of constructing the same, with such appendages as may be deemed necessary for the convenient use of the same, from the Illinois river, in the town of Manlius, and county of La Salle, in a northwardly direction, to Cratty's warehouse, now erected on the north side of the Illinois and Michigan Canal; thence north to Cratty's store, and from thence to Seneca Station, sec. 23, on the Chicago and Rock Island Railroad, with the right to construct branch roads from such proper and convenient points as in the judgment of said directors shall best promote the interest of said company; also, to build a plank road in a northwardly direction from Seneca Station to such point on Fox river as shall be determined by the directors of said company as most favorable to the interests of same.

§ 3. The capital stock of said company shall be one hundred thousand dollars, which shall be considered personal property, and divided into shares of one hundred dollars each.

§ 4. That Jeremiah Cratty, Franklin Maxcy, James Macklin, Solomon S. Bell and ——— Holderman, or a majority of them, shall be commissioners for receiving such subscriptions to the capital stock of said company, who shall, by notices in a public newspaper or papers in La-Salle county, and also by affixing notices in three of the most public places on the line of said road, and also three notices in the town of Manlius, setting forth when and where the books will be opened for receiving subscriptions to the capital stock of said corporation, at least thirty days before the opening of said books. The books shall be opened at least three days in Manlius, and one day each at such points on the line of the road as shall be designated by said notices.

Subscriptions.

§ 5. The said commissioners may solicit and receive subscriptions from time to time at their pleasure after opening said books at their different places designated, until they shall have subscriptions of shares of said stock to the amount of three thousand dollars. When this amount shall be subscribed the said commissioners shall notify the said subscribers by a written or printed notice left at the place of residence of each subscriber, setting forth that the amount of three thousand dollars of the stock of said company has been subscribed, and that he is notified to attend at a day and place fixed in said notice, at least thirty days from the time of giving said notice, to elect five directors by a majority of subscribers, to be styled a board of directors, to manage the affairs of the Seneca Plank Road Company, a majority of whom shall form a quorum to do business.

Notes.

§ 6. When any subscription to the capital stock of said company is made, it shall be the duty of the said commissioners receiving the same to have printed blank notes in readiness for subscribers to said stock to sign, which said notes shall read as follows:

"I, A. B., (as the case may be,) in consideration of the effort now making to construct a plank road by the Seneca Plank Road Company, do hereby agree to pay the sum of _____ to the treasurer of the Seneca Plank Road Company, ten per cent. of which I agree to pay forty days after there has been three thousand dollars of the capital stock of said plank road company subscribed, and thereafter ten per cent. of the whole sum above mentioned each three months, until the amount is fully paid. In default of any of the above payments, after I have been notified of such payments having become due as above, the treasurer of said company is hereby authorized and empowered to confess a judgment for me and in my name, and in any court having jurisdiction, which may and shall be as effectual and as good in law against me and my property as if I confessed the same in my own proper person. Given under my hand and seal, this _____ day of _____, A. D. 185—.

_____ [L. S.]

Default in payment.

§ 7. In all cases where there is a default in the payment of stock notes, as above, the affidavit of the treasurer of said company that the pay was due, according to the provisions of such stock note presented for judgment, shall be sufficient evidence to allow the confession of judgment on said note against the maker thereof.

Commissioners to deliver books.

§ 8. Immediately after the election of directors and the organization of said board, the commissioners shall deliver to said directors or their treasurer the whole amount of money and notes received by them on subscription to said stock.

§ 9. The said corporation is authorized, as soon as the board of directors are elected as aforesaid, to commence the construction of said road, and as soon as one mile of said road is completed, said corporation may erect gates thereon and collect the tolls allowed by this act; and it shall be the duty of said corporation, when said road shall have been completed, and gates erected thereon, to keep it in good order and repair, and whenever the said road from any cause shall have been injured the said corporation shall immediately proceed to repair the same. The said corporation shall have power to borrow money at a rate not to exceed twelve per cent. per annum for any time to suit the convenience of said company.

§ 10. The said corporation shall have power to fix and regulate the toll to be charged and paid for traveling and passing on said road; the rates so fixed shall be printed and posted up at each toll-gate, and it shall be lawful for any toll-gatherer to stop and detain any person going on said road until the toll properly chargeable shall have been paid, and the tolls collectable from those passing along a portion of the line of said road, less than half the length of said road, shall be charged only half the regular toll as fixed by said company, and posted up in said toll-gate houses.

§ 11. The said corporation may erect and maintain a bridge on the line of their road across the Illinois and Michigan Canal: *Provided*, that the span of such bridge shall not be less than the span of other bridges across said canal, and not, in any manner, interfere with the navigation of the canal; and said corporation may also construct a bridge across the Illinois river at the point where their road intersects the said river.

§ 12. There shall be mile posts erected on said road, and if any person shall cut down, deface, tear up, or in any other way injure said mile posts, or injure the road by any means whatever, except by natural wear, he or she so injuring said road shall pay to said company three times the costs of such injury, to be collected before any court having jurisdiction.

§ 13. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state free of charge, or by individuals on the route of said road: *Provided*, said company shall not take land to exceed eighty feet in width on said route: and is authorized to acquire, by voluntary cession or purchase from the owners, the right to construct said road over the land of any individual, or corporation, or company on said route; and in case said company cannot obtain the right to construct said road over the lands owned by individuals, or company, or corporation, by voluntary cession or pur-

chase, it shall be lawful for said company to appropriate and use so much of said land as shall be necessary for the proper construction of said road on complying with the following conditions.

Petition county court. § 14. The directors of said road may present a petition to the judge of any court of record in any county in which such lands may be, to which said corporation is unable to acquire title as aforesaid, setting forth by some proper description the land wanted for the construction of said road and the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenience, if it can be done, the parcels claimed in generalty by the respective owners, and praying for the appointment of appraisers to assess the damage the owners of said land will generally sustain by reason of the appropriation thereof by the said corporation for the use aforesaid.

Duty of judge. § 15. The said judge, on receiving the said petition from the directors of said corporation, shall proceed to appoint three discreet, disinterested freeholders, who shall be sworn by said judge to take into consideration all the advantages and disadvantages of said land sought to be crossed by the said road, and if the advantages are considered to be equal to the disadvantages, there shall be nothing allowed, but if it shall be considered that the disadvantages of said road are greater than the advantages, the said appraisers shall make such reasonable awards of damages as they may think the owner thereof has sustained.

Appraisement. § 16. That when the appraisers aforesaid have made a full and entire appraisement of such lands petitioned to be appraised, they shall, within ten days, make a full report of such appraisement to the judge of said court, who, on receiving the same, shall make a decree that a judgment shall be entered of record by the clerk of said court against said company for the benefit and in favor of those to whom damages are awarded, and when such judgment shall be fully paid by said company they shall have all the rights and privileges that they could have had the right of way been ceded to the company; and also the said judge shall decree that all such lands as were not considered by said appraisers to be damaged by said road passing through to be free to said company.

Note and decrees § 17. The clerk of said court, on entering up the decrees of said court as aforesaid, shall make out a full certificate, under the seal of the court, setting forth the fact that the said company have, under the decree of said court, obtained the full right of way, mentioning fully the right of way granted.

§ 18. Should the said commissioners mentioned in this act fail to obtain subscription to the full amount of the capital stock of said company, those persons who do sub-

scribe may pay their money in, and at any time they may agree proceed to elect directors of said company, and also to do all things necessary to carry every section of this act into operation.

APPROVED February 12, 1853.

AN ACT to incorporate the Woodford County Plank Road Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Ira Y. Munn, Harlow Barney, Jefferson Hushaw, R. C. Dement, M. McManus, P. H. Willard, H. L. S. Haskill, George Ray, L. C. Blaksley, J. W. Brinna, John Page, S. J. Cross, Peter Doty, John J. Perry, Robert I. Cassel, James S. Whitmore, and their associates and successors, be and are hereby constituted a body corporate and politic, to have perpetual existence and succession, to be known as "The Woodford County Plank Road Company," and by that name and style, may contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law and equity, and have a common seal, alter the same at pleasure; and they shall have power, in their corporate name, for the use of said corporation, to purchase and hold such real estate as may be necessary for the free enjoyment of all privileges herein granted, for the purpose of constructing a plank road from the town of Spring Bay, in Woodford county, to and through Metamora to a point on the Illinois Central Railroad, not more than five miles north or south of a due east line from Metamora.

§ 2. Said corporation may, by their board of directors, make by-laws, rules and regulations for the management of their property, regulation of their affairs, and for the transfer of their stock, not inconsistent with the constitution and laws of the United States or of this state; and, also, may erect and maintain one or more warehouses at the eastern and western terminus of said road.

§ 3. The capital stock of said company may be seventy-five thousand dollars, which shall be considered personal property, and be divided into shares of twenty-five dollars each.

§ 4. That Ira Y. Munn, Harlow Barney, John J. Perry, Peter Doty and S. J. Cross, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where, and after such notice as they or a majority of them shall agree; and they may

require partial payments thereof from time to time before the subscriptions shall all be taken.

Management
of affairs.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of fifteen thousand dollars shall be subscribed to the stock of said company. Said directors shall continue in office one year, and until their successors shall be qualified; they shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. The first election of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

Commissioners
deliver books.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions of stock and books of subscription, and other property of said company.

Construction.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road, and as soon as any two miles thereof shall be completed, may erect toll-gates thereon, and collect the tolls thereon, at any rate not exceeding three cents per mile for any vehicle drawn by two horses, and other teams in proportion. The said company may have power to borrow not exceeding twenty thousand dollars, in such mode as they may elect, to aid in constructing the said road.

Right of way.

§ 8. Said company may procure, by purchase or gift, from the owners thereof, any lands or the right of way over any lands necessary for the continuation of said road, and the other purposes of this corporation as herein specified, and may also agree for the use of any part of a public highway for the construction of said road, with the county court of the county in which such highway may be situated. Such agreement with said court shall be in writing, and shall be filed and recorded in the office of the clerk of said court. Before constructing said road said company shall cause an accurate survey of said road, or such portion of the same there proposed to be built, to be made by a practical surveyor, signed by a majority of the directors, acknowledged by them and filed in the office of the clerk of the county court.

Route.

§ 9. The route surveyed as aforesaid shall be the route of said road, unless altered by the directors, and in that case such alterations shall be signed, acknowledged and filed as aforesaid, and the said company may thereupon enter upon, take and hold, subject to the provisions of this

act, all such lands as the said survey or alterations thereto shall describe as necessary for the construction of said road, and that may be necessary to carry out the provisions of this act; but before entering upon any such lands, the company shall purchase the same of the owners thereof, or pursuant to the provisions of this act, acquire the right to enter upon and hold the same.

§ 10. If any owner of any such land shall from any cause be incapable of selling the same, or if said company cannot agree with such owner for the purchase thereof, or if after diligent inquiry the name and residence of any such owner cannot be ascertained, or if such owner be a non-resident of this state, the company may present to the county judge of the county in which the lands lie a petition setting forth the grounds of the application, a description of the lands in question, and the name and residence of such owner, if known, and the means that have been taken to ascertain the name and residence of such owner, if unknown, and praying that the damages of the owner of the lands described in the petition may be ascertained by said court.

§ 11. Upon receiving such petition the said judge shall appoint a time, at some regular or special term of the county court of the county, for the hearing of the petition. At least ten days' notice of the time and place of the hearing of the petition shall be served personally upon each owner of the lands described in the petition, if he resides in the county where said lands are situated, and said notice shall be served on all others in like manner, or by publication thereof in some newspaper published in the county in which the lands lie, and if there are none published in said county, then in some newspaper published in an adjoining county, the first of which publications shall be at least sixty days before the hearing.

§ 12. At the time appointed for the hearing, the county court shall, after hearing the evidence offered by the parties, assess and determine the damages which the owner will derive from the building of said road. The assessment of the court shall contain the name of the owner, if known, and an accurate description of the lands to be taken, and shall be entered of record by the clerk of said court, and such assessment shall be final, subject only to the right of appeal by either party to the circuit court, on the same terms as is by law provided for appeals from the county court in other cases.

§ 13. Within thirty days after the assessment of damages by the county court as aforesaid, or after the final trial in the appellate court, if any appeal be taken, or at least before the said company shall take possession of said land, the said company shall pay to the person entitled to

receive the same the amount assessed as such damages, or shall make a legal tender thereof to him, and in case the owner or person entitled to receive the same is a non-resident, or not a resident of the county wherein said assessment is made, or unknown, and proof being made of such fact by affidavit, the county judge shall order the amount due such owner to be deposited with the county treasurer of the county in which the lands lie, for the use of the owner. Thereupon the said company may take possession of said lands and hold the same in the same manner as those acquired by purchase or gift, for the purposes of said road.

Penalty for injury.

§ 14. If any person or persons shall wilfully cut down or break, deface or injure any mile post or posts on any such road, or shall wilfully cut or throw down, break or injure any gate, fence or appendage erected on said road, or wilfully tear up, displace, break or injure in any way said road, or any thing thereunto belonging or being an appendage for the use and convenience of such road, he or they shall, respectively and individually, forfeit and pay to said company three times the amount of damage actually done, and in every instance he or she shall forfeit and pay at least the sum of twenty-five dollars. If any person, to avoid the legal tolls chargeable on said road, turn off said road and pass around and avoid any gate on said road, he or she shall forfeit and pay to said company, for every offence, the sum of ten dollars. If any person shall forcibly pass any toll-gate on said road without having paid the legal toll as fixed by the directors, without the permission of the toll-collector, he or she shall forfeit and pay to said company the sum of twenty-five dollars for each offence.

Recovery of penalties.

§ 15. All penalties and forfeitures incurred under the provisions of this act may be recovered by action of debt in any court having cognizance thereof; and when the penalty or forfeiture does not exceed one hundred dollars the same may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be found. All suits by and against said company shall be brought and prosecuted to judgment in and by their said corporate name.

Transfer of stock

§ 16. The shares of this company may be transferred by assignment, and any subscriber to the capital stock of said company shall not be responsible beyond the actual amount of stock by him subscribed.

Woodford county to subscribe stock.

§ 17. That the county of Woodford may subscribe to the capital stock of said company any sum not exceeding twenty thousand dollars, and it shall be the duty of the judge of the county court, before subscribing to said capital stock, to give notice and cause an election to be held at the usual place of holding elections in said county; which

election shall be conducted as other elections, and the return of the votes made and canvassed as in other cases, and if a majority of the votes cast at said election shall be in favor of subscribing to said capital stock, then the said county judge shall subscribe to the capital stock of said company the amount voted for at such election.

§ 18. The county judge may, if the majority of said votes cast at said election shall be in favor of taking stock in said company, issue the bonds of said company for the payment of said stock in any sum not less than five hundred dollars, and bearing interest not exceeding eight per cent. per annum, and payable not exceeding twenty years. Said interest shall be payable annually.

§ 19. Said stock subscribed by said county shall be under the direction of the county court. Stock subscribed by company.

§ 20. This act of incorporation is hereby declared a public act.

APPROVED Feb. 12, 1853.

AN ACT to incorporate the town of Dixon, in Lee county.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the inhabitants and the residents in the town of Dixon 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 Dixon;" 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. Body corporate and politic.

§ 2. The boundaries of said incorporation shall include the east half and the northwest quarter of section number five, and the west half of the northwest quarter of section number four, in township twenty-one, and the east [half] of section number thirty-two, and the fraction south of Rock river of the southeast quarter of said section number thirty-two, in township twenty-two, of range number nine, east of the fourth principal meridian, in the Dixon land district. Boundary.

§ 3. There shall, on the first Monday of March next, and on the first Monday of March annually thereafter, be elected five trustees, who shall hold their offices for one year and until their successors shall be elected and qualified. Public notice of the holding of said first election shall be given by the president and trustees of said town, Election.

then in office, as heretofore incorporated, and of every subsequent election by the president and trustees then in office, by an advertisement published in a newspaper in said town, or if there shall be no such newspaper by posting such notice in at least three public places in said town at least ten days before the day of 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 one year next preceding his election. All free, white male citizens of the state, over twenty-one years of age, who shall have resided in said town for three months next preceding an election, shall be entitled to vote at any town election. The said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, or removal, or six months' absence from the town, and to appoint a clerk, an assessor, a treasurer, a street inspector and a town constable—each of said officers to give bond and security in such amount as the trustees may require—and it shall be the duty of said constable to collect all fines and serve all processes at the suit of the corporation, and to do such other matters and things pertaining to the office as may be required of him by the ordinances and by-laws of said corporation.

Lands.

Public buildings.

Streets.

Jury.

§ 4. The said corporation is hereby made capable in law to take and hold, themselves and their successors, any lands, tenements and hereditments, and the rents, issues and profits thereof, which may be necessary for the erection and support of any public school house or houses, market houses or other public buildings, or for the purpose of a burying ground, which burying ground may, if they think fit, be held and owned outside of the limits of the town; and all, or any of the same, to grant, sell and dispose of if necessary; and for the purpose of buying any such lands or of erecting any such buildings, to negotiate loans and borrow money on the credit of such corporation in such manner and on such terms as to them shall seem best. They shall also have power to regulate, grade, pave and improve the streets and alleys within the limits of said town, and to extend, open and widen the same, making the persons injured thereby, or by reason of any acts done by virtue of the provisions of this act, adequate compensation, to ascertain which the board shall cause to be summoned six good and lawful men, freeholders and inhabitants of said town, not directly interested, who being first duly sworn for the purpose before any justice of the peace residing in said town, shall inquire into and take into consideration as well the benefits as the injury which may accrue, and estimate the damages which would be sustained by reason of the opening, extending or widening of any street, avenue, lane

or alley, and shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating the person injured; all of which shall be returned to the board of trustees under their hands and seals, and the person who shall be benefited and so assessed shall pay their assessment in such manner as shall be provided by said board, and the residue, if any, shall be paid out of the town treasury; and said corporation shall have power to sue and be sued, plead, answer and be answered, in any court whatever.

§ 5. The trustees aforesaid, and their successors in office, or a majority of them, shall have full power and authority to establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation as they may deem expedient, and to ordain, establish and put into execution such by-laws, ordinances and regulations as to them shall seem necessary for the government of said corporation, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary, and not contrary to the constitution and laws of this state.

Rules and regulations.

§ 6. The said trustees shall have power to levy and collect a tax not exceeding one-half of one per cent. on all real estate lying and being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, stores and groceries, for all revenue purposes; and said trustees may adopt such modes and means for the assessment and collection of taxes as they may from time to time fix upon and determine, and prescribe the manner of selling property when the tax assessed thereon shall not be paid: *Provided*, no sale of any town lots or other real estate shall be made until public notice of the time and place thereof shall be given by advertisement in a newspaper printed in said town, or should there be no such paper, by posting the same in four of the most public places in said town; such notice to be given at least fifteen days previous to any such sale: *And provided further*, that in conducting such sale the provisions of the law then in force concerning public revenue, so far as the same may be applicable, shall be complied with, and the property sold shall be subject to redemption at any time within two years from the date of such sale, by the owner of said property, or his or her agent, executor or administrator, paying to the treasurer of the town, for the use of the purchaser of said property, double the amount of the purchase money and costs thereon.

Levy and collect tax.

Preserve good order.

Gaming.

§ 7. The trustees of said town shall have power to preserve good order and harmony in said town, to punish for open indecency, breaches of the peace, gambling, maintaining gaming houses, for horse racing, shooting, assaults, assault and battery, and all disorderly conduct and riotous meetings, to remove obstructions in the streets and alleys, to declare what shall be deemed nuisances and provide for their removal, to make regulations to secure the general health of the inhabitants, and to prevent the introduction of contagious diseases, and for the prevention and extinguishment of fires; for which purpose they may make such by-laws and ordinances as to them may seem expedient, not inconsistent with any law of this state, and may impose fines for the breach thereof, which shall be recoverable before any justice of the peace residing in said town.

Duty of justice of the peace in violation of ordinances.

§ 8. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon the violation of any law or ordinance of said corporation, to issue his warrant directed to the town constable or any authorized officer, commanding such officer to apprehend the offender or offenders, and bring him or them forthwith before such justice, or in case of his absence, before some other justice of the peace residing in said town, and after hearing the evidence, if it shall appear that the said accused has been guilty of such violation of such law or ordinance, to impose such fine or imprisonment as shall be prescribed by such law or ordinance: *Provided*, such fine shall not exceed ten dollars, nor such imprisonment continue longer than twenty-four hours for any one offence: *And provided, also*, that writs of *certiorari* and appeals shall be granted from judgments under this act as in other cases, and all such fines shall be paid into the treasury of said town.

Special tax.

§ 9. On application of the owners of two-thirds of the lots on any street or block, or part of a street, it shall be lawful for the trustees to levy and collect a special tax on the owners of the lots on said street, block, or part of a street, according to their respective fronts, not exceeding one per cent., for the purpose of grading and paving the side walks fronting such lots.

Publication of ordinances.

§ 10. All ordinances of said corporation shall be signed by the clerk and published in a newspaper printed in said town, or, should there be no such paper, shall be posted up in three of the most public places in said town; and no ordinance shall be in force until published as aforesaid at least ten days before going into effect of the same, and the certificate of the clerk of the board of trustees shall be evidence of the fact of publication.

§ 11. Justices of the peace and constables who may be required to render services under this act shall be entitled to the same fees, and to collect the same in like manner, as now is or hereafter may be provided by law in similar cases. Fees.

§ 12. The president or any two trustees shall have power to call meetings of the board by giving the members one day's notice thereof. A majority of the board shall constitute a quorum, but a minority shall have the power to adjourn from time to time, and to compel the attendance of members. In the event of a failure to elect trustees at the time for the annual election, it shall be lawful for the clerk of the board last elected, or any two qualified voters of said town, at any time thereafter, to give notice, as hereinbefore provided, of the time and place of holding a special election, and the trustees elected at such election shall have all the powers conferred by this act. Special meetings

§ 13. The trustees of said town shall have power to authorize the construction of mills and mill-races, and feeders on and through the river streets at such places and under such restrictions as they shall think proper. They shall also have power to vacate any streets or alleys, or part or parts of any street or streets or alleys, making in all cases adequate compensation to persons injured thereby. Mills and mill-races.

§ 14. The president of said board shall be commissioned by the governor as a justice of the peace, and, as such, shall be a conservator of the peace, with all the power and authority vested by law in other justices. President to be commissioned by governor.

§ 15. This act shall take effect on the first Monday in March, A. D. 1853.

APPROVED February 10, 1853.

AN ACT to incorporate the town of Edwardsville, in Madison county, In force Feb. 10, state of Illinois. 1853.

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 Edwardsville, Madison 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 Edwardsville," 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. Body corporate and politic.

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Boundaries.

§ 2. The boundary of said corporation shall include the original town of Edwardsville and the several additions thereto, as the same are recorded in the recorder's office in the said county of Madison.

Additions.

§ 3. Whenever any tract of land adjoining the town of Edwardsville 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 said corporation.

General powers.

§ 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, 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, both real and personal, beyond the corporation limits, for burial grounds and for 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.

Trustees.

§ 5. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business, and the persons who may be in office as trustees in said town under the general incorporation act of this state shall, after the passage of this act, be deemed to hold their offices by virtue of this act until the first Monday of April, 1853, and until their successors in office are elected and qualified, and to discharge their duties in conformity to the provisions of this act.

Elections.

§ 6. That there shall, on the first Monday of April next, be elected five trustees, and on every first Monday of April thereafter, who shall hold their offices 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 president and trustees of said town, by an advertisement published in a newspaper in said town, or posting it up in at least three of the most public places in said town. 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 his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state or county tax, and all white free male inhabitants, over twenty-one years of age, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not

Eligibility.

exceed three months. All vacancies which shall occur for a longer time, the board shall give ten days' notice by posting up at least three advertisements in said town for the election of a trustee to fill such vacancy, to be filled in the same manner as provided for in regular elections; and said trustees shall have power to appoint a clerk, a treasurer, an assessor, a street commissioner and a town constable, which 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 processes at the suit of the corporation, and shall execute all writs, process and precepts which may be issued against any person for 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 to hold his office for one year and until his successors is elected and qualified.

Appointments.

Oath.

§ 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 the 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 its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and which are not contrary to the laws and constitution of this state.

Rules and regulations.

§ 8. The said trustees shall have power to levy and collect a tax, not exceeding one-half 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

Tax.

time and place of sale shall be given by advertisement in some newspaper in said town, 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.

for taxes. § 9. 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 redeemed 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 therefor, signed by the president and countersigned by the clerk of the board of trustees.

Streets. § 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 days nor less than two days, against every able-bodied male inhabitant of said town over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they shall determine and direct.

Tippling houses. § 11. The trustees shall have power to tax, restrain prohibit and suppress tippling houses, dram shops and gaming houses, bawdy houses and other disorderly houses and to suppress and restrain billiard tables.

Good orders. § 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 or unusual noises, or for disturbing persons assembled at religious or other meetings in said town; for which purpose the trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary and expedient to carry the provisions of this act into effect and impose fines for the violation thereof, which fines shall be recovered before any justice of the peace in said town.

Justice of the 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 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 to 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 the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fine or imprisonment as is provided by the laws of the state for the punishment of similar offences.

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

§ 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 the town. Fines.

§ 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-law or ordinance 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, or by publication in some newspaper in said town; which record or book shall be evidence of the authority of said by-laws or ordinances that they have been legally enacted. Journal.

§ 17. The trustees shall have power to build a plank road in said town, to be located in Main street, to and from such points therein as the trustees may direct. For which purpose the said trustees are hereby empowered to issue the bonds of the town of Edwardsville, pledging for the security of the payment of the same the revenue which may be derived from the special tax hereinafter provided for: *Provided*, the amount of said bonds shall not exceed the sum of five thousand dollars, nor bear a greater rate of interest than ten per cent. per annum. That said trustees, for the purpose of paying said bonds, are hereby empowered to levy and collect a special tax, not exceeding one per cent., on all lots and improvements and personal property lying and being within the corporate limits of said town, according to valuation; which said valuation shall be assessed by three *bona fide* freeholders in said town, who shall be appointed by the trustees. Plan's road. Issue bonds.

§ 18. The said trustees shall have power to make pavements or side-walks in said town, as to them may seem needful: *Provided always*, that the lot in front of which any side-walk is made shall be taxed to pay at least one-half of the expenses of making such side-walk. Pavements, &c.

§ 19. The said trustees shall have power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal hereof. This act shall take effect and be in force from and after its passage. Nuisance.

APPROVED February 10, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the city of Waukegan.

Be it enacted by the people of the state of Illinois, represented in the General Assembly :

ARTICLE I.—*Of Boundaries.*

- Name and style.** SECTION 1. That the inhabitants of the incorporated town of Waukegan, in Lake county, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Waukegan," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity; and may have and use a common seal, and alter the same at pleasure.
- Boundaries.** § 2. All that territory embraced within the following limits, to wit, beginning at the water's edge on the western shore of Lake Michigan, due east of the northeast corner of the southeast quarter of section sixteen, in township forty-five north, of range twelve, east of the third principal meridian; thence due west to the northwest corner of the southwest quarter of said section; thence due south to the southwest corner of the northwest quarter of section twenty-eight; thence due east to a point on said lake shore at the water's edge, and thence northerly, along low water mark, to the place of beginning, shall be and the same is hereby declared to be within the limits of the city of Waukegan.
- Additions.** § 3. Whenever any tract of land adjoining the city of Waukegan 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 city of Waukegan. And all parcels of land within the aforesaid boundaries and beyond the boundaries of the present corporation as extended, that exceed in extent one acre, shall be exempt from taxation for city revenue until the same shall be subdivided into lots of one acre or less, and each lot, when so divided, shall be taxed as other city lots.
- General powers.** § 4. The inhabitants of said city, 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, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other purposes, for the use of said inhabitants of said city; to sell, lease, and convey or dispose of property, and do all other things in relation thereto as natural persons.

ARTICLE II.—*Of the City Council.*

Officers of council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years, and until others shall be legally qualified. Term of office.

§ 3. No person shall be an alderman unless at the time of his election he shall be a freeholder in said city, and shall have resided within the limits of the city one year immediately preceding his election, and shall have the requisite qualifications to vote for state officers, be a resident of the ward for which he is elected, and a citizen of the United States. Eligibility.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, or cease to be a freeholder in said city, his office shall be declared vacated. The mayor and aldermen shall serve without compensation from the city funds, until there shall be eight thousand inhabitants in said city, and when the population shall exceed eight thousand the mayor shall receive such compensation as the city council shall determine, not to exceed two hundred dollars per annum. Vacancies.

§ 5. At the first meeting of the city council, the aldermen shall be divided by lots into two classes; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually. Divided by lot.

§ 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act. Qualification of members.

§ 7. A majority of the city 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 penalties as may be prescribed by ordinance. Quorum.

§ 8. The city 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.

§ 9. The city 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.

§ 10. No alderman shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected. Aldermen not appointed to office.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies filled.

§ 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath, or make affirmation, that they will support the constitution of the United States and of this state, and that Oath.

they will well and truly perform the duties of their office to the best of their skill and ability.

Tie. § 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the fact to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Meetings. § 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

ARTICLE III.—*Of the Chief Executive Officer.*

Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year, and until his successor shall be elected and qualified.

Eligibility. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

Vacancies. § 3. If any mayor, during the time for which he shall have been elected, remove from the city, or shall be absent from the city for the space of six months, his office shall be vacated.

Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be determined by ordinance.

Contested. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

Vacancies. § 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election.

ARTICLE IV.—*Of Elections.*

Elections. § 1. On the first Monday of April next an election shall be held in each ward of said city for one mayor and one marshal for the city, two aldermen for each ward, and forever thereafter, on the first Monday of April of each year, there shall be an election for one mayor and one marshal for the city, and one alderman for each ward. The first election for mayor and alderman shall be held, conducted and returns thereof made in the same manner as the election and returns for the president and trustees of the town of Waukegan are now held, conducted and returned.

Eligibility of voters. § 2. All male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who

shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the wards in which they shall respectively reside.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to ^{Tax.} levy and collect taxes for city purposes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. 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 and this state.

§ 2. The city council shall have power to appoint a ^{Appointments.} clerk, treasurer, assessor, street commissioner or commissioners, city surveyor, city attorney, and all such other inferior officers as may be necessary.

§ 3. The city council shall have power to require of ^{Give bonds.} 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 such an oath, or make such affirmation, as the common council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall any sum or sums be borrowed as aforesaid until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof, and if a majority of the legal voters of said city shall vote in favor of any such loan, the same may be negotiated, and not otherwise.

§ 4. To appropriate money and provide for the pay- ^{Powers of council.} ment of the debts and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city. To make quarantine laws for that purpose, and enforce the same within five miles of the city.

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

§ 7. 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.

§ 8. To provide the city with water, to erect hydrants, and pumps, build cisterns and dig wells in the streets, for the supply of engines and buckets.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys, side-walks, drains and sewers.

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

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.

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

§ 13. To establish, support and regulate night watches.

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

§ 15. To provide for all needful buildings for the use of the city.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

Wharfs. § 17. To erect, repair and regulate public wharves, piers and docks; to regulate the erection and repair of private wharves, piers and docks, and the rates of wharfage thereat.

Auctioneers. § 18. To license, tax and regulate auctioneers, merchants, pedlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.

Carriages, wag-
ons, &c. § 19. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

Porters. § 20. To license and regulate porters and the rates of portorage.

Exhibitions. § 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Tippling houses. § 22. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses and bawdy houses, and other disorderly houses.

Fires. § 23. To provide for the prevention and extinguishment of fires, to organize and establish fire companies.

§ 24. To regulate the fixing of chimneys, and to fix the flues thereof.

Gunpowder. § 25. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

§ 26. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large.

Weights. § 27. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law, and to order all laws on the subject to be enforced; and to fix and

enforce payment of fines for non-compliance with any such order.

§ 28. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 29. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood, and other fuel to be sold and used within the city. Inspection and weighing of hay &c.

§ 30. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whisky in barrels.

§ 31. To regulate the inspection of butter, lard, and other provisions.

§ 32. To regulate the weight and quality of bread to be used and sold in the city. Bread.

§ 33. To regulate the size of bricks to be sold and used in the city. Bricks.

§ 34. To provide for taking enumerations of the inhabitants of the city.

§ 35. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

§ 36. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance made in pursuance thereof.

§ 37. To regulate the police of the city, 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; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city, and disposed of by the city council under the ordinances of said city, for the general use and benefit of the inhabitants thereof. Police.

§ 38. The city council shall have exclusive power, within the city, by ordinance, to suppress and restrain billiard tables and bowling alleys. Billiard tables.

§ 39. The city 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 ordinance be not repugnant to nor inconsistent with the constitution of the United States or of this state. Ordinances.

§ 40. The style of the ordinances shall be, "*Be it ordained by the city council of the city of Waukegan.*" Style.

§ 41. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper in the city, or posted up in three of the most public places in said city of Waukegan, and shall not be in force till they shall have been published as aforesaid. Publication.

Proof by seal.

§ 42. All ordinances of the city may be proven by the seal of the corporation, and when printed 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.

ARTICLE VI.—*Of the Mayor.*

Mayor preside.

§ 1. The mayor shall preside at all meetings of the city council, and in case of a tie, shall have a casting vote, and in no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board.

Special meetings

§ 2. The mayor or any two aldermen may call special meetings of the city council.

Duty.

§ 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Duty in case of riots.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in cases of riots to call out the militia to aid him in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

Exhibit of books &c.

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

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Be commissioned

§ 7. He shall be commissioned by the governor as a justice of the peace, and as such give bond as other justices of the peace, and upon neglect to do so, his office shall be vacated; shall be a conservator of the peace for the city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgments of deeds, mortgages, and all other instruments of writing, and certify

the same, under the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases. Jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

§ 10. He shall receive for his services outside of the city such salary as shall be fixed by ordinance of the city. Salary.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and 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 the county of Lake, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office. Removal.

ARTICLE VII.—*Of Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Private property.

§ 2. When the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened, or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken, their tenants or others, for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessments of benefits or damages that may accrue thereby to any of the petitioners. Alter or widen streets.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, avenue, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror. Jurors.

Damages.

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

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley, or a part of any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving, grading or planking side-walks and lighting such street, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the actual cost of said side-walks and lighting, respectively; which tax shall be collected in the same manner as other city taxes.

ARTICLE VIII.—*Miscellaneous Provisions.*

Street labor.

§ 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year, and for the purpose of building and maintaining bridges in said city, there shall be levied on all real and personal estate within said city, any sum not exceeding twenty cents on the one hundred dollars of the assessed value thereof; which tax shall be collected as other city taxes, and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay one dollar for each day so neglected or refused.

Road labor.

§ 2. The inhabitants of the city of Waukegan are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

Offenders.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment 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.

Statements published.

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

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

§ 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 city of Waukegan. Suits.

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

§ 8. All property, real or personal, heretofore belonging to the president and trustees of the town of Waukegan 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. Property.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Waukegan, nor divest them of any rights which may have accrued to them prior to the passage of this act. Not to invalidate acts done by town of Waukegan.

§ 10. The president and trustees of the town of Waukegan shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Waukegan, and issue their proclamation for the election of officers, and cause the same to be published in all the city newspapers prior to the day of the election of said officers. Promulgation of the law.

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit or county court of said county of Lake, and every such appeal shall be 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.

§ 12. Whenever the mayor shall absent himself from the city, or resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem.* until the office shall be filled by election as herein provided. Vacancies in office of mayor.

§ 13. 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.

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

§ 15. The city marshal, or any other officer authorized to execute writs or any other process issued by the mayor, shall have power to execute the same any where within the Execution of writs.

Marshal.

limits of the county of Lake, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Lake county, with power to serve process and do all acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law. He shall hold his office for one year, and shall give bond as other constables are required by law to give, which bond shall be filed in the office of the county clerk.

Elections.

§ 16. The president and trustees of the town of Waukegan shall cause an election to be held in said town on the second Monday of March next, at which the inhabitants residing within the territory described within the second section of the first article of this act, who are authorized to vote for state officers, shall vote "for the charter," or "against the charter," and if a majority of the votes given at such election shall be for the charter, then this act shall immediately take effect as a law, but if a majority of the votes shall be against the charter, then this to be of no effect.

§ 17. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than is now provided by law.

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

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the town of Carlyle, Clinton county.

Body corporate
and politic.

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 Carlyle, Clinton 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 Carlyle," 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.

Boundary.

§ 2. The boundary of said corporation shall include all that country contained within the limits of the original plat of the town of Carlyle, and of Middletown so called, as of record in the recorder's office of the county of Clinton.

Elections.

§ 3. There shall, on the first Monday of May next, be elected five trustees, and on the first Monday of May, an-

nually thereafter, who shall hold their offices 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 president and trustees by an advertisement published in the newspapers of said town, or putting it up in at least four of the most public places in said town. 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, and moreover, who has not paid a state and county tax; and all free white male inhabitants over twenty-one years of age, who have resided in said town six months next preceding the election, shall be entitled to vote for trustees, and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur for a longer time, the board shall give ten days' notice by posting up at least three advertisements in said town for such vacancy to be filled in the same manner as provided for in regular elections, and to appoint a clerk and assessor, a treasurer, a street supervisor, and a town constable, who shall give bond and security in such amount 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 at the suit of the corporation, and to do such other matters and things pertaining to the office as may be required of him by the ordinances and by-laws of said corporation.

Trustees.

Vacancies.

Appointments.

§ 3. The said corporation hereby created shall have the same powers as are conferred upon the town of Grayville by the act entitled "An act to incorporate the town of Grayville, White county," approved February 15th, 1851, and in addition thereto, shall have power by resolution or ordinance of said board of trustees, to grant or sell the right of way to any railroad company incorporated by this state, over any street or streets, or alleys of said town, or other public grounds, on such terms as may be agreed upon by said board and railroad company.

Same powers as are conferred on the town of Grayville.

§ 4. The qualified voters within the corporation hereby created shall vote on the first Monday of April next for or against becoming incorporated under this act, and if a majority of all the votes cast at said election are in favor of being incorporated, then this act shall be in full force, otherwise to be of no force.

Voters.

APPROVED February 12, 1853.

[S]

AN ACT to incorporate the Galena Theological Seminary.

In force Feb. 9,
1853.

Incorporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John Blatchford, Augustus T. Norton, Livingston M. Glover, Samuel T. Howe, William Y. Miller, George W. Gale, Charles A. Williams, Robert W. Patterson, Harvey Curtis, Hutchins Taylor, Aratus Kent, Shubael G. Spees, Edward D. Neill, Cutting Marsh, William H. Spencer, Thomas T. Waterman, Horatio Newhall, Charles S. Hempstead, and their associates, who shall hereafter be appointed in accordance with the provisions of the constitution under which they act, and their successors, are hereby constituted a body politic and corporate, under the name and style of the "Galena Theological Seminary," to be located at or near the city of Galena; and by that name and style to remain, and shall have perpetual succession, with power to sue and be sued, plead and be impleaded, and be capable in law of taking and holding, by gift, grant and devise, or otherwise, and of purchasing, and holding and conveying, both in law and equity, any estate, real, personal or mixed, to have and use a common seal, and to alter the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state and of the United States.*

Name and style.

General powers.

Government.

§ 2. The government of the seminary shall, at all times, be vested in a board of directors, which shall consist of eighteen members, together with such other directors as shall be hereafter appointed in accordance with the constitution under which they act; one-half of said directors to be clergymen, and one-half laymen; and in all cases, now and hereafter, such directors are to be connected with and members of the Constitutional Presbyterian church of the United States of America, or some other evangelical church receiving the Westminster confession of faith.

Directors.

Classes.

§ 3. The board of directors already chosen shall be divided into three classes, to be numbered one, two and three; the term of the first class shall expire in two, the second in four, and the third in six years from the first day January, one thousand eight hundred and fifty-three; these classes to be determined by lot. Each class of directors shall hereafter be chosen for and hold their office during the term of three years, with the exceptions specified in the constitution of said Theological Seminary: *Provided, however*, that it shall be the privilege of any director to act with the board until his successor shall have been appointed: *And, provided, also*, that any director may be eligible to a re-election, at the discretion of the appointing power,

Proviso.

which appointing power is hereby forever vested in the presbyteries connected with that body or denomination of christians known as the Constitutional Presbyterian Church of the United States of America, and in the board of directors as provided in the constitution of said Theological Seminary.

§ 4. The board of directors shall have power to connect with the Theological Seminary aforesaid such a classical or literary department as they may deem essential to the main object of the institution; such a department to be under the control and direction of the board of directors in the same manner as the Theological Seminary, and to be subject to such rules and regulations as they may see fit to prescribe. Literary department.

§ 5. Equal privileges of admission and instructions, with all the advantages of the institution, shall be allowed to students of every denomination of christians. Admission.

§ 6. That all property, of whatsoever kind and description, belonging or appertaining to said seminary, shall be and forever remain free and exempt from all taxation, for any and all purposes whatever. Property.

§ 7. This act to take effect and be in force from and after its passage, and it shall be deemed as a public act, and shall be construed liberally in all courts for the purposes therein expressed.

APPROVED February 9, 1853.

AN ACT to amend an act entitled "An act to incorporate the city of Joliet," passed June 19, 1852. In force Feb. 9, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the common council of the city of Joliet shall have the management and control of common schools within the corporate limits of said city. Common schools.

§ 2. All school houses and lots purchased for the erection of school houses belonging to the trustees of schools of township thirty-five north, range ten, lying within the city limits, or to any school district or part of district therein, and all taxes assessed and collected for the purpose of building school houses therein, is hereby vested in the city of Joliet for school purposes. School property vested in city of Joliet.

§ 3. The city council shall have power—

1st. To erect, hire or purchase school houses and keep the same in repair. School houses.

- Tax. 2d. To assess and collect annually a tax not exceeding two mills on the dollar on all taxable property in said city, for the support of common schools.
- School fund. 3d. To demand and receive from the trustees of schools for township thirty-five north, range ten east, and from the treasurer of the school fund for said township, semi-annually, such portion of the interest of said school fund by law appropriated to the payment of teachers in said township as the schools and scholars in said city are now or may hereafter be by law entitled to receive.
- Levy and collect tax. 4th. To levy and collect taxes on property of any ward or part of ward or wards for the purpose of building and repairing bridges, school houses, and other local improvements.
- Elect school inspector. § 4. The legal voters of each ward in said city shall, on the first Saturday of April next, and annually thereafter, elect one school inspector for their respective wards, and the inspectors so elected shall be denominated "board of school inspectors," who shall perform the duties now required by law of directors of school districts, so far as the same relates to hiring teachers, visiting and superintending schools and signing schedules, and such other and further duties as the common council shall direct by ordinance. A majority of said inspectors shall constitute a quorum to transact business.
- Style. § 5. The style of the ordinances of said city shall be: "*Be it ordained by the common council of the city of Joliet.*"
- Special tax. § 6. The common council shall have power to levy and collect special taxes on owners of lots, according to their respective fronts owned by them, for the purpose of grading, paving and planking streets and side-walks, alleys, lanes or avenues, constructing drains and sewers, digging wells, constructing pumps and lighting streets, and to direct by ordinance the manner of assessing and collecting all city taxes: *Provided*, such ordinances shall not be inconsistent with the constitution of this state or of the United States.
- Appoint acting mayor. § 7. The common council shall have power to appoint an acting mayor in case of the temporary absence, sickness or other disability of the mayor.
- Justice of the peace. § 8. The common council shall have power to appoint one or more police justices of the peace, who shall have jurisdiction in any action for the recovery of any fine or penalty under this act, or the act to which this is an amendment, or any ordinance, by-law or police regulation of the common council, any thing in the laws of this state to the contrary notwithstanding. Such police justice shall have power to fine or imprison, or both, in his discretion, where discretion may be vested in him by ordinance or regulation.

§ 9. The common council shall have power to appoint one or more street commissioners for each ward, who shall superintend all local improvements in their respective wards, and carry into effect all orders of the common council in relation thereto. Street commissioner.

§ 10. At the next regular election for aldermen, and annually thereafter, there shall be elected by the electors of said city, a city marshal, who shall perform such duties and services and be qualified as the ordinances of said city prescribe, or may hereafter prescribe, and shall have the same power to serve process in Will county as constables, and receive the like fees; also in each of the wards of said city there shall be elected one justice of the peace, who shall be commissioned and qualified as other justices of the peace are now commissioned and qualified, and shall have the same jurisdiction, perform the same duties and receive the same fees as other justices of the peace, and shall perform such other duties and service as the ordinances of said city shall or may prescribe, and shall hold their offices for one year, and until their successors are elected and qualified. Also, there shall be elected in each ward one constable, who shall give bond and be qualified as other constables, and shall execute all process, and perform the same duties in said city, and in Will county, as other constables, and receive the like fees, and shall perform such other duties and services as shall or may be prescribed by ordinances or by-laws of said city, and shall hold their offices for one year, and until their successors are elected and qualified. City marshal. Jurisdiction. Justice of peace. Jurisdiction.

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

APPROVED February 10, 1853.

AN ACT to incorporate the town of Morris, in Grundy county.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Morris, in Grundy county, 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 Morris," and by that name shall be known in law, and have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever; may purchase, receive, hold and grant real and personal property within the limits of said town, and Body corporate and politic. General powers.

no other, (except for burial grounds,) and may sell, lease and dispose of the same for the benefit of the town; may have and use a common seal, and alter the same at pleasure; and may do all other acts as natural persons which may be necessary to carry out the powers hereby granted.

boundaries.

§ 2. The boundaries of said town shall be as follows, to wit, beginning at the northeast corner of the northwest quarter of section number three, in township number thirty-three north, range seven, east of the third principal meridian; running thence west one mile to the centre of the north line of section four; thence south through the centre of section four and nine, to a point four rods south of the top of south bank of the Illinois river; thence in an easterly direction along the said bank, following the course of the said river, four rods from the top of the bank to the intersection of the east line of the northwest quarter of section ten; thence north, along said last mentioned line and through the centre of section three, to the place of beginning; and all the territory included within the lines aforesaid is hereby declared to be within the corporate limits or boundaries of said town of Morris.

powers vested.

§ 3. The corporate powers of said town shall be vested in a president and six trustees, who shall constitute a board for the transaction of business, and who shall serve without compensation while sitting in that capacity.

wards.

§ 4. Said town shall be at present be divided into three wards, as follows: all the territory embraced within the limits and boundaries of said town south of Washington street shall constitute the first ward; all the territory north of Washington street and west of Liberty street, shall constitute the second ward; and all the territory north of Washington street and east of Liberty street, shall constitute the third ward. The qualified voters of each of which said wards shall annually elect two trustees of said town, and the qualified voters of said town shall annually, at the time of electing trustees, elect a president of said town, who shall be president of the board of trustees, having only a casting vote in said body; they shall also at the same time elect a treasurer, who shall be *ex officio* collector, and have the same power as other constables in said county; said treasurer and constable shall receive such compensation and in the same manner as is prescribed by law for constables and for county treasurers and collectors and assessors, under the general laws of this state, for similar services.

Officers elected.

§ 5. The president and members composing the board of trustees shall be elected annually, on the first Monday in April, (except the first election, which shall be held on the twenty-fourth day of September next,) to serve one year and until others shall be elected and qualified; they shall have the requisite qualifications to vote for state officers,

Qualification of voters.

shall have resided one year in said town, and the trustees shall, at the time of their election, be residents of the ward for which they are elected. The treasurer and constable shall have the same qualifications, and shall hold their offices for one year. No person shall vote at any such election unless he shall be a legal qualified voter for state officers, and shall have resided in said town six months next preceding the election, nor shall any person be allowed to vote except in the ward where he shall reside.

§ 6. The treasurer and constable shall severally execute bonds, with good and sufficient security, in the penalty of at least one thousand dollars, payable to the corporation by its corporate name, to be approved by the board of trustees at their first meeting after the election, and conditioned for the faithful discharge of the duties of their respective offices; which bond, with the approval of the board indorsed thereon by the clerk, shall be filed in the office of the clerk of the corporation, before said officers, or either of them, shall enter upon the duties of their respective offices. Bond.

§ 7. It shall be the duty of the board of trustees, in such manner as they may provide, to give notice of all town meetings and special elections to be held under the provisions of this act, by publishing notice thereof at least one week prior thereto in some public newspaper printed in said town, or if there be no such paper, then by posting up written or printed notices thereof ten days before such meeting or election, in three of the most public places in each ward of said town, which notice shall state the time, place and object of such meeting or election. Notice of town meetings.

§ 8. The board of trustees shall appoint a clerk of their board, a town surveyor, and one street commissioner in each of the wards of said town, and may by ordinance provide for their compensation. They shall have power to appoint such other officers as the interest of the town may in their judgment require. Said board of trustees shall be the judges of the election and qualification of their own members, and all other officers of the town; they shall have power to fill all vacancies in the board occasioned by death, resignation or six months absence of any member thereof, a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as the board may provide. Appointments.

§ 9. The president of the board of trustees shall have full power to call special meetings of the board, whenever in his opinion the public good may require it. He shall have and exercise exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with justices of the peace of the Special meetings.

county of Grundy, in all civil and criminal cases arising in said county. He shall be commissioned by the governor as a justice of the peace, and shall receive the same fees and compensation for his services as other justices of the peace receive for similar services. Appeals and writs of *certiorari* may be prosecuted from his judgments in the same manner as from the judgments of other justices of the peace.

§ 10. The board of election for each ward shall be composed of two trustees elected therein; they shall appoint one clerk at each election, who shall be sworn before entering upon the duties of said office, faithfully to perform its duties, and studiously to endeavor to prevent frauds in conducting such election; and said trustees shall in like manner be sworn as judges of said election. Such election shall be by ballot, and the votes shall be canvassed in the same manner as at general elections, and the result certified by the judges and clerk; which certificate, together with the poll list, shall be sealed up and returned to the board of trustees at its next regular meeting.

§ 11. The board of trustees shall hold a regular meeting to determine and decide on elections on the next Monday following any general and special election, and they shall also meet regularly for the transaction of business on the second Monday of January, April, July and October of each year, or oftener if the board shall deem it necessary for the public good.

§ 12. The board of trustees shall have power to levy and collect taxes for the general purposes of the corporation annually, upon all real and personal property within the corporation, in any sum they may deem expedient, but never to exceed three-fourths of one per cent. 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; to make regulations to secure the general health of the inhabitants; to declare what shall be considered nuisances, and to order the removal of any that may be found within the limits of the corporation, and at their option to employ some suitable person to remove the same, or to enforce the removal thereof upon the owner or owners thereof, by fine or imprisonment, or both; to restrain cattle, horses, sheep, hogs or dogs from running at large; to erect and keep in repair bridges; to license and regulate auctions, ferries, theatrical and other shows and amusements; to restrain and prohibit gambling houses and other disorderly houses; to prevent the improper use of fire arms within the limits of the corporation, or any part thereof; to establish and erect markets; to open and keep in repair streets, avenues, lanes, alleys, drains and

sewers; to establish and regulate a fire department, and provide for the prevention and extinguishment of fires; to dig wells and erect pumps for the convenience of the inhabitants; to regulate the storage of gunpowder and other combustible materials, and to pass all ordinances which may be necessary to carry into effect the provisions of this act, imposing fines and forfeitures for the breach of any ordinance, and providing for the correction thereof; to provide for the imprisonment of offenders against the ordinances of the town: *Provided*, that such imprisonment shall not exceed thirty days for any one offence: *And provided further*, that they may by ordinance provide that such imprisonment may be commuted to work on the streets of said town for the same length of time.

§ 13. Said board of trustees shall have power to Side-walks. pass such ordinances providing for the construction of side-walks and cross walks as the interest of the town may from time to time require; and also, for paving, grading and lighting the streets of the town, which shall be done by means of a special tax on the property directly benefited thereby, or by the owner or owners of the lots in part [front] of which such improvements are made.

§ 14. If at any time the board of trustees shall open, Streets. extend, widen, narrow or vacate any street, road or alley within the town, they shall cause a just compensation to be made to the person or persons injured thereby, to be ascertained by a jury of six disinterested men, to be summoned by the town constable, giving the persons interested three days' notice thereof. Said jury shall be sworn to decide impartially, and shall report their verdict to the board of trustees at their next meeting, and their verdict shall be final, and the damages so awarded shall be paid to the individuals interested before any alteration in such streets or alleys shall be made.

§ 15. That the collector of the town shall be provided Tax list. by the board of trustees with a tax list containing the names of all the taxable inhabitants of said town, together with the description of the real estate upon which taxes are levied, the tax upon each lot to be separate and distinct; and said collector shall call at least once upon every individual from whom taxes may be due, either at the residence of such tax payer or elsewhere. If any of the taxes in said Advertising. tax list still remain unpaid, he shall then advertise said lots in some public newspaper for the space of thirty days, stating in such advertisement the amount due, together with cost of advertising, and that unless the same shall be paid by a certain day, to be fixed by ordinance, application will be made to the county court of Grundy county for judgment against said lots for the amount of taxes and cost due thereon, and that the same be sold for the payment

thereof, and the sheriff of Grundy county shall, on Monday of the week next after such court shall be held, proceed to offer said lots for sale to any person who will pay said taxes and cost for the least portion of each lot respectively, and shall give to the purchaser certificates of purchase therefor, which shall entitle the purchaser to a deed as hereinafter provided, at the expiration of two years, in case the same shall not be redeemed by the payment of double the amount for which such lots were sold, together with all costs. At the expiration of two years from the date of such sale, said sheriff, or his successor in office, shall execute a deed to the purchaser or purchasers, which shall vest in him or them all the rights of property in said lot or lots: *Provided*, that notice be first given to the owner or occupant of such lot or lots, in accordance with the constitution and laws of this state regulating the sale of land for taxes.

§ 16. If the board of trustees of said town of Morris shall at any time determine, by ordinance duly passed and published, to have the side-walks of any street or streets or of any part of the streets of said town paved or planked, said board may, by ordinance, require the respective owners of the lots or ground in front of which pavements or plank walks are to be made, to plank or pave the same in accordance with the ordinances of said board; and if the side-walks in front of any lot or piece of ground shall not be made when directed as aforesaid, said board of trustees may cause the side-walks in front of any such lot or piece of ground to be made, and the cost thereof, to be ascertained and determined by said board, shall be a charge against such lot or piece of ground, and may be collected by the sale of such lot or piece of ground, in the same manner that other taxes are collected; and after the side-walks shall be made as above provided, said board may provide by ordinance that such side-walks shall be kept in repair by a special tax upon the lots or pieces of ground in front of which such side-walks are made.

§ 17. Whenever it may be necessary, in the opinion of said board, to fill up or grade any lot or piece of ground, or the street in front thereof, on failure of the owner or owners to fill up or grade the same in accordance with the directions of said board, it shall be lawful for said board of trustees to cause the same to be done, and to ascertain in such manner as said board may provide the cost thereof, and the amount so ascertained shall be a lien against any such lot or piece of ground, and if it shall not be paid, it shall be collected by the sale of such lot or piece of ground in the same manner in which other taxes are collected.

§ 18. If the condition of any lot or piece of ground in said corporation, or the condition or manner of keeping or existence of any thing thereon erected, shall by said board,

Sell delinquent
lots.

Side-walks.

Grade streets.

Nuisance.

or by the ordinances by them passed, be deemed to be a nuisance, said board may, by either general or special ordinance, duly passed, cause the same to be abated, and impose such penalties as they may see fit for the existence or continuance of such nuisance. And when any such nuisance shall exist within the bounds of said corporation, the president of said board may cause the owner or occupier of any such lot or piece of ground to be summoned to appear before him, to show cause why such lot or piece of ground should not be condemned to pay the penalty or penalties imposed by said board for the existence or continuance of such nuisance; and at the hearing thereof said president may condemn such lot or piece of ground to pay such penalty or penalties as he may adjudge to have accrued against it, and such adjudication shall be conclusive upon all persons who may claim any interest in such lot or piece of ground, and the penalty so adjudged to be paid shall constitute a lien upon said lot, and may be enforced and collected in the same manner that other taxes are collected.

§ 19. The territory within the boundaries of said corporation shall still continue to form a portion of the township of Morris, as organized under the township organization law, and town meetings shall be held and township officers elected for said township in the same manner as if this act had not been passed; but the commissioners of highways shall have no authority to interfere in any manner with the streets or roads within the boundaries of said corporation, nor to levy any tax for road purposes, nor shall they exercise any authority therein.

§ 20. On the first Monday in May next an election shall be held in said town of Morris, at which the inhabitants residing within the territory described in the second section of this act, who are qualified to vote for state officers, shall vote for or against the adoption of this charter, which election shall be by ballot, and shall be conducted in such manner as the president and trustees of the town of Morris, as now organized, shall prescribe. If a majority of all the votes given at said election shall be in favor of the adoption of this charter, the same shall immediately become a law, and shall be in full force and effect thereafter; but if a majority of all the votes given shall be against the adoption of said charter, then this act shall be of no effect.

§ 21. In case this charter shall be adopted by a majority of all the votes given as aforesaid, one copy of the poll books of said election shall be filed with the clerk of the county court of the county of Grundy, and another copy shall be deposited with the clerk of said corporation immediately after his appointment, and shall be by him recorded

Township of Morris. ct

Vote upon charter.

Return of poll books.

at length in a book to be provided for that purpose, and said record shall be received in all courts and places as conclusive evidence of the incorporation of said town of Morris under this charter.

§ 22. This act shall be deemed a public act, and shall be favorably construed in all courts for the objects and purposes therein contemplated.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Springfield, Athens and Havana Plank Road Company.

- SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly,* That John Williams, Pascal P. Enos, Joseph Klein, Virgil Hickox, William Jayne, William Engle, James Walker, A. J. Rockwell and John McCowan be and they and their assigns and successors hereby are made and constituted a body corporate and politic, by the name and style of "The Springfield, Athens and Havana Plank Road Company;" and shall have
- Corporators.** power to sue and be sued, to contract and be contracted with, complain and defend, in any court of law or equity; to make and use a common seal, and alter the same at pleasure; to make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts and the transfer of its stock, not inconsistent with the laws of this state or the United States, and to take and hold sufficient real estate for the enjoyment of all the privileges herein granted, and to grant and convey the same at pleasure.
- Name and style.**
- General powers.**
- Capital stock.** § 2. The capital stock of said company shall be fifty thousand dollars, which shall be considered as personal property, except for revenue purposes, when it shall be considered and taxed as real estate. It shall be divided into shares of thirty dollars each, and shall be transferable according to the by-laws of said company.
- Power to construct.** § 3. Said corporation shall have power to construct, maintain and continue a plank road of such width and upon such route as may by the directors of said company be deemed advisable, from the city of Springfield, in the county of Sangamon, to Athens, in the county of Menard.
- Commissioners.** § 4. The said John Williams, Pascal P. Enos, Joseph Klein, Virgil Hickox, William Jayne, William Engle, James Walker, A. J. Rockwell, and John McCowan, or a majority of them, shall be commissioners for receiving sub-

scriptions to the stock of said company, when and where they, or a majority of them, shall agree upon, and may require payment of such amount at the time of subscription, and at such times thereafter as may be by them deemed advisable.

§ 5. The affairs of said company shall be managed by five directors, a majority of whom shall form a quorum for the transaction of business, and who shall be chosen as soon as the sum of ten thousand dollars shall be subscribed of the stock of said company, after which said corporation may commence the surveys and construction of its roads. Said directors shall be chosen at such time and place as shall be decided upon by said corporation, due notice thereof having been given to the stockholders. Afterwards elections for directors shall take place annually, at such time and place as the by-laws shall prescribe, due notice thereof being given. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be the directors, and shall continue in office until their successors are elected and qualified.

Management of affairs.

Elections.

§ 6. Said directors shall have power to erect and maintain such toll-houses, toll-gates, and other buildings for the management and accommodation of said road, and the travel and transport thereon, as they may deem suitable to its interests, and demand, collect and receive of and from any and every person using said road, or so much thereof as may be completed, toll, to be regulated by the directors, but not to exceed the rates prescribed by "An act to provide for the construction of plank roads by a general law," approved February 12th, 1849; and the first, third, fourth and sixth sections of an act, approved February 1st, 1851, amendatory of said act of February 12th, 1849, and the act approved February 17th, 1851, further to amend the act of February 12th, 1849, are made part of the charter hereby granted, as far as applicable thereto.

Toll-gates.

Rates of toll.

§ 7. The corporation hereby created is authorized to acquire by voluntary cession or purchase from the owner the right to construct said road over any lands belonging to individuals, companies or corporations on the route adopted for the construction of said road; and in case said corporation cannot obtain the right to construct said road over the lands owned by any individual, company or corporation by voluntary cession or purchase, it shall be lawful for said corporation to appropriate and use so much of said land as shall be necessary for the proper construction of said road, on complying with the provisions of an act entitled "An act to amend the law condemning right of

Right of way.

way for purposes of internal improvement," approved June 22d, 1852.

§ 8. Said corporation is hereby vested with all the powers conferred on plank road companies organized under the general laws for the construction of plank roads, to make contracts with county and city authorities for the use of any part of a public highway or street for the construction of said road.

§ 9. Said corporation, in and about the construction of said road, and to aid them therein, may borrow money not exceeding in amount seventy-five thousand dollars, and at any rate of interest not exceeding ten per cent. per annum.

§ 10. The county of Sangamon may, by its county court, subscribe to the stock of said company an amount not exceeding one-third the probable cost of constructing said road from Springfield to the county line, and shall cause, at the next annual election thereafter, a vote to be taken for or against said subscription; and if a majority of such votes be for the subscription, said court shall issue bonds to an amount equal to said subscription, bearing interest not exceeding eight per cent. per annum, which shall be received by said company in payment of said subscription. Said court shall cause the interest on said bonds punctually to be paid annually.

§ 11. The corporation hereby established shall have power, and they are hereby authorized to extend the said plank road from Athens to Havana, in Mason county, and also construct a branch of said road from the said town of Athens to the town of Petersburg, in Menard county, and for the purpose of enabling the said corporation to make said extension and branch, or either of them, they are hereby authorized to increase their capital stock the further sum of one hundred thousand dollars.

§ 12. This act to be a public act, and to be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Rock Island and Moline Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That J. W. Drury, Marcus B. Osborn, Isaac Negus, William Bailey, Lemuel Andrews and Hiram Pitts, and their successors, be and they are hereby constituted a body corporate and politic, to have perpetual succession and existence, to be known as "The Rock Island and Moline Plank Road Com-*

Powers.

Borrow money.

Sangamon county to subscribe stock.

Power of extension.

Corporators.

Name and style.

pany," and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law and equity, and have a common seal, alter the same at pleasure, and they shall have power, in their corporate name, for the use of said corporation, to purchase and hold such real estate as may be necessary for the free enjoyment of all privileges herein granted. Said company shall have all the powers and be subject to all the restrictions contained in an act entitled "An act to provide for the construction of plank roads by general law," in force April 13th, 1849. General powers.

§ 2. The capital stock of said company shall not exceed fifteen thousand dollars, and said company are hereby authorized to acquire right of way necessary for the construction of said plank road, in accordance with the general law concerning plank roads; and when one or more miles of said road is completed, said company may erect gates and receive tolls, not charging higher rates than is provided by the general law concerning plank roads; and after the term of twenty-five years said company shall not charge a higher rate than one cent per mile for any kind of teams traveling thereon. Said road shall be commenced in two years, and be finished in five years. Capital stock.
Right of way.

§ 3. Said corporation shall have power to construct, maintain and continue a plank road, of such width as they may deem advisable by the directors of said corporation, from said city of Rock Island to the town of Moline. Power to construct.

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

APPROVED Feb. 12, 1853.

AN ACT supplemental to an act entitled "An act to incorporate the Illinois and Wisconsin Railroad Company." In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Illinois and Wisconsin Railroad Company may locate the northern terminus of their road at a point on the north line of the state within one mile of the northwest corner of McHenry county. Northern terminus.

§ 2. The said company may, from time to time, increase their capital stock until it amounts to three millions of dollars, and the holders of the stock of said company shall be responsible only for the instalments due or to become due on the stock held by each individual respectively. Capital stock.

Change the number of directors.

§ 3. The stockholders of said company may, from time to time hereafter, at any general meeting of the stockholders for the election of directors of said company, change the number of the board of directors to any number not less than five nor more than fifteen, and the said directors shall not be required to reside in the state.

§ 4. This act and the act to which it is supplemental, and all acts supplemental or amendatory of said last named act, shall be deemed public acts. This act shall be in force from its passage.

APPROVED February 14, 1853.

In force Feb. 10, 1853. AN ACT to incorporate the Belleville and Richmond Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James L. D. Morrison, William C. Kinney, George Eisenmoyer, Robert Norman, William M. Phillips, James Ramsey, Frederick Brook Smith, and their associates, and their heirs, assigns and successors, shall be and they are hereby constituted a body corporate, under the name and style of "The Belleville and Richmond Plank Road Company," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law and equity; they may make use of a common seal, and alter the same at pleasure; make by-laws, rules and regulations for the management of their property and affairs, and for the transfer of their stock, not inconsistent with the laws of this state or of the United States; and shall be capable, in their corporate name aforesaid, to purchase and hold so much real estate as may be necessary for the construction and maintenance of such plank road hereinafter described.*

§ 2. Said corporation shall have power to construct, maintain and continue a plank road, of such width as may be deemed advisable by said corporation, from the city of Belleville, in St. Clair county, by Mascoutah, Plumb Spring and Nashville, in Washington county, to Richmond, in said county.

§ 3. The capital stock of said company may be eighty thousand dollars, which shall be considered personal property, and divided into shares of one hundred dollars each. Said capital stock may be increased by vote of the directors to one hundred thousand dollars.

§ 4. That James L. D. Morrison, William C. Kinney, George Eisenmoyer, Robert Norman, William M. Phillips,

Corporation.

Name and style.

General powers.

Power to construct.

Capital stock.

Commissioner

James Ramsey and Frederick Brook Smith, and such others as they may associate with them, shall be commissioners for receiving subscriptions to the stock of said company, when and where, and after such notice as they or a majority of them shall agree. They may require security for the payment of subscriptions thereto and payment thereof from time to time as they may deem necessary, before the same shall all be taken.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to perform the business of said company, who shall be chosen so soon as the sum of ten thousand dollars shall be subscribed to the stock of said company. Said directors shall continue in office one year, and until their successors shall be qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. Elections of directors shall be held at the time and place appointed by the commissioners; and all subsequent elections may be held and regulated according to the by-laws of said company.

§ 6. Upon the election of directors and the organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscription of stock, and books of subscription and other property of said company.

§ 7. The said corporation is authorized, as soon as the board of directors is elected, to commence the construction of said road; and as soon as any three miles of said road shall be completed, they may erect toll-gates thereon, and collect the tolls allowed by this act. Said company shall keep said road in repair, and shall have power to construct bridges and causeways over sloughs and streams any where on the route of said road they may deem necessary; and said company may have power to borrow money, not exceeding one hundred thousand dollars, to aid in constructing the same.

§ 8. The said corporation shall have power to fix and regulate the tolls to be charged and paid for passing on said road: *Provided*, said tolls shall not exceed the following rates: for every vehicle drawn by one animal, three cents per mile; by two animals, four cents per mile, and one half cent additional for each mile for every animal more than two; for every ten of neat cattle, one and one half cents per mile; and for every ten of sheep or swine, one and one half cents per mile; and it shall be lawful for every toll-gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and any person who shall use said road and refuse to pay such toll, shall forfeit and pay for such refusal the sum of three

dollars, to be collected by said corporation by action of debt before any justice of the peace of the proper county.

Time of construction.

§ 9. Said corporation shall be allowed two years from the passage of this act to commence the construction of said road, and shall complete the same within ten years from the commencement of the same, and upon a failure to do so, this charter shall be forfeited.

Right of way.

§ 10. Said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by reason of taking their lands, timber, rock, stone or gravel, for the use of said road; and when the same cannot be obtained by consent of owners upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Order of the county court.

§ 11. The county commissioners' court of the several counties through which the said [road] shall pass may, by an order entered upon record, authorizing said company to plank not exceeding ten feet wide any part of the public highway between said Belleville and Richmond, and to grade and keep the same in repair for the use of said company. Said road may be extended to Mount Vernon with the same privileges and under the same provisions as are heretofore granted and made. This act to take effect from and after its passage.

APPROVED February 10, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the Illinois Saint Andrew Society.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George Anderson, president, William J. Patterson, 1st vice president, John McGeshan, 2d vice president, Peter McFarlane, secretary, John Alston, treasurer, and the other present members of the Illinois Saint Andrew Society, now existing at the city of Chicago, in this state, and such other persons as may hereafter be admitted members of said society, according to the rules and regulations thereof, be and they are hereby declared and constituted a body politic and corporate, under the name and style of "The Illinois Saint Andrew Society," and henceforth shall be styled and known by that name, and that style and name shall remain and have perpetual succession, with power in and by such name to sue and be sued, plead and be impleaded, prose-

Name and style.

General powers.

cute and defend, in all manner of actions at law or in equity, in all courts whatsoever, and in all matters and places where legal and equitable proceedings are had, and, if necessary, to sign, execute and deliver, by the president and secretary of said society, for the time being, under the seal thereof, all arbitration and other bonds in obtaining the legal rights and advancing the interest of said society; and also in and by such name to acquire, purchase, hold, grant, bargain, sell, alien, and convey any property, whether, real, personal or mixed, and to loan the money and funds of said society, and take promissory notes, bonds, mortgages, or other evidences of indebtedness, for the money or funds so loaned; and to have and use a common seal, and to alter the same at pleasure; and to make and from time to time to alter, as they may deem proper and expedient, a constitution and by-laws for said society, declaring the purposes and defining the powers of said society, the times of election and manner thereof, for the officers of said society, and the number and duties of such officers, and generally such other provisions for the good government and existence of such society as a majority of the members present may determine: *Provided*, such constitution and by-laws shall not conflict with the constitution and laws of the United States or of this state; which said constitution and by-laws of said society, when recorded in the records of said society, shall be in full force, and on the production and proof of such records shall be received as evidence of the facts therein stated, in all courts of justice and upon all lawful occasions.

Constitution and
by-laws.

§ 2. The said corporation shall not, at any one time, hold personal property to a greater amount than fifty thousand dollars, nor real estate to a greater amount than twenty thousand dollars; and the personal property belonging to said society shall not be appropriated otherwise than for the benefit of said society, the improvement of its real estate, and to such benevolent and other purposes, and in such manner as shall be declared, provided for and directed in the constitution or by-laws hereinbefore authorized to be made.

Personal
property.

§ 3. The office and meetings of said society shall be kept and held in the said city of Chicago; and in case any donation, devise or bequest shall be made to said society, for particular purposes, and said society shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or testator.

Office.

Devise or
bequest.

§ 4. This act shall be deemed a public act, and shall be in force for the term of seventy-five years after the passage and approval thereof.

APPROVED February 10, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Elizabethtown and Benton Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James McFarlan, James M. Warren, W. B. Johnson, John Mitchell, M. Abner, John Davis, William K. Parrish, Hugh B. Montgomery, and all such persons as may associate themselves with them, their successors and assigns, shall be, and for the term of thirty years after the passage of this act shall continue to be, a body politic, under the name and style of "The Elizabethtown and Benton Plank Road Company," and by that name shall have succession for the term of thirty years, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, make and use a common seal, alter the same at pleasure; may make by-laws, rules and regulations for the management of their property, regulation of their affairs, and for the transfer of their stock, not inconsistent with the constitution and laws of the United States and of this state.

§ 2. Said company shall have power to construct, maintain and continue a plank road, of such width as they may deem advisable, from Elizabethtown, in Hardin county, to Benton, in Franklin county, and the capital stock of said company may be eighty thousand dollars, which shall be considered personal property, and divided into shares of one hundred dollars each.

§ 3. The said company, their successors and assigns, or a majority of them, may open books for receiving subscription to the stock of said company, when and where and after such notice as said company, or a majority of them, shall agree. They may require security for the payment of subscriptions thereto; and partial payments thereof from time to time, as they may deem necessary, before the same shall be taken.

§ 4. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to do and perform the business of said company, who may be chosen as soon as the sum of sixteen thousand dollars shall be subscribed of the stock of said company. Directors shall continue in office for one year, and until their successors shall be elected and qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares. Elections of directors shall be held at the time and place appointed by said company, or a majority thereof, after twenty days' notice, and all subsequent elections may be held and regulated according to the by-laws of the company, as also the filling of any vacancy that may occur in said board of directors.

§ 5. Upon the election of directors, and the organization of their board, the said company shall deliver to said directors all moneys received on subscriptions to stock, and books of subscription and other property of said company.

§ 6. The said company is authorized, as soon as the Toll- board of directors is elected, to commence the construction of said road, and as soon as any three miles thereof shall be completed, may erect toll-gates thereon and collect the tolls allowed by this act; and said company shall have power, and full authority is hereby vested in them, to construct bridges and culverts on the line of said road, Bridges across any streams, sloughs or swamps; and said company shall keep said road, bridges and culverts in good repair, and shall have power in their discretion to improve the common highways coming into said plank road, by bridges, causeways, etc., but shall not charge any tolls for traveling or hauling on said common highways. And said company shall have the power to borrow not exceeding fifty Borrow money thousand dollars to aid in the construction of said plank road.

§ 7. The stockholders shall be individually liable for Stockholders liable for debts. the debts of said company contracted by the directors thereof, to the amount of their stock, and no further; and said company shall have the power to fix and regulate the tolls to be charged and paid for passing on said road, and it shall be lawful for any toll-gatherer to stop or detain Power of toll-gatherer. any person going on said road until the tolls properly chargeable shall be paid; and any person who shall use said road and refuse to pay said tolls, or comply with the regulations of said company properly posted at the gates thereof, shall forfeit and pay for such refusal or non-compliance the sum of five dollars, to be collected by action of debt before any justice of the peace of the proper county in the name of any person desirous of prosecuting the same.

§ 8. The said company shall have eighteen months Time of construction. from the passage of this act to commence the construction of said road, and shall complete the same in six years, and upon a failure so to do this charter shall be forfeited.

§ 9. The said company is hereby authorized to locate R. of way. and construct said plank road and necessary toll-houses and warehouses on any land sites or right of way owned by this state, and on the lands of any individual on the route of said road, but shall pay all damages that shall arise or may accrue to any person or persons by means of taking their lands, timber, stone, or gravel, for the use or construction of said road, and when the same cannot be obtained by the consent of owners upon reasonable terms, it shall be estimated and received in the manner provided

by law for the recovery of damages happening by the laying out of said road.

Rates of tolls.

§ 10. The rates of toll to be charged by said company for travel upon said road shall not exceed the following: for every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents per mile; for every vehicle drawn by more than two animals, three cents per mile, and one-half cent additional per mile for every animal more than two; for every ten or less of neat cattle, one cent per mile; for every ten or less of sheep or swine, one cent per mile, and for every horse and rider, or led horse, one cent per mile.

§ 11. This act to be deemed a public act, and to take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Springfield and Taylorville Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James A. Barret, H. M. Vandever, William Ricks, Robert Irwin, John W. Priest be, and their assigns and successors, hereby are made and constituted a body corporate and politic, by the name and style of "The Springfield and Taylorville Plank Road Company," for the space of fifty years, and shall have power to sue and be sued, to contract and be contracted with, complain and defend, in any court of law or equity; to make and use a common seal, and alter the same at pleasure; to make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts, and the transfer of its stock, not inconsistent with the laws of this state or the United States, and to take and hold sufficient real estate for the enjoyment of all the privileges herein granted, and to grant and convey the same at pleasure.

Corporators.

Name and style.

General powers.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, which shall be considered as personal property, except for revenue purposes, when it shall be considered and taxed as real estate, and divided into shares of fifty dollars each, and shall be transferable according to the by-laws of said company.

Power to construct.

§ 3. Said corporation shall have power to construct, maintain and continue a plank road, of such width and upon such route as may by the directors of said company be

deemed advisable, from the city of Springfield, in the county of Sangamon, to Taylorville, in the county of Christian.

§ 4. The said James H. Barret, H. M. Vandever, Commissioners. William Ricks, Robert Irwin and John W. Priest, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where they, or a majority of them, shall agree upon, and may require payment of such amount, at the time of subscription, and at such times thereafter as may be by them deemed advisable.

§ 5. The affairs of said company shall be managed by Management of affairs. five directors, a majority of whom shall form a quorum for the transaction of business, and who shall be chosen as soon as the sum of twenty thousand dollars shall be subscribed of the stock of said company, after which said corporation may commence the surveys and construction of its road. Said directors shall be chosen at such times and places as shall be decided upon by said corporation, due notice thereof having been given to the stockholders; afterwards elections for directors shall take place annually, at such time and place as the by-laws shall prescribe, due notice thereof being given. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be the directors, and shall continue in office until their successors are elected and qualified.

§ 6. Said directors shall have power to erect and Toll-houses. maintain such toll-houses, toll-gates, and other buildings for the management and accommodation of said road, and the travel and transport thereon, as they may deem suitable to its interests, and demand, collect and receive of and from any and every person using said road, or so much thereof as may be completed, toll, to be regulated by the Tolls. directors, but not to exceed the rates prescribed by "An act to provide for the construction of plank roads by a general law," approved February 12th, 1849, and the first, third, fourth and sixth sections of an act approved February 1st, 1851, amendatory of said act of February 12th, 1849, and the act approved February 17th, 1851, further to amend the act of February 12th, 1849; are made part of the charter hereby granted, so far as applicable thereto.

§ 7. The corporation hereby created is authorized to Right of way. acquire, by voluntary cession or purchase from the owner, the right to construct said road over any lands belonging to individuals, companies or corporations on the route adopted for the construction of said road; and in case said corporation cannot obtain the right to construct said road over the lands owned by any individual, company or corporation, by voluntary cession or purchase, it shall be law-

ful for said corporation to appropriate and use so much of said land as shall be necessary for the proper construction of said road, on complying with the provisions of an act entitled "An act to amend the laws condemning right of way for purposes of internal improvement," approved June 22d, 1852.

§ 8. Said corporation is hereby vested with all the powers conferred on plank road companies organized under the general laws for the construction of plank roads, to make contracts with county and city authorities for the use of any part of a public highway or street for the construction of said road.

Borrow money.

§ 9. Said corporation, in and about the construction of said road, and to aid it therein, may borrow money not exceeding in amount fifty thousand dollars, and at any rate of interest not exceeding ten per cent. per annum. This act to be a public act, and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb, 10,
1853.

AN ACT to charter the city of Ottawa.

ARTICLE 1.—*Of Boundaries and General Powers.*

Body corporate
and politic.

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 Ottawa, in the county of La-Salle, and of the additional territory embraced within the boundaries mentioned in the following section, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Ottawa," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

To ascertain.

§ 2. All that district of country embraced within the following limits, to wit, section No. eleven (11,) the south half of section No. two (2,) the east half of section No. ten (10,) the south half of section No. fourteen (14,) the west half of section No. twelve (12,) and all that portion of the southwest quarter of section No. one (1,) that lies west of Fox river, all in township No. thirty-three (33,) north, of range No. three (3,) east of the third principal meridian.

Commissioner s.

§ 3. In case a majority of said inhabitants shall be in favor of incorporation as hereinafter mentioned, the following named persons, to wit, Lorenzo Leland, Wm. H. W. Cushman, Benjamin T. Phelps, Henry Hurlbut, Henry F. Eames, Lucian B. Delam and Marshall Miller, or a ma-

majority of them, shall meet at the court house in Ottawa, on the second Monday of April next and divide the said city of Ottawa into five wards, particularly describing the boundaries of each, appoint three judges of elections in each ward to act in all cases until their successors shall be appointed as hereinafter mentioned, fix the times and places of said elections in each ward, until the city council shall be elected, give at least ten days' notice in one or more of the public newspapers printed in Ottawa, of the time and place of holding said election, and make a full report of the same to the city council, when elected, at their first meeting.

§ 4. The inhabitants of said city, 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, both real and personal, in said city; to sell, lease, and convey or dispose of property, and do all other things in relation thereto as natural persons.

ARTICLE 2.—*Of the City Council.*

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

§ 3. No person shall be an alderman unless at the time of his election he shall have resided one year within the limits of the city, and shall be at the time of his election twenty-one years of age, and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office is hereby declared vacated.

§ 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

§ 7. A majority of the city 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 penalties as may be prescribed by ordinance.

Rules of proceed-
ings.

§ 8. The city 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.

§ 9. The city 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. It shall be the duty of said city council to record the report mentioned in section three, article one, in said journal, and said record thereof shall be *prima facie* evidence of the truth of the matter therein stated.

Vacancies.

§ 10. No alderman shall be appointed to any office under the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election.

Oath.

§ 12. The mayor and each alderman, before entering on 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 ability.

Tie.

§ 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Meetings.

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

ARTICLE 3.—*Of the Chief Executive Officer.*

Mayor.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Eligibility.

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

Vacated.

§ 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

Tie.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine by lot which of said persons shall be mayor.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office Vacancies filled. of mayor it shall be filled by election.

ARTICLE 4.—*Of Elections.*

§ 1. On the first Monday of May next an election Elections. shall be held in each ward of said city for one mayor for the city and two aldermen for each ward, and forever thereafter, on the first Monday of May of each year, there shall be an election held for one mayor for the city, and one alderman for each ward, the aldermen to be residents of the ward for which they are elected. The first election for mayor and aldermen shall be held, pursuant to notice to be given as provided in section three of article one, and returns thereof made by said judges of election to said mayor and aldermen so elected.

§ 2. All free white male inhabitants over the age of Voters. twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

§ 3. If the right of any person to vote at any election shall be challenged, either one of the judges of election may administer an oath to such person to make true answers touching his qualifications as an elector, and examine him on the subject.

§ 4. The judges of election shall make returns of the Returns. elections to the city council, and the clerk of the city council shall forthwith forward an abstract showing the number of votes received by each person for mayor to the governor, and certify the same under the seal of the city.

ARTICLE 5.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to Levy and collect tax. levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. 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 and of this state.

- Appointments.** § 2. The city council shall have power to appoint a clerk, treasurer, assessor, collector, marshal, surveyor, supervisor of streets, a first and second engineer of the fire department, three trustees of schools of each school district of said city, and all such other officers as said city council may deem necessary to perform the duties required to be performed under this charter, and to prescribe by ordinance their powers and duties.
- Roads.** § 3. The city council 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 performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to divide the city into school districts; to borrow money on the credit of the city, and to issue bonds therefor, and pledge the revenue of the city for the payment thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than at ten per cent. per annum.
- Oath.** § 4. To appropriate money and provide for the payment of the debts and expenses of the city.
- Contagious diseases.** § 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.
- Health.** § 6. To establish hospitals, and make regulations for the government of the same.
- § 7. 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.
- Water.** § 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.
- Improve streets.** § 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and repair streets, avenues, lanes and alleys, and other public highways.
- Bridges.** § 10. To establish, erect and keep in repair bridges.
- Wards.** § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards [as] the occasion may require.
- Lighting streets.** § 12. To provide for lighting the streets and erecting lamp posts.
- § 13. To establish, support and regulate night watches.
- Market houses.** § 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

- § 15. To provide for all needful buildings for the use of the city.
- § 16. To provide for the enclosing, improving and regulating all public grounds belonging to the city. Public grounds.
- § 17. To erect, repair and regulate public wharves, and docks; to regulate the erection and repair of private wharves, and the rates of wharfage thereat. Wharves, docks, &c.
- § 18. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers and money changers. Auctioneers.
- § 19. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property. Carriages.
- § 20. To license and regulate porters, and fix the rates of portorage. Porters.
- § 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Shows.
- § 22. To restrain, prohibit and suppress tippling houses, dram shops, and gambling houses and bawdy houses, and other disorderly houses. Gaming houses.
- § 23. To regulate the fixing of chimneys and the flues thereof. Chimneys.
- § 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Gunpowder.
- § 25. To regulate and order parapet walls and partition fences.
- § 26. To establish standard weights and measures; to regulate the weights and measures to be used in the city, in all cases not otherwise provided by law. Weights and measures.
- § 27. To provide for the inspection and measuring of lumber and building materials, and for the measuring of all kinds of mechanical work. Lumber.
- § 28. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire wood, and other fuel to be used or sold within the city. Inspectors of hay &c.
- § 29. To provide for and regulate the inspection of flour, meal, pork, beef, lard, butter and other provisions; also, whisky and other liquors in barrels and other vessels. Inspectors of flour.
- § 30. To regulate the weight, quality and price of bread to be sold and used in the city. Weight of bread.
- § 31. To regulate the size of brick to be sold or used in the city. Size of bricks.
- § 32. To provide for the taking enumerations of the inhabitants of the city. Census.
- § 33. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance. Election and removal of city officers.
- § 34. To fix the compensation by fees, commissions, or otherwise, of all city officers, and regulate the fees of Fees and salaries

jurors, witnesses and others, for services rendered under this act, or any ordinance.

Police regula-
tions and fines.

§ 35. To regulate the police of the city, 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.

§ 36. The city council shall have exclusive power, within the city, by ordinance, to restrain, prohibit and suppress billiard tables and all devices for gambling.

Subscribe stock
to bridge.

§ 37. To subscribe for and take shares of stock in any bridge to be built within the limits of the city, or in any plank road leading from said city, to be constructed by any company, incorporated or to be incorporated by law for such purposes: *Provided, however,* that no such stock shall be taken by said city unless the proposition so to do, containing a statement of the number and cost of the shares so to be taken, shall first be submitted to the electors of said city for their approval or rejection, at an election to be held for that purpose after twenty days' notice thereof shall have been given by the mayor, by publication in one or more of the newspapers published in said city. In any meeting of said incorporated companies the votes that the city shall be entitled to may be cast in such manner as said city council may adopt by ordinance; such ordinances need not, however, be published as other ordinances, in order to be in force.

§ 38. The city 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 this state.

Style of ordnan-
ces.

§ 39. The style of the ordinance of the city shall be: "*Be it ordained by the city council of the city of Ottawa.*"

Publication of or-
dinances.

§ 40. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper in the city, and shall not be in force, except as aforesaid, until they shall have been published as aforesaid.

Proof of ordnan-
ces.

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

Ferries.

§ 42. The city council shall have power to establish ferries, license and regulate the same within the limits of said city.

ARTICLE 6.—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and in no other. Mayor to preside at meetings of council.
 In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting.

§ 2. The mayor or any two aldermen may call special meetings of the city council. Special meetings

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city. Duties of mayor.

§ 4. He is hereby authorized to call on every male inhabitant of said city, 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 him in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars. Posse.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers. Power to compel exhibition of books, &c.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Executive power

§ 7. He shall be commissioned by the governor as a justice of the peace for the said city, and as such shall be a conservator of the peace for the said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, which shall be good and valid in law. To be commissioned a justice of the peace.

§ 8. He and all other justices of the peace in said city shall have jurisdiction in all cases arising under the ordinances of the corporation, and in all civil and criminal cases within the limits of the city, arising from the laws of the state, in which justices of the peace now have jurisdiction, and shall receive the same fees and compensation for his services in similar cases. Jurisdiction of justices of the peace and mayor.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof. Jurisdiction under ordinances.

Liability to indictment.

§ 10. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and 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 La Salle county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

Judgment.

ARTICLE 7.—*Assessments for opening Streets and Alleys.*

Power to lay out public streets, &c.

§ 1. The city council shall have power to lay out public squares or grounds, streets, alleys, lanes and highways, and to make wharves and slips at the ends of streets, and alter, widen, contract, straighten and discontinue the same; they shall cause all streets, alleys, lanes, highways, wharves, slips, or other public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing particularly the proposed improvement, and the real estate required to be taken, and the same when opened and made shall be public highways.

Give notice.

§ 2. Whenever any street, alley, lane, highway, wharf or slip, or public square or ground, is laid out, altered, widened or straightened by virtue hereof, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner or owners thereof, by publishing said notice for ten days in some public newspaper published in said city, at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in said city, as commissioners to ascertain and assess the damages and recompense due the owners of said land respectively, and at the same time to determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof on the real estate of persons benefitted, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected shall be necessary to the choice of such commissioners.

Publication.

Appoint commissioners.

Order.

§ 3. The commissioners shall be sworn faithfully to execute their duty according to the best of their ability, before entering upon their duties. They shall give notice to persons interested of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, at least ten days before the time of such meeting, by publishing the same in any newspaper published in said city. They shall view the premises, and, in their

discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 4. If there shall 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 injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Assessments
when building
stands on lots.

§ 5. At least five days' personal notice shall be given to the owner of such determination, when known and a resident of the city, or left at his usual place of abode, if not known or not residing in the city. Notice to all persons interested shall be given by publication for ten days in any newspaper published in said city. Such notice shall be signed by the commissioners, and specify the building and the award of the commissioners. It shall also require parties in interest to appear, by a day named therein, or give notice of their election to the city council 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 remove such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove the building, he shall have such time for the purpose as the city council may allow.

Notice.

§ 6. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

Refusal or failure
to take building.

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the commissioners shall include the value of the building (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owners at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Assessment.

§ 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the commissioners shall strike a bal-

Damages and
benefits in case
of removal of
building.

ance and carry the difference forward to another column, 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 collectable of them or paid to them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvements.

§ 10. 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 the proceedings upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the city council within forty days of their appointment.

§ 11. The clerk shall give ten days' notice in any newspaper printed in said city that such assessment has been returned, and that on a day to be named therein it will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard by the city council, and the hearing may be adjourned from day to day. The council shall have power in their discretion to confirm or amend the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof, by sale of the real estate, as provided in article nine of this charter, as near as may be. If referred back to the same or other commissioners, they shall proceed to make their assessments, and return the same in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like notices and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are hereinafter given in relation to the first.

§ 12. The city council shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect, or be unable from any cause to serve.

§ 13. The land required to be taken for the making, opening or widening any street, alley, lane or other highway 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 the said

When
made, return

Clerk to give notice.

Remove commis-
sioners.

Damages to be
paid.

owner or his agent cannot be found in said city, deposited to his or her credit in some safe place of deposit other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purposes required in making such improvements, and such improvements and such streets, alleys, lanes, highways, wharfs and slips may be made and opened.

§ 14. Where the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon confirmation of such report, respectively cease and be absolutely discharged.

Contracts. &c.
to cease.

§ 15. Where part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for in respect to the same shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in any respect of the same.

Contracts valid.

§ 16. Any person interested may appeal from any order of the city council for opening or widening any street, alley, public ground or highway, to the circuit court, by notice in writing to the mayor or clerk, at any time before the expiration of thirty days after the passage of such final order. In case of appeal, the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings; from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open for investigation by deposition or oral testimony, addressed to the court; and the court shall, at the request of either party, summon a jury to determine the facts in controversy.

Appeal.

§ 17. The city council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate, by reason of the condemnation of any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damage and injury upon persons or real estate ben-

Make changes.

effitted by the improvement, and in such other respects as experience may suggest.

Who pay assess-
ments.

§ 18. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant or other person, respecting the payment of such assessments.

ARTICLE 8.—*Assessments for Public Improvements.*

Power to grade,
&c.

§ 1. The city council shall have power from time to time to cause any street, alley or highway to be graded, leveled, paved, macadamized or planked, and keep the same in repair, or to cause any lot in said city to be filled up, to cause cross and side-walks, main drains and sewers, and private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same, and to grade, improve, protect and ornament any public square now or hereafter laid out.

Expenses incur-
red for public
improvements.

§ 2. The expenses of any improvement mentioned in the foregoing section, except side-walks and private drains, shall be assessed upon the real estate in any natural division benefitted thereby, with the cost of the proceedings therein, in proportion as nearly as may be to the benefits resulting thereto.

Amount of as-
sessments.

§ 3. The amount to be assessed for any such improvement (except side-walks and private drains) shall be determined by the city council, and they shall by ballot appoint, by a majority of all the aldermen authorized by law to be elected, three respectable freeholders of the city, to make such assessments. The commissioners shall be sworn faithfully and impartially to execute their duty to the best of their ability.

Commissioners
give notice.

§ 4. Before entering on their duties, the commissioners shall give six days' notice, in one or more newspapers published in said city, of the time and place of meeting to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the city council to be assessed on the real estate by them deemed benefitted by any such improvement, in proportion to the benefits 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, and the value thereof.

§ 5. If the commissioners shall be of opinion that any owner of land situate upon any street, alley or other highway graded or leveled under this section will sustain damages over and above the benefits which may accrue to the owner of such land by the improvement, they may assess such an amount as they may deem a reasonable recompense to such owner, upon the real estate benefitted in the manner aforesaid, and such sum shall be added to the assessment roll, and the amount certified to the council at the time of filing the roll. Damages.

§ 6. When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the city clerk within forty days after appointment, signed by all the commissioners. The clerk shall thereupon cause a notice to be published in one or more newspapers published in said city, for 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. Deliver copy of assessment to city clerk.

§ 7. Any person interested may appeal to the city council for the correction of the assessment. Appeals shall be in writing, and filed in the clerk's office within ten days after the first publication of said notice. The council may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment and confirm or annul the same, and direct a new assessment to be made in the manner hereinbefore directed, by the same commissioners, or by three others, which shall be final and conclusive on all parties interested, if confirmed. When confirmed, the assessment shall be collected as provided in article nine of this charter, as near as may be, and no appeal or writ of error shall lie in any case from such order and determination. If any assessment be set aside by order of any court, the city council may cause a new one to be made in like manner for the same purpose, for the collection of the amount so assessed. Appeal.

§ 8. If any vacancy happen in the office of commissioners at any time, by reason of removal, failure or refusal or inability from sickness or other cause to serve, the city council may fill such vacancy. Vacancies in office of commissioners.

§ 9. 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, rateable to those by whom it is paid. Double assessments.

§ 10. All owners or occupants in front or upon whose premises the city council shall order and direct side-walks or private drains communicating with any main drains to Private drains.

be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such side-walks or private drain 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 council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, and by an order to be entered in their proceedings, upon such lots respectively, and collect the same by warrant and sale of the premises, as provided in article nine of this charter, as near as may be. A suit may also be maintained against the owner or occupant of such premises, for recovery of such expenses as for money paid and laid out to his use at his request.

Sworn. § 11. Commissioners appointed under this act may be sworn into office by the city clerk. They shall be allowed two dollars per day each for actual services, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expense of the improvement, and included therein.

Damages to In-
14018. § 12. When any known owner residing in said city or elsewhere shall be an infant, and any proceeding shall be had under this act, the judge of the circuit court or of the county court may, upon the application of the city 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 on such guardian.

ARTICLE 9.

Property subject
to taxation. § 1. All real estate and personal property within the limits of the city of Ottawa, La Salle county, Illinois, shall be subject to taxation, and taxes may be levied and collected upon the same for the use and benefit of said city.

Duty of assessor. § 2. The assessor shall assess all the real estate and personal property in said city, so far as practicable; he shall ascertain the names of all owners of taxable property and the amount of all taxable real estate and personal property, and for this purpose he shall call upon each taxable inhabitant of said city.

Prepare assess-
ment roll. § 3. The assessors shall prepare an assessment roll, with a caption, in substance, as follows: "An assessment roll of all the real estate and personal property within the limits of the City of Ottawa, La Salle county, Illinois, made by the assessor of said city for the year 18—;" and shall set down in separate columns, according to the best information in his possession—

1st. The names of all the owners, if known, of all taxable real estate within the limits of said city. If the owner is unknown, it shall be so stated.

2d. The description of all real estate opposite the name of the owner, or word "unknown," when the name of the owner cannot be ascertained.

3d. The value of the real estate opposite the description.

4th. The amount of tax assessed opposite to the value.

The said assessment roll shall also contain, in parallel columns—

1st. The names of the owners of personal property subject to taxation, in alphabetical order.

2d. The assessed value of the personal property taxed to each individual.

3d. The amount of tax on each individual's personal property.

§ 4. After the said assessment roll shall have been thus completed, the said assessor shall attach thereto a certificate, signed by him, in substance, as follows: "I do hereby certify that the above assessment roll contains, according to my best information, a true and correct list of the names of all the owners of taxable property, real and personal, within the limits of said city, a description of each parcel of real estate, set opposite the names of the owners, or set opposite the word 'unknown.' In cases where, after diligent search and inquiry, I have been unable to ascertain the name of the owner, the value of said parcels of real estate, set opposite each one, the amount of tax on each of said parcels of real estate set opposite the same, the aggregate value of personal estate of each owner set opposite his name, and the amount of tax on said personal estate set opposite his name." Said assessment roll so certified shall, on or before the second Monday in July then next, be returned to the clerk of the city council.

§ 5. Previous to the third Monday in July the assessment may be inspected by any person interested in the same. On the third Monday in July of each year there shall be a meeting of the city council for the purpose of reviewing the assessment. On the application of any person conceiving himself aggrieved by the assessment, the city council, upon being satisfied that the same is erroneous, may review, alter and correct such assessment.

§ 6. Immediately after the return of the assessment roll, it shall be the duty of the city clerk to cause to be inserted in a newspaper published in said city, or posted up in three public places in said city, a notice that the assessment roll has been returned, and may be inspected by any person interested therein, and of the time when the city council will meet to hear applications for reviewing said assessment.

Make copy of assessment roll.

§ 7. Immediately after the said assessment roll shall have been corrected by the city council, the clerk shall make out a true copy thereof as corrected, to which, after being satisfied that the same is a correct copy as above, the city council shall annex a warrant, signed by the mayor of said city, 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 city, and if any resident of said city shall neglect or refuse to pay his tax within ten days after demand made of said resident, or at his last and usual place of residence, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving six days' notice of the time and place of sale, by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax. In cases where the owner is not a resident of the city the collector shall proceed to levy and sell without previous demand. 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 city council, and pay over all money by him collected to the treasurer, and take his receipt for the same.

Mode of collection of taxes.

§ 8. In the return to said warrant the collector shall give a list of the names of the persons whose tax and personal property he has been unable to collect on account of not finding goods and chattels whereon to levy, the value of the property assessed, and the amount of the tax thereon, and state in said return that he has been so unable to collect the tax, and the city council may give him credit for the amount of taxes he has thus been unable to collect.

Collector make list of real estate

§ 9. 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 each parcel of said 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 each parcel. The collector shall return said list at the time last aforesaid, with a certificate signed by him that said taxes remain unpaid, and that he could [find] no goods or chattels whereon to levy and collect the same, and the city council may credit him with the amount.

Publishment of delinquent tax list

§ 10. Within twenty days after the return of said list, the clerk shall cause the same to be published in a newspaper printed in said city, together with a notice, in substance as follows: "It appearing from the return of the collector that the taxes on the above described parcels of real estate remain unpaid, notice is hereby given that the said real estate will be exposed in separate parcels at public auction, on the — day of —, 18—, at 10 o'clock in

Form.

the forenoon, at the door of the court house in Ottawa, and sold for the purpose of making said taxes, and fifty cents for cost of selling each lot or parcel, in case of sale." Said day of sale shall be at least thirty days after the publication of said notice.

§ 11. The collector shall attend said sale and act as auctioneer, and sell all the lots or parcels of real estate so advertised, upon which the taxes and cost remain unpaid at the time of selling; the clerk shall also attend said sale, and enter in a book provided for that purpose, a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to said purchaser a certificate giving a description of the real estate by him purchased, the amount of the taxes and cost due separately, and the amount of his bid, stating that said purchaser will be entitled to a deed for the real estate described in such certificate, at the expiration of one year, unless the same shall be redeemed. The clerk shall receive the taxes and cost due at any time before sale, and pay the same over to the treasurer, taking his receipt for the same.

Collector to attend sale.

Second sale.

§ 12. In case no person shall bid the amount of taxes and cost charged upon any of said real estate at such sale, the same may be advertised and sold at any time within six months thereafter. The manner of proceeding in such second sale shall be the same as hereinafter mentioned, as near as may be.

§ 13. All lands sold for taxes and assessments assessed under this charter shall be sold off of the east side, as in cases of sales for county and state taxes, and may be redeemed within one year from the sale, in the same manner, upon the same terms, as lands are now redeemed in cases of sale for state and county taxes, by payment of the necessary amount to the said city clerk, and the said clerk shall keep and preserve said books of sale in his office, and enter said redemption therein. Said book shall be *prima facie* evidence of the matters contained therein.

Lands sold off of east side.

§ 14. In case said lands shall not have been redeemed as aforesaid, it shall be the duty of the mayor of said city to execute and deliver to the purchaser a deed of the premises, which deed shall be in substance, as follows:

Mayor to make deed.

"Whereas, on the — day of —, A. D., —, at a public sale made by the collector of the city of Ottawa, for taxes duly assessed by said city for the year —, A. B. became the purchaser of the following described real estate, viz: — for the sum of —, that being the amount of the assessment and cost on the —. Now, therefore, know all men by these presents, that I, C. D., mayor of said city, in consideration of the premises, hereby grant, bargain, sell and convey unto the said A. B., his heirs and assigns, the real estate above described as so purchased

Form.

by him, subject to the right of infants, *femmes covert*, and others, to redeem, to have and to hold the same to the said A. B., his heirs and assigns, forever. Witness my hand and seal of said city, this — day of —, in the year of our Lord, &c.”

Deeds acknowl-
edged.

§ 15. Deeds on all sales for taxes and assessments assessed upon real estate under this charter shall be acknowledged as other conveyances, and when executed and acknowledged as aforesaid, they shall be deemed and taken 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 in the purchaser.

Compensation.

§ 16. The clerk and collector shall each be entitled to twenty cents for each parcel of land sold, in full satisfaction for their services in making such sale, and the balance of said cost shall be paid into the city treasury. All other expenses attending such sale shall be allowed and paid by the city council.

ARTICLE 10.—*Miscellaneous Provisions.*

Road labor.

§ 1. The inhabitants of the city of Ottawa are hereby exempt from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work on the same.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues, alleys and other highways in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues, alleys, and other highways, not exceeding three days in each and every year, and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each of said days.

Punishment
of offenders.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Statement.

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

Ordinances in
force until re-
pealed.

§ 5. All ordinances and resolutions of the town of Ottawa shall remain in force until the same shall have been repealed by the city council hereby created.

Suits and actions

§ 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 city of Ottawa.

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

§ 8. All property, real and personal, and all books and papers heretofore belonging to the president and trustees of the town of Ottawa, 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.

Property belonging to the town of Ottawa to revert to the city.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Ottawa, nor divest them of any rights which may have accrued to them prior to the passage of this act.

Acts not to be invalidated.

§ 10. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of the city of Ottawa, in any action or proceeding in which the said city is a party in interest.

Residents of city not incompetent witnesses, &c.

§ 11. The president and trustees of the town of Ottawa shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Ottawa.

Promulgate law.

§ 12. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of La Salle county, except as hereinbefore excepted, and every such appeal shall be 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.

§ 13. Whenever the mayor shall absent himself from the city, or resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

Mayor *pro tem*.

§ 14. 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.

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

Acts repealed.

§ 16. The city marshal, or any other officer authorized to execute writs or any other process issued by the mayor, shall have power to execute the same any where within the limits of the county of La Salle, and shall be allowed the same fees for traveling as are allowed to constables in similar cases.

Jurisdiction of marshal.

§ 17. The persons named in article one, section three, shall cause an election to be held in the town of Ottawa on

Election.

the first Monday of April next, at which the inhabitants residing within the territory described within the second section of the first article of this act, who are authorized to vote for state officers, shall vote for or against the adoption of this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, it shall immediately take effect as a law, but if a majority of the votes given shall be against the adoption of said charter, then this act to be of no effect.

Ardent spirits.

§ 18. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than is now provided by law.

Compensation of mayor and aldermen.

§ 19. The mayor and aldermen shall be entitled to such compensation for their services, in addition to that herein before provided for the mayor, as the inhabitants of said city, at an election called for that purpose, shall vote to allow them, and no other or further compensation shall be allowed them.

Borrow money.

§ 20. No money shall be borrowed by the city council until the ordinance passed therefor shall be submitted to and voted for, by a majority of the voters of said city attending an election held for that purpose.

Additional officers.

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

Fines, &c., paid into city treasury.

§ 22. All fines and penalties recoverable by indictment or action for any offences committed within the limits of the city, or which are now required by law to be paid into the county treasury, shall hereafter be paid into the city treasury, for the use of said city.

Deeds.

§ 23. Deeds of sales of land for taxes heretofore made under the ordinances of the town of Ottawa, may be executed by the mayor of the city.

Second election.

§ 24. If the inhabitants of said city shall not adopt this charter on the first Monday of April next, the president and board of trustees of the town of Ottawa may, at any time thereafter, cause an election to be held as herein before provided for, and they shall have the same power and perform the same duties as imposed upon the person named in article first, section three.

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

APPROVED February 10, 1853.

AN ACT to incorporate the Franklin and Perry County Plank Road and Muddy River Toll-bridge Company. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Corporators. John G. Goessman, William A. Denning, W. O. Espy, Daniel Mooneyhan, James Macklin and William S. Aiken, and all such persons as shall hereafter become stockholders in the company hereby incorporated, their assigns and successors, be and they are hereby chartered and constituted a body corporate, by the name and style of "The Franklin and Perry County Plank Road and Muddy River Toll-bridge Company," and by such name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places where legal proceedings are had; that they have succession, be capable of purchasing, selling, holding and conveying all property, real, personal or mixed, as necessary and convenient to enable them to build, construct and complete a plank road from the town of Benton, in Franklin county, westwardly, over the most suitable and eligible route, to a point on the Central Railroad, in the county of Perry, with the privilege of extending or connecting said road with other plank roads, and to establish a toll-bridge across Muddy River, on the line of said plank road designated by the company; and to carry out the privileges and franchises granted herein. Said company may have and use a common seal, and change the same at pleasure; make by-laws, rules and regulations for the management of its property, the stock of said company, and to regulate its affairs. Name and style.

§ 2. The capital stock of said company shall be thirty thousand dollars, and may be increased by said company to sixty thousand dollars. Said capital stock shall be divided into shares of fifty dollars each—each share entitling the holder thereof to one vote in all meetings of the stockholders; and no such stockholder shall be liable to more than the amount of his subscription. Said stock shall be considered personal property, and be transferable upon such conditions as the company shall direct. General powers.

§ 3. The said plank road shall not be dependent upon the construction of said toll-bridge, nor the said toll-bridge upon the said plank road, but either may be constructed, in any part thereof, independent of the other; and if the said plank road shall be first completed, or any three miles thereof, the said incorporation may erect gates and receive such tolls as may be regulated by the company, not charging a higher rate than is provided by the general law concerning plank roads; and when the said toll-bridge shall have been completed, whether the whole or any portion of said plank road may have been constructed or not, such Capital stock. Construct either road or bridge.

tolls may be collected for passing thereon as the company may determine.

Commissioners. § 4. That John G. Goessman, W. A. Denning, W. O. Espy, Daniel Mooneyhan, James Macklin and W. S. Aikin, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, at such time and places, and after such notice, as they or a majority of them shall agree, and demand a partial payment thereof from time to time as they may deem necessary.

Management of affairs. § 5. The affairs of said company shall be managed by three directors, two of whom shall constitute a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of fifteen thousand dollars shall be subscribed of the stock of said company, and ten per cent. paid thereon. Directors shall continue in office one year, and until their successors shall be qualified; they shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. Election of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscription to stock, and books of subscription and other property of said company.

Right of way. § 6. Said corporation is hereby authorized to locate, and construct said plank road over any lands owned by this state, or by individuals on the route of said road, they paying all damages should any arise or accrue to any person or persons, by means of taking their lands, timber, rock, stone, or gravel, for the use of said plank road; and where the said cannot be obtained by consent of owners upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of public highways.

Power to construct. § 7. Said corporation shall have power to construct, maintain and continue said plank road, of such width as may be deemed advisable by the directors thereof, the right of way not exceeding sixty feet along the line designated by said company; said road to be first built across Big Muddy and Little Muddy bottoms, and to be thrown up to such a height as to be above high water mark, bridging the same, or using any other means in the construction of said road over such low bottom lands as to render the same passable at all seasons of the year, and for this purpose may take earth, timber, stone, and other materials from the swamp lands belonging to the state lying contiguous to said road.

§ 8. The said company are authorized and empowered to borrow from time to time such sum or sums of money, not exceeding thirty thousand dollars, as in their discretion may be deemed necessary to aid in the construction of said work, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage the said road, its appendages or any part thereof, or any other property or effects, rights, credits and franchises of the said company, as security for any loans of moneys and interest thereon, and to dispose of the bonds issued for such loans on such terms as the board of directors may determine.

Borrow money.

§ 9. Any person who shall wilfully injure or obstruct, or cause to be injured or obstructed, the said plank road or toll-bridge, or any of the appendages thereto, or any thing connected therewith, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company threefold the amount of damages sustained by such injury or obstruction, to be recovered in an action of trespass, in the name of the company, with costs of suit, before any justice of the peace or court of record in this state.

Penalty for injury.

§ 10. The said corporation shall be allowed five years from the passage of this act for the commencement of said plank road, and in case the same shall not be completed in five years thereafter, the privileges herein granted shall be forfeited.

Time of construction.

§ 11. The said incorporation are hereby authorized and empowered to build, construct and maintain a railroad along side the line of said plank road whenever the votes of two-thirds of said body corporate shall be cast in favor thereof: *Provided*, that nothing in this act shall be so construed as to authorize the construction of a railroad except from the town of Benton to the point in Perry county, on the Central Railroad, nor to authorize any other connection except with the Central Railroad at such point.

Railroad.

Proviso.

§ 12. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified.

APPROVED February 3, 1853.

AN ACT to incorporate the Pekin and Fairview Plank Road Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That all such persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall

Name and style.	be, and for the term of thirty years from and after the passage of this act shall continue to be, a body politic and corporate, under the name of "The Pekin and Fairview Plank Road Company;" and by that name shall have succession for
General powers.	the term of thirty years; may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity; make by-laws, rules and regulations for the management of their property and affairs, for the transfer of their stock, not inconsistent with the laws of this state or of the United States.
Power to construct.	§ 2. Said corporation shall have power to construct, maintain and continue a plank road of such width as they may deem advisable by the directors of said corporation, from the said city of Pekin, in the county of Tazewell, to the town of Fairview, in the county of Fulton.
Capital stock.	§ 3. The capital stock of said company may be ninety thousand dollars, and may be divided into shares of fifty dollars each, and shall be considered personal property.
Commissioners.	§ 4. Gaddis Daniel Groendike, John G. Voorhees, James Harriott, Thomas N. Gill and David P. Kenyon, and such others as they may associate with them, shall be commissioners for receiving subscriptions to the stock of said company, when and where, and after such notice as they, or a majority of them, shall agree. They may require security for the payment of subscriptions thereunto; and practical payment thereof from time to time, as they may deem necessary, before the same shall be taken.
Management of affairs.	§ 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to perform the business of said company, who shall be chosen so soon as the sum of ten thousand dollars shall be subscribed of the stock of said company. Said directors shall continue in office one year, and until their successors shall be elected and qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting so many votes as each may own shares of stock. Elections of directors shall be held at the time and place appointed by commissioners, and all subsequent elections may be held and regulated according to the by-laws of said company.
	§ 6. Upon the election of directors and the organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions to stocks, and books of subscription and other property of said company.
Commence construction.	§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road; and as soon as any three miles of said road is completed they may erect toll-gates thereon and collect the tolls allowed by this act. Said company shall

keep said road in repair, and shall have power to construct bridges and causeways over sloughs and streams any where on the route of said road they may deem necessary; and said company may borrow money and issue their bonds therefor, payable at any period within the limits of this charter, and at any place in the United States that they may deem proper: *Provided*, that they shall not borrow more than sixty thousand dollars to aid in the construction of the road.

§ 8. The said corporation shall have power to fix and regulate the tolls to be charged on said road: *Provided*, said tolls shall not exceed the following rates: For every vehicle drawn by one animal, two (2) cents per mile; for every vehicle drawn by two (2) animals, three (3) cents per mile, and one-half cent additional for each mile every animal more than two (2); for every ten (10) of neat cattle, one cent per mile, and for every ten (10) of sheep or swine, one cent per mile, and for every horse and rider or led horse, one cent per mile; and it shall be lawful for any toll-gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and any person who shall use such road and refuse to pay such toll, shall forfeit and pay for such refusal the sum of three dollars, to be collected by said corporation by action of debt before any justice of the peace of the proper county.

§ 9. The said corporation shall be allowed two years from the passage of this act to commence the construction of said road, and shall complete the same within ten years from the commencement of the same; and upon a failure to do so, this charter shall be forfeited.

§ 10. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking lands, timber, rock, stone, gravel or other material, for the use of said road; and when the same cannot be obtained by consent of the owners upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

§ 11. Said company may terminate this road at the Illinois river opposite the city of Pekin, or at the terminus of the road now in process of erection from the Illinois river, opposite Pekin, across the bottom land, one and a half miles northwest from Pekin, as they may deem for the best interest of said company.

§ 12. This act to take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Alton and Woodburn Plank Road Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Josiah Little, Lewis Killenburger, George W. Long, John H. Shipman, Henry S. Baker, N. W. Wood, John James, Moses G. Atwood, Thomas Wallace and Thomas Stanton, be and they, their assigns and successors, hereby are made and constituted a body politic and corporate, by the name and style of "The Alton and Woodburn Plank Road Company,"* for the space of thirty years, and shall have power to sue and be sued, contract and be contracted with, complain and defend, in any court of law or equity; to make and use a common seal, and alter the same at pleasure; to make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts, and the transfer of its stock, not inconsistent with the laws of this state or the United States, and to take and hold sufficient real estate for the enjoyment of all privileges herein granted, and to grant and convey the same at pleasure.

§ 2. The capital stock of said company shall be fifty thousand dollars, which shall be considered personal property, except for revenue purposes, when it shall be considered as real estate, and divided into shares of fifty dollars each, and shall be transferable according to the by-laws of said company.

§ 3. Said corporation shall have power to construct, maintain and continue a plank road, of such width and upon such route as may by the directors of said company be deemed desirable, from the city of Alton, in the county of Madison, to the town of Woodburn, in the county of Macoupin.

§ 4. The said Josiah Little, Lewis Killenburger, Geo. W. Long, John H. Shipman, Henry S. Baker, N. W. Wood, John James, Moses G. Atwood, Thomas Wallace, George H. Weigher and Thomas Stanton, or a majority of them, shall be commissioners for receiving subscriptions to the stock of the said company, when and where they or a majority of them shall agree upon, and may require payment of such amount at the time of subscription, and at such times thereafter as may be by them deemed advisable.

§ 5. The affairs of said company shall be managed by five directors, a majority of whom shall form a quorum for the transaction of business, and who shall be chosen as soon as the sum of five thousand dollars shall be subscribed of the stock of said company, after which said corporation may commence the surveys and construction of its road. Said directors shall be chosen at such time and

place as shall be decided upon by said corporators, due notice thereof having been given to the stockholders. Afterwards elections for directors shall take place annually, at such time and place as the by-laws shall prescribe, due notice thereof being given. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be the directors, and shall continue in office until their successors are elected and qualified.

§ 6. Said directors shall have power to erect and maintain such toll-houses, toll-gates and other buildings for the management and accommodation of said road, and the travel and transport thereon, as they may deem suitable to its interest, and may demand, collect and receive of and from any and every person using said road, or so much thereof as may be completed, toll, to be regulated by the directors, but not to exceed the rates prescribed by "An act to provide for the construction of plank roads by a general law," approved February 12th, 1849, and the first, third, fourth and sixth sections of an act approved February 1st, 1851, amendatory of said act of February 12th, 1849, and the act approved February 17th, 1851, further to amend the act of February 12th, 1849, and made part of the charter hereby granted, so far as applicable thereto.

§ 7. The corporation hereby created is authorized to acquire by voluntary cession or purchase from the owner the right to construct said road over any lands belonging to individuals, companies or corporations, on the route adopted for the construction of said road; and in case said corporation cannot obtain the right to construct said road over the lands owned by any individual, company or corporation, by voluntary cession or purchase, it shall be lawful for said corporation to appropriate and use so much of said land as shall be necessary for the proper construction of said road, on complying with the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvements," approved June 22d, 1852.

§ 8. Said corporation is hereby vested with all the powers conferred on plank road companies organized under the general laws for the construction of plank roads, to make contracts with town and city authorities, for the use of any part of a public highway or street for the construction of said road.

§ 9. Said corporation in and about the construction of said road, and to aid it therein, may borrow money, not exceeding in amount the sum actually paid in by the stock-

holders, and contract to pay therefor a rate of interest not to exceed ten per cent.

This act to be a public act, and to be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Illinois Wesleyan University.

Co-operators.

Name and style.

Number of trustees.

Objects.

Annual conference M. E. church to appoint visiting committee.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Allen, J. E. McClun, Lewis Graves, Thomas P. Rogers, H. H. Fell, Ezekiel Thomas, Wm. H. Allen, Isaac Funk, John Moore, Jesse W. Fell, C. D. James, Silas Waters, C. P. Merriman, David Trimmer, John Magann, James Miller, John W. Ewing, Jesse Birch, A. Goddard, W. C. Hobbs, David Davis, Peter Cartwright, John S. Barger and Henry Coleman, and their successors, be and are hereby created a body corporate and politic, by the name and style of "The Trustees of the Wesleyan University," and by that style and name to remain and have perpetual succession. The university shall remain at or near the city of Bloomington, in the county of McLean, and the number of trustees shall not exceed twenty-four (24,) exclusive of the president, principal or presiding officer of the college, who shall, *ex officio*, be a member of the board of trustees: *Provided, however,* that no other professor or instructor shall be a member of said board. For the present, the aforesaid individuals shall constitute the board of trustees.

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

§ 3. Said university shall be under the patronage of the Illinois Annual Conference of the Methodist Episcopal Church, which shall have the privilege of annually appointing a visiting committee, consisting of seven, who shall have a seat with the board of trustees in the transaction of business, and any other annual conference that shall unite in the patronage of said institution shall have the same privilege: *Provided,* the whole number of visitors so appointed shall not exceed twelve: *And provided, also,* there shall be a quorum of the regular trustees exclusive of said visiting committee or committees, as the case may be, in all meetings of the board of trustees.

§ 4. Said trustees, at their first meeting, as provided for Divide by lot. in the 14th section of this act, shall, by lot, divide themselves into three classes of eight trustees each, and the term of office of the first, second and third classes shall be one, two and three years respectively, after the day of such classification. At the expiration of the term of office of any Term of office. of said classes, the remaining trustees then in office, or a majority of them, shall elect trustees equal in number to the outgoing trustees, and who shall hold their office for three years from and after their election, and until their successors shall be elected and qualified: *Provided, always,* Proviso. that any person or persons who may have been or shall be a trustee of said institution shall be eligible to election if any vacancy shall occur in said board of trustees, by removal, death or refusal to act or resignation. Said trustees shall have the power, at any regular meeting, of filling said vacancy by electing a person or persons to serve out the unexpired term or terms, as the case may be.

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

§ 6. The trustees of said university shall have Authority of trustees. authority from time to time to prescribe and regulate the course of studies to be pursued in said university, and in the preparatory department attached thereto; to fix the rate of tuition, room rent and other necessary expenses; to appoint instructors and such other officers and agents as may be needed in the management of the concerns of the institution, to define their powers, duties and employments, to fix their compensation, to displace or remove either of the instructors, officers and agents, or all of them, as said trustees shall deem the interest of said university requires, to fill all vacancies among said instructors, officers and agents, to erect necessary buildings, to purchase books, chemical and philosophical apparatus and other suitable means of

instruction, to put in operation, if deemed advisable, a system of manual labor for the purpose of promoting the health of the students and lessening the expenses of education, to make rules for the general management of the affairs of the institution and for the regulation and conduct of the students, and to add, as the ability of said corporation may justify and the interest of the community shall require, additional departments for the study of the sciences, as applied to agriculture and the arts, or of any or all of the liberal professions.

Office vacated.

Removal.

§ 7. If any trustee shall be chosen president of the university, his former place as trustee shall be considered as vacant, and his place filled by the remaining trustees for the time being; shall have power to remove any trustee from office for any dishonorable or criminal conduct: *Provided*, that no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity offered him to defend himself before the board, nor unless two-thirds of the whole number of trustees for the time being shall concur in such removal. The trustees for the time being, in order to have perpetual succession, shall have power, as often as a trustee shall be removed from office, die, resign, refuse to act or remove out of the state, to appoint a resident of this state to fill the vacancy in the board of trustees occasioned by such removal from office, death, refusal to act, resignation or removal from the state.

Funds, how applied.

§ 8. The trustees shall faithfully apply all funds collected by them, according to the best of their judgment, in erecting suitable buildings, in supporting the necessary instructors, officers and agents, the procuring books, maps, charts, globes, philosophical, chemical and other apparatus necessary to aid in the promotion of sound learning in the institution: *Provided*, that in case any donation, devise or bequest shall be made for particular purposes accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express condition of the donor or devisors: *Provided, also*, that lands so donated or devised shall be sold or disposed of as required by the 11th section of this act.

Treasurer to give bond.

§ 9. The treasurer of said university always, and all other agents when required by the trustees, before entering upon the duties of their appointments, shall give bond respectively for the security of the corporation, in such penal sum and with such securities as the board of trustees shall approve; and all process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy with the treasurer of the college at least thirty days before the return day thereof.

§ 10. The said university and its preparatory department shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students. All persons, however, may be suspended or expelled from said institution whose habits are idle or vicious, or whose moral character is bad. Open to all denominations.

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

§ 12. Eight trustees shall be sufficient to constitute a quorum for the transaction of business, and should there be at any time an insufficient number for a quorum, they shall have power to adjourn from day to day, or for any longer period, until a quorum shall be had. It shall be lawful for the president of the board, any three of the trustees, or a majority of the professors of the institution for the time being, to call at any time a meeting of the board of trustees whenever he or they, as the case may be, may deem it expedient, by giving at least three days' notice of such meeting by personal service or by publication in some newspaper published in the county. Quorum.

§ 13. The acts and proceedings of the trustees of the Illinois Wesleyan University, heretofore had under the general law authorizing the incorporation of institutions of learning, be and the same are hereby legalized; and the individuals designated in the first section of this act are hereby constituted the successors of the board heretofore organized under said general law, and are authorized and required to take the full and entire management of all things pertaining to the future maintenance and support of said institution. Acts legalized.

§ 14. The first meeting of said trustees, under this charter, shall be held at Bloomington, on the first Wednesday in March next, or at any time thereafter, on a day fixed or agreed upon in the manner pointed out in the preceding section, and all subsequent regular meetings of said board shall be held at such stated periods as said trustees, in their First meeting.

discretion, may from time to time, by their by-laws and regulations, determine.

§ 15. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Jan. 17, 1853. AN ACT entitled "An act incorporating the Bishop Hill Colony, at Bishop Hill, in Henry county."

- SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Olaf Johnson, John Olson, James Eickson, Jacob Jacobson, Jonas Cronberg, Swan Swanson, Peter Johnson, and their associates and successors, be and they are hereby constituted and appointed a body politic and corporate, by the name and style of "The Bishop Hill Colony," and by that name they and their successors shall and may have perpetual succession, shall be capable of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered, within all courts and places whatsoever; they may have a common seal, to alter or change the same at pleasure; may purchase and hold or convey real and personal property necessary to promote and fully carry out the objects and interests of said corporation. The number of trustees shall be seven, and the above named persons are hereby appointed and constituted trustees of said corporation.
- § 2. The real and personal estate held and owned by said trustees in their corporate capacity shall be held and used for the benefit, support and profit of the members of the colony.
- § 3. The business of said corporation shall be manufacturing, milling, all kinds of mechanical business, agriculture and merchandising.
- § 4. The said trustees above appointed shall hold their office during good behavior, but are liable to be removed, for good cause, by a vote of a majority of the male members of the colony.
- § 5. All vacancies in the office of trustees, either by removal, death, resignation or otherwise, shall be filled in such manner as shall be provided by the by-laws of such corporation.
- § 6. The said trustees and their successors in office may make contracts, purchase real estate and again convey the same, whenever they shall see proper so to do, for the benefit of the colony.

§ 7. All the real estate heretofore conveyed by any ^{Titles.} person or persons to the trustees of the Bishop Hill Society shall be and the titles to said land are hereby invested in the said trustees above appointed, for the use and purpose above specified.

§ 8. The said Bishop Hill Colony may pass such by-^{By-laws.} laws concerning the government and management of the property and business of said colony, and the admission, withdrawal and expulsion of its members, and regulating its internal policy, and for other purposes directly connected with the business and management of said colony, as they may deem proper, not inconsistent with the constitution and laws of this state.

§ 9. This act shall be deemed and taken as a public act, and shall be construed liberally for the benefit of said colony.

APPROVED January 17, 1853.

AN ACT to incorporate a bridge company by the title hereinafter named. In force Jan. 17, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joel ^{Corporators.} A. Matteson, Joseph E. Sheffield, Norman B. Judd and Henry Farnam, their associates, successors, heirs and assigns, be and they are hereby created a body corporate by the name and style of "The Railroad Bridge Company," with power to build, maintain and use a railroad ^{Powers.} bridge over the Mississippi river, or that portion within the jurisdiction of the state of Illinois at or near Rock Island, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect, by railroad or otherwise, such bridge with any railroad, either in the states of Illinois or Iowa, terminating at or near said point; to unite and consolidate its franchises and property with any and all bridge or railroad companies in either of said states, to fix the amount of capital stock, to divide, transfer and increase the same, to borrow money and pledge or mortgage its property and franchises, to condemn according to law property for the uses and purposes of said company, to contract, bargain and agree with any such railroad companies for and in the construction and maintenance of such bridge, to sell or lease said bridge, or the use of the same, or the franchises of said company, to any companies or corporations: *Provided,* ^{Proviso.} that said company shall commence said bridge within two

years, and shall complete the same within six years from the passage of this act.

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

APPROVED January 17, 1853.

In force Feb. 3,
1853.

AN ACT to charter the city of Hutsonville.

ARTICLE I.—*Of Boundaries and General Powers.*

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 Hutsonville, in the county of Crawford, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Hutsonville," 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. All that district of country embraced within the following limits, to wit, commencing at the northeast corner of fractional section No. twenty-nine (29,) in township No. eight (8) north, of range eleven (11) west, running thence west with said line to the northwest corner of said fractional section, then south to lands belonging to James T. Stark, on a line between him and lands formerly owned by William Cox, deceased, thence east to the bank of Hutson creek, thence meandering the said creek to the Wabash river, thence up said river to the place of beginning.

§ 3. The present board of trustees of the town of Hutsonville shall, on the first Monday of May next, divide the said city of Hutsonville into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Hutsonville 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 city of Hutsonville.

§ 5. The inhabitants of said city, 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 city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and other public purposes, for the use of the inhabitants of said

city; to sell, lease and convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.—*Of the City Council.*

§ 1. There shall be a city council, to consist of a City council. mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for one year.

§ 3. No person shall be an alderman unless at the Aldermen. time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age, and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Vacate. from the ward for which he is elected, his office shall thereby be declared vacated.

§ 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

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

§ 7. The city council shall have power to determine Rules of proceedings. 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.

§ 8. The city council shall keep a Journal. 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.

§ 9. No alderman shall be appointed to any office under the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 10. All vacancies that shall occur in the board of aldermen shall be filled by election.

§ 11. The mayor and each alderman, before entering Oath. 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 ability, and the oath prescribed in the twenty-sixth section of the thirteenth article of the constitution of this state.

§ 12. Whenever there shall be a tie in the election of Tie. aldermen, the judges of election shall certify the same to

the mayor, who shall determine the same by lot, in such manner as shall be determined by ordinance.

Meetings. § 13. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE III.—*Of the Chief Executive Officer.*

Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Eligibility. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

Vacate. § 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided by ordinance.

Contested. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election.

ARTICLE IV.—*Of Elections.*

Election. § 1. On the second Monday of May next, an election shall be held in each ward of said city, for one mayor of the city, two alderman for each ward, and forever thereafter, on the second Monday of May of each year, there shall be an election held for one mayor for the city and two aldermen for each ward. The first election for mayor and aldermen shall be held, conducted, and returns thereof made, as may be provided by ordinance of the present trustees of the town of Hutsonville.

Voters. § 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other; and that no vote shall be received at any of said elections unless the person

offering such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to ^{Tax.} levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. 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 and of this state.

§ 2. The qualified voters of the city in each of the wards as aforesaid, and at the time of the election of the mayor and aldermen as aforesaid, in each and every year hereafter, shall elect a city clerk, treasurer, assessor, marshal, and all such other officers as may be deemed necessary. ^{Elect other officers.}

§ 3. The city council shall have power to require of all officers elected or appointed, and they are hereby required in pursuance of this charter, ^{Officers give bonds.} bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers elected 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; to establish, support and regulate common schools; to ^{Powers of council.} borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than at ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the corporation.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

§ 5. To make regulations for [to prevent] the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

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

§ 7. 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.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.

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

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

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards [as] the occasion may require.

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

§ 13. To establish, support and regulate night watches.

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

§ 15. To provide for the erection of all needful buildings for the use of the city.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

§ 17. To improve and preserve the navigation of the Wabash river within the limits of the city.

§ 18. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves, and the rates of wharfage thereat.

§ 19. To license, tax and regulate auctioneers, merchants, retailers, hawkers, pedlers, brokers, pawnbrokers and money changers.

§ 20. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

§ 21. To license and regulate porters, and fix the rates of portorage.

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

§ 23. To tax, restrain, prohibit and suppress tippling houses, dram shops, and gaming houses and bawdy houses, and other disorderly houses.

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

§ 25. To regulate or prohibit the erection of wooden buildings in any part of the city.

§ 26. To regulate the fixing of chimneys and fix the flues thereof.

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

§ 28. To regulate and order parapet walls and partition fences.

§ 29. To establish standard weights and measures, and to regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 30. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 31. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood, and other fuel to be sold or used within the city.

§ 32. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whisky in barrels.

§ 33. To regulate the inspection of butter, lard and other provisions.

§ 34. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 35. To regulate the size of bricks to be sold or used in the city.

§ 36. To provide for the taking enumerations of the inhabitants of the city.

§ 37. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

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

§ 39. To regulate the police of the city, 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.

§ 40. The city council shall have exclusive power, within the city, by ordinance, to suppress and restrain billiard tables.

§ 41. The city 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 laws of this state.

§ 42. The style of the ordinance of the city shall be : "*Be it ordained by the city council of the city of Hutsonville.*"

§ 43. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 44. All ordinances of the city may be proven by the seal of the corporation, and when printed and 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 without further proof.

§ 45. The city council shall have power to establish ferries, license and regulate the same on the Wabash river,

within the limits of city, for the benefit of the inhabitants and the public.

ARTICLE VI.—*Of the Mayor.*

Presiding officer. § 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting.

Special meetings. § 2. The mayor or any two aldermen may call special meetings of the city council.

Duties of mayor. § 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Riot. § 4. He is hereby authorized to call on every male inhabitant of said city, 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 him in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

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

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Commissioned by governor. § 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace for the said city, and shall have power and authority to administer oaths, issue writs and process, under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify same, under the seal of the city, which shall be good and valid in law.

Jurisdiction. § 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services as in similar cases.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

§ 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and 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 Crawford county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office. Penalty imposed on mayor.

ARTICLE VII.—*Of Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Streets.

§ 2. When the owners of all the property on a street, lane, avenue, or alley, proposed to be opened, widened, or altered, shall petition therefor, the city councils may open, widen, or alter such street, lane, avenue, or alley, upon condition 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 assessments of benefits or damages that may accrue thereby to any of the petitioners.

§ 3. All jurors empaneled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror. Jury. Sworn.

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

§ 5. The mayor shall have power, for good causes shown, within ten days after any inquest shall have been Inquest set aside

returned to him as aforesaid, to set the same aside, and cause a new inquest to be made.

§ 6. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, or alley, or part of any lane, avenue, or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side-walks and lighting said street, lane, avenue, or alley.

ARTICLE VIII.—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Hutsonville are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work on the same.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, and avenues and alleys, not exceeding three days in each and every year, and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county jail or city jail, in all cases where such offenders might lawfully be imprisoned by the constitution and laws of this state.

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

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

§ 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 City of Hutsonville."

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Hutsonville, 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 Hutsonville, 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.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Hutsonville, nor divest them of any rights which may have accrued to them prior to the passage of this act.

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

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Crawford 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.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

§ 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.

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

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of Crawford, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

APPROVED February 3, 1853.

AN ACT to amend the city charter of the city of Quincy.

In force Feb. 9,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the city council of the city of Quincy shall have power, upon the petition of the majority of the owners or holders of lots in any block or blocks, or other natural divisions of ground fronting on any street, alley, highway or other thoroughfare in said city, to cause, from time to time, any such street, alley,*

Improvement of
streets.

highway or thoroughfare, or any part thereof, to be paved, macadamized or planked, and to keep the same in repair.

Expense of im-
provement. § 2. The expenses of any improvement mentioned in the foregoing section may be assessed upon the real estate in any natural division benefitted thereby, with the costs of the proceedings therein, in proportion, as near as may be, to the benefits thereto: *Provided*, such assessment shall not exceed three per cent. per annum on the property assessed.

Special tax. § 3. The said city council shall have power by ordinance to levy and collect a special tax on the owners or holders of the lots on any street, alley, highway or thoroughfare, or part of any street, alley, highway or thoroughfare, according to their respective fronts owned or held by them, for the purpose of carrying out the power granted by the first and second sections of this act.

Make ordinances. § 4. The city council are hereby authorized and empowered to make all necessary ordinances for the purpose of fully carrying out the power herein granted, not inconsistent with this act.

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

APPROVED February 9, 1853.

In force Feb. 11,
1853.

AN ACT to incorporate the Chicago Philharmonic Society.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the male performing members of the Chicago Philharmonic Society, and all persons who shall hereafter become associated with them as male performing members, are hereby constituted a body politic and corporate, by the name of "The Chicago Philharmonic Society," and by that name shall have perpetual succession, with power to make, have and use a common seal, and the same to alter and renew at pleasure; to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of competent jurisdiction; and shall have all other powers and privileges necessary to fulfil the objects of their incorporation.

Objects. § 2. The objects of said corporation shall be the improvement of its members in the theory and practice of music, the establishment and maintenance of a library of works relating to the science of music, the purchase and preservation of musical instruments for the use of the so-

ciety, the procuration of lectures on matter relating to musical art, and the holding of public rehearsals or concerts.

§ 3. The officers of said corporation shall be a president and vice president, secretary, treasurer, librarian and four directors. They shall be chosen annually, by ballot, by the male performing members of the corporation, and the persons receiving a majority of the votes of the members present shall be declared elected, and shall hold their respective offices for one year, or until their successors shall be appointed. The above named officers shall compose the board of directors. Officers.

§ 4. There shall be an annual meeting of the corporation on the first Monday in May in each and every year, for the election of officers, hearing the reports of the treasurer and board of directors, and the transaction of all other necessary business. Annual meeting

§ 5. Said corporation shall have the power to define the duties of its officers, appoint such committees and adopt such by-laws as may be necessary for its government, the management of its concerns and the fulfilment of its objects, and shall be competent, in law and equity, to take to itself, in its corporate name, real, personal or mixed property, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate to grant, bargain, sell, convey and devise, let or place out at any interest or otherwise dispose of the same for the use of said corporation, in such manner as shall seem most beneficial thereto. By-laws.

§ 6. Said corporation may require bond and satisfactory security of its treasurer for the faithful performance of his duties as such officer. Treasurer.

§ 7. The constitution and by-laws now adopted by said society shall continue in force until the next annual meeting of said society after the passage of this act; and all personal property and effects, of whatever kind or description now held by said society, or any person or persons in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created, and may be sued for and recovered in the name of said corporation. Constitution and by-laws.

§ 8. The society hereby incorporated shall have power and authority, and are hereby authorized, to purchase real estate or other property in the city of Chicago, not exceeding the capital stock created, at such times as may be determined by the board of directors aforesaid, for the purpose of erecting necessary buildings for the permanent occupation of the society—library room, lecture and concert hall. Real estate.

Create stock.
capital
 § 9. For the purpose of purchasing such real estate and erecting such permanent buildings as aforesaid thereon, the said board of directors are hereby authorized and empowered, at such times as they may think proper by resolution to that effect entered upon the record of their proceedings, to create a capital stock of twenty thousand dollars, divided into shares of fifty dollars each, with the privilege at any time thereafter of increasing the same to fifty thousand dollars, if such amount shall by them be deemed needed for the purposes aforesaid, upon publishing twenty-five days' notice of such resolution in one of the daily newspapers printed in the city of Chicago; at the expiration of which time books shall be opened for the subscription of said stock at the library rooms of the society by the then existing board of directors, who are hereby constituted a committee to open said books and solicit subscriptions to said stock; and the same shall be payable in such instalments and at such times and subject to such forfeitures as shall be prescribed by said board of directors.

Meeting of stock-holders.
 § 10. After all said capital stock so created as aforesaid shall have been subscribed, a meeting of all the stockholders and male performing members of the society shall be called by the said stock committee, who shall, at the time of such meeting, from each subscriber of stock, [require] a payment of five dollars in cash on each one hundred dollars of stock subscribed for by him; and a new election of officers shall then take place, who shall hold their offices until the next and ensuing regular election; and at such election, and all elections thereafter held, each male performing member of the society shall be entitled to one vote, and each stockholder to one vote for each and every share of stock he may hold, and a majority of all the votes cast shall be required to make an election: *Provided*, that no stockholder shall be entitled to vote at such elections who may be in arrears for his payment of the instalment required or called for on his stock; and no member of the society shall vote unless he has first paid up his regular dues to the society.

Borrow money.
 § 11. As soon as all of said stock is subscribed, the said board of directors shall have power to borrow any sum or sums of money, not exceeding the amount of said capital stock, to secure the early completion of said buildings, and for this purpose they are hereby authorized to issue bonds therefor and and pledge all property, real or personal, owned by said society, for the repayment thereof.

§ 12. This act shall be a public act, and as such shall be received in all courts, and receive a construction favorable to the accomplishment of its objects.

§ 13. Persons not stockholders may become members, on such conditions as the board of directors may from time to time determine.

§ 14. After payment of all expenses of the society in keeping up the library room, lecture and concert hall, in such manner as the board of directors shall think proper, and after said buildings are erected for the use of the society, then the overplus arising from the rents or profits of any such real estate or buildings owned by the society, or purchased or erected as aforesaid, shall be divided annually *pro rata* among the stockholders of said society according to the amount of the stock held by them respectively. Dividends.

§ 15. This act shall take effect from and after its passage.
APPROVED February 11, 1853.

AN ACT to incorporate the Grundy and Kendall Plank Road Company. In force Feb. 10, 1853.

Whereas the public interest seems to demand that a plank road be built and put in operation from Morris, in Grundy county, to Lisbon, in Kendall county, which may extend from Morris in a southerly direction, and in a northerly direction from Lisbon. And whereas the general laws of this state are not such as to enable the persons interested to accomplish the objects they have in view, by means of an association formed under the general laws of this state, therefore: Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders according to the provisions of this act, in the corporation hereby created, shall and for the term of fifty years from and after the organization thereof, as in this act provided, shall continue to be a body politic and corporate, under the name of "The Grundy and Kendall Plank Road Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity; may make and use a common seal, and the same alter and renew at pleasure; may purchase, hold and convey real estate; may make by-laws, rules and regulations for the government of said corporation, and the officers thereof, and the same alter or repeal at pleasure: *Provided*, the same be not inconsistent with the constitution or laws of this state or the United States. Body politic and corporate. General laws.

§ 2. Said corporation shall have power to construct, maintain and continue a plank road, of such width as the Power to construct.

directors thereof may determine, on such route as shall be by them selected, from the town of Morris, in Grundy county, to north line of said county, and the same to extend to any point on the Fox river, in Kendall county, which they may deem expedient. Said corporation are hereby authorized and empowered to construct a plank road in a southerly direction from said town of Morris to the south line of said county of Grundy, and to construct, maintain and continue branches of said road in such direction as the public convenience may seem to require, and as said corporation shall deem expedient.

§ 3. Eugene Stanberry, John Antis, John P. Chapin, Colquhan Grant and B. M. Atherton are hereby named and constituted commissioners, any three of whom may open books for receiving subscriptions to the stock of said corporation. A majority of said commissioners shall determine the times and places of opening said books, and the notice to be given thereof; they shall determine the manner in which such subscription shall be made and secured, requiring such security at the time of subscribing as they shall deem necessary. At least five per cent. upon all subscriptions of stock shall be paid at the time of subscribing for the same; and all stock in said corporation shall be considered personal property.

§ 4. The affairs of said corporation shall be managed by five directors, who shall hold their offices for one year and until their successors are elected—one of whom shall be by them appointed president of the board.—Said directors shall appoint a secretary of said corporation, and such other officers and agents as they may deem necessary and proper for the advancement of the interest of said corporation. The first board of directors shall be elected by ballot, each share of stock entitling its owner to one vote, which may be given either in person or by proxy. The first election for directors shall be held within one week after books for subscription of stock shall have been closed by said commissioners, but said books shall not be closed until stock to the amount of five thousand dollars have been subscribed and taken. Notice of the time of closing said books and the election of directors shall be given in such manner as the commissioners mentioned in the third section of this act, or a majority of them, shall direct. Said directors, at least thirty days before the expiration of their term of office, shall cause their secretary to give notice of the time and place of holding the annual election for the election of their successors.

§ 5. Immediately after the organization of the board of directors as provided in this act, the commissioners aforesaid shall deliver to them all books, moneys, papers and other property belonging to said corporation.

§ 4. The plank road herein contemplated shall be first commenced at the town of Morris, as near the court house as the directors may think most advantageous, and shall be constructed in a northerly direction, and when said road shall have been constructed so far northwardly as the directors may deem advisable, not exceeding twenty miles, then said corporation may proceed to construct the same in a southerly direction, commencing as aforesaid, and continuing the same on the most eligible route to such points on the south line of said county of Grundy, or to such intermediate point as they may deem advisable.

§ 7. The stock of said corporation shall consist of eight hundred shares of fifty dollars each, and the portion thereof, if any, that shall not be subscribed for on said commissioners' books, shall be disposed of in such a manner and at such times as the directors may determine according to the interest of the corporation; and should a greater amount of stock be required for the purposes contemplated in this act, the said directors are hereby authorized to increase said capital stock to any sum not exceeding seventy-five thousand dollars, which shall be divided into shares of fifty dollars each, as aforesaid. Said directors are hereby authorized to borrow money for the purpose of construction of said roads, or either of them, to an amount not exceeding one-half the amount of the capital stock subscribed, at a rate of interest not exceeding ten per cent. per annum, and to secure the payment thereof by mortgage of the road or by sale of bonds of the corporation, to be executed in such manner as the directors shall determine, or by any other means legally in the power of said corporation: *Provided*, that fifty per cent. of all stock securities shall first be paid to said corporation.

§ 8. Said corporation shall have power to bridge all streams and sloughs intervening in the construction of their said road, to embank and grade the same, to erect toll-gates, toll-houses and all other fixtures necessary and proper for carrying into effect the full purpose and interest of this act, and may, moreover, enter upon and take any part of any state or county road over which said plank road, or its branches, may be laid, and also any land belonging to the state or any person or persons whatsoever, and use the same for said road or any appendage thereof, and may take earth, stone, timber or any material, or any lands most convenient to said road or its appendage: *Provided*, that all damages for right of way or materials taken shall be ascertained and paid according to the provisions of an act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, 1852.

Toll-gates.

§ 9. When two miles of said road shall have been completed, said corporation may erect a toll-gate thereon and collect tolls from all persons traveling thereon. In charging and collecting tolls on said road, said corporation shall be governed, in all respects, by the rates established in and by an act entitled "An act to provide for the construction of plank roads by a general law," approved February 12, 1849.

Toll-bridge.

§ 10. The corporation hereby created shall have power, whenever they shall deem it expedient so to do, after the completion of five miles of their road on the south side of the Illinois river, to erect a toll-bridge, or to establish and keep a ferry across the Illinois river at said town of Morris, and shall have the right to charge and collect such rates of toll or ferriage for crossing the same as are now charged and collected for ferriage at said town: *Provided*, that said corporation shall, at all times, be prepared with the means of a speedy, safe and convenient crossing of said river, and shall keep constantly employed a sufficient number of active and skillful hands to facilitate said crossing.

Toll.

Offenders.

§ 11. If any person or persons shall willfully do or cause to be done any act or acts whatever, whereby any boat, building, bridge, embankment, road or work of said corporation shall be obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to said corporation treble the amount of damages sustained by reason of such injury, which may be recovered in the name of said corporation, before any justice of the peace, when the damages claimed are less than one hundred dollars, or in any court of competent jurisdiction within the state, by action of debt, with costs of suit; but nothing herein contained shall be a bar to the prosecution and punishment of offenders under the criminal laws of this state.

Office.

§ 12. Said corporation shall establish an office in the manner provided in said act entitled "An act to provide for the construction of plank roads by general law," and all service of process upon said corporation shall be made as provided in said act.

§ 13. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to incorporate the Wilmington Bridge Company.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Albert W. Bowen and his associates, his and their heirs and assigns, be and they are hereby constituted and declared a body corporate and politic, by the name and style of "The Wilmington Bridge Company," for the purpose of erecting and maintaining a bridge across the Kankakee river, at Wilmington, in Will county, and by that name and style said Albert W. Bowen and his associates, his and their assigns and successors, are hereby made as capable in law as natural persons to contract, to be contracted with, to sue and be sued, implead and be impleaded, in all courts of law and equity; to make and use a common seal, to alter the same at pleasure, and generally to do and execute all matters and things which a body corporate or politic or an individual could or may lawfully do; and said company shall be capable of purchasing, holding and conveying any state, real or personal, that may be necessary to enable said company to accomplish the objects of this corporation as above expressed; and the stock of said company shall be deemed and considered personal property.

§ 2. The capital stock of said company shall be ten thousand dollars, but may be increased to twenty thousand dollars should the directors of said company deem such increase necessary, for the purpose of erecting and maintaining said bridge; and said capital stock shall be divided into shares of ten dollars each. And the said Albert W. Bowen is hereby authorized and empowered to open or cause to be opened the books for subscription at such time and place as he may deem proper.

§ 3. Whenever the amount of three thousand dollars of the capital stock of said company shall have been subscribed, said Bowen may call a meeting of the stockholders at Wilmington aforesaid, by posting up written or printed notices of the time and place of holding such meeting at Wilmington, in three public places, at least ten days before the time of holding such meeting, for purpose of choosing three directors of said company.

§ 4. At the time of such meeting the stockholders shall choose a president and secretary from among their number, and shall then elect by ballot three of their members as directors, who shall hold their office for one year and until their successors shall be chosen; and at all elections for directors each stockholder shall be entitled to one vote for each and every share of stock owned by such stockholder, which may be cast by such stockholder in person or by proxy duly authorized; and an election for three directors shall be holden annually after the first election, no-

tice of which shall be given by the secretary of said company by publication in some newspaper at Wilmington, at the most convenient thereto, at least thirty days previous to the time of such election.

Officers.

§ 5. Said directors, when chosen, shall choose one of their number president, and they shall have power to choose a secretary and treasurer and all such other officers, agents and laborers as they may deem necessary and proper, and to prescribe all necessary by-laws, rules and regulations for the government of said company, and its officers and agents, which shall not be inconsistent with the constitution and laws of the United States or of this state.

Time of construction.

§ 6. Said company shall commence said bridge within two years, and complete the same within four years from the passage of this act, and may locate the same upon and from any of the public streets of said town of Wilmington to the opposite bank of the Kankakee river, and may use so much of such street as shall be necessary for the building said bridge, and making a good and sufficient passage to and from the same. And also, said company is authorized and empowered to obtain the right of way at and from the west end of said bridge to any public road or road necessary for the use of said bridge, either by purchase or in manner prescribed by law for obtaining the right of way for public roads, canals, railroads or other public works.

Toll-gates.

§ 7. Said company is hereby authorized and empowered, after the completion of said bridge, to place a toll-gate and toll-house at either or both ends of said bridge (so as not to obstruct the passage to and from the same,) and to demand and receive for passing over the same the following rates of toll, viz: For each two horse wagon, carriage or other vehicle drawn by two horses or other animals, twenty-five cents; and for each additional animal in such team, five cents; and for an additional wagon attached thereto, five cents; for each one horse wagon, carriage or other vehicle drawn by one horse or other animal, fifteen cents; for each horse or other animal and rider, ten cents; for each head of horses, mules, asses or cattle under and to the number of twenty, not driven in a team or teams, three cents; and for all over twenty, two cents each; for each head of swine or sheep, one cent: *Provided*, said company may double the above rates of toll after nine o'clock in the evening and before daylight in the morning.

Rates of toll.

Repair.

§ 8. Said company shall at all times after the completion of said bridge keep the same in good order and repair, with a safe and convenient passage to and from the same, unless the same shall be carried away or injured by high water or other casualty, and then the same shall be speedily rebuilt or repaired, and shall allow a speedy pas-

ge over the same during the continuance of this act, which shall be fifty years.

§ 9. If any person or persons shall willfully do or cause ^{Offenders.} to be done any injury to said bridge or its abutments, piers, appurtenances or the passage or passages to or from the same, such person or persons so offending shall be liable to pay to said company not less than twice the amount of such injury, and not more than five times the amount of such injury, which may be recovered in an action of debt in the name of said company before any justice of the peace having jurisdiction of the amount, or by indictment in the circuit courts in the name of the people of the state of Illinois; and on conviction under indictment such person or persons shall also be liable to imprisonment not exceeding three months, and to pay the costs of prosecution in all cases where judgment or conviction shall be had against such person or persons.

§ 10. Any person or persons crossing said bridge with ^{Penalties.} any beast or animal faster than a walk shall forfeit and pay to said company five dollars, which may be recovered in an action of debt before any justice of the peace or other officer having jurisdiction thereof: *Provided*, said company shall keep up, at each end of the bridge, in some conspicuous place, notice to that effect in large letters.

§ 11. Said company shall have power to borrow ^{Borrow money.} money, not exceeding one-half the amount of their capital stock, for the purpose of building said bridge or keeping the same in repair, and may mortgage said bridge and its tolls for that purpose and for no other purpose.

§ 12. Said company are hereby authorized and em- ^{Ferry.} powered to establish and maintain a ferry across said Kankakee river, at or near the place of building said bridge, during the building of said bridge, and whenever it shall be necessary to rebuild or repair the same under the provisions of this act, and to demand and receive the same rates of toll for crossing the same as are prescribed in section — of this act.

APPROVED February 12, 1853.

AN ACT to amend an act entitled "An act to incorporate the town of ^{In force Feb. 12-} Lacon," and for other purposes. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the* ^{Boundaries.} boundaries of the town of Lacon, in the county of Marshall, be as follows: commencing on the Illinois river, on

the township line between townships twenty-nine and thirty north, of range three, west of the third principal meridian and running thence east along said township line to the centre of section thirty-six in township thirty north, of range three, east of the third principal meridian; thence north along the centre of said section to the north line of the same, thence east one-fourth mile, thence north three-fourths of a mile, thence west one-fourth of a mile, thence north one-fourth mile, thence west to the Illinois river, thence southward along said river to the place of beginning.

Authorized
purchase.

§ 2. That the president and trustees of said town are hereby authorized to purchase of the proprietors thereof all or any part of the lands in front of said town and lying between Water street and the Illinois river, and to fill up the same, and erect wharfs and streets thereon, and to lay the same out into lots, streets and alleys, and to hold the same in fee simple, and to sell and to convey the same at pleasure to any person or persons; or the said president and trustees may, in their discretion, enter into an arrangement or contract with the owners of said beforenamed land, or any part thereof, to fill the same up, or any part thereof, which said contract, duly signed by the president and clerk of the board and the owner or owners of said land, shall be valid and binding in law.

Borrow money.

§ 3. That said president and trustees of said town, to enable them to carry into effect the provisions of this act shall have power to borrow any sum of money not exceeding twenty thousand dollars, at a rate of interest not exceeding ten per cent. per annum, which said interest shall be payable annually. Said bonds shall be payable within twenty years from the time of the issuing thereof, and shall be in sums of not less than five hundred dollars; which said bonds shall be signed by the president and attested by the clerk.

Special tax.

§ 4. It shall be the duty of said president and trustees of said town, if the ordinary corporation tax of said town shall be insufficient for that purpose, to levy a special tax upon all the property, real and personal, within the limits of said town, for the purpose of paying the interest upon said bonds by them issued under and by virtue of the provisions of this act, and to provide by tax or the sale of said lands by them filled up for the payment of the principal when due.

Lay out streets.

§ 5. Said president and trustees shall not have power by this act, or the act to which this is an amendment, to lay out any streets or alleys through any land within the limits of said corporation used for farming purposes, nor shall they have power to levy and collect any tax for cor-

poration purposes upon any land used for farming purposes, unless the same shall be laid out into lots or out-lots in said town.

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

APPROVED February 12, 1853.

AN ACT to incorporate the town of Nashville, in the county of Wash- In force Feb. 12, 1853.
ington.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Nashville, in Washington county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the Town of Nashville," and by that name shall be known in law and have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matter whatsoever; may grant, purchase and receive, and hold real and personal property within the limits of said town, and no other, (burial grounds excepted,) and may lease, sell and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town, and may do all other acts as natural persons; may have a common seal, and change and alter the same at pleasure, Stytc.
General powers.

§ 2. That all those tracts of land embraced within one square mile, including the town of Nashville, shall be included within the limits of said incorporation: the court house in said town to be the centre of said square mile. Boundaries.

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

§ 4. The president and members composing the board of trustees shall be elected annually, on the first Monday in April, to serve for one year, and until others shall be legally qualified; they shall be at least twenty-one years of age, citizens of the United States, and shall possess a freehold estate within the limits of the corporation. Those persons only shall be qualified to vote for president and trustees, or in such town meetings as may be held in conformity with this act, who possess the requisite qualifications to vote for state officers, and have resided within the limits of the corporation six months previous to such elections or town meetings. Elections.

Appoint officers.

§ 5. The board of trustees shall appoint all officers of their board, (the president excepted, who shall be elected by the people,) and shall be the judges of the qualifications, elections and returns of their members, and shall have power to fill all vacancies in the board occasioned by death, resignation or six months' absence of any members thereof. A majority shall constitute a board to do business, but a smaller number may adjourn from day to day, may compel the attendance of absent members, in such manner and under such penalty as the board may provide; they may determine their rules of proceedings, and make such other rules and regulations for their own government as to them may seem expedient and proper.

Special meetings

§ 6. The president of the board of trustees shall have power to call special meetings of the board whenever in his judgment the public good may require it. He shall have concurrent jurisdiction with justices of the peace in all civil and criminal cases arising under the provisions of this act, within the limits of the corporation, and shall receive the same fees and compensation for his services.

Taxes.

Powers of trustees.

§ 7. The board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding one per cent. upon the assessed value thereof, except as may be herein excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain cattle, horses, sheep, swine and dogs from running at large; to establish night watches, erect lamps in the streets, and lighting of the same; to erect and keep in repair bridges; to license and tax merchants; to regulate auctions, taverns, groceries and pedlers, theatrical and other shows, billiard tables and other amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; to prevent the shooting of fire-arms within the limits of the corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes, alleys, drains, sewers, and keep the same free from incumbrances; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets for the convenience of the inhabitants, or construct aqueducts to supply the town with water; to regulate the storage of gunpowder and other combustible materials; to regulate the police of the town and the election of town officers, to fix their compensation; to establish and enforce quarantine laws, and from time to time to pass such ordinances to carry into effect the provisions of this act, and the powers hereby granted, as the good of the inhabitants may require, and impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof; and that in cases arising

under the provisions of this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, the president of the board of trustees, or any justice of the peace within said incorporation, shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of *certiorari* allowed from such decisions in the same manner as now is or may hereafter be provided by law for appealing from judgments of justices of the peace.

§ 8. The board of trustees shall have power to levy a tax for the erection of school houses and the support of common schools within said corporation, and to raise money by loan on the credit of the town, for commencing and prosecuting works of public improvements: *Provided, however,* that the same shall be submitted to a vote of the citizens of the town and approved by a majority thereof.

Tax for erection of school houses

Proviso.

§ 9. That upon the application of the owners of two thirds of the real estate upon any street, block, or half block, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street, block, or half block, according to their respective fronts, for the purpose of grading and paving the sidewalks of said streets, blocks, or half blocks.

Special tax.

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

Improve streets.

§ 11. That the trustees shall have power to survey and plat the grounds within the corporation limits and record the same, which, when thus surveyed, platted and re-

Survey and plat grounds.

corded, shall be a governing plat for town rules: *Provided, however,* that this shall not be so construed as to give the trustees power so to vary from the established plat as thereby to effect the rights of private individuals.

Sell property for taxes.

§ 12. That whenever the owners of any lot or piece of ground within the limits of said corporation shall neglect or refuse to pay the tax or taxes levied on the same, when they may become due, it shall be the duty of the trustees to advertise the same for non-payment, either in a newspaper printed in said town, or by posting in three of the most public places of said town, for the space of sixty days, and on further failure of payment thereof, to sell at public sale said lot or piece of ground to pay said taxes and defray the expenses of collection.

Publication of ordinances.

§ 13. All ordinances shall, within ten days after their passage, be published either in a newspaper, if one is published in the town, or by posting in three of the most public places in said town.

Sale for taxes.

§ 14. That when any real estate in said town shall be sold for the non-payment of taxes by the authority of said corporation, said lands may be redeemed in the time that other lands are redeemed by virtue of the laws of this state, upon paying the treasurer of the board double the amount of taxes for which the same was sold, together with all the costs accruing on such sale. Land not redeemed under such sale shall be conveyed by special warrantee deed, under the seal of said corporation.

Officers.

§ 15. The officers of said town, in addition to the president and trustees, shall consist of one clerk, one street commissioner, one treasurer, three assessors, one town constable and collector, one town surveyor, and such other officers as the trustees of said town may deem necessary for the good of said town.

Fire companies.

§ 16. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire engine companies, and hook and ladder companies; said companies to contain such number of members as the trustees by their ordinances shall direct.

Real estate owned by town.

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

and the said trustees shall have power to institute suit for the recovery of every or any such lots of ground, should it be necessary, and to perfect in them and their successors the title thereof, or to make such other adjustment relative thereto as to them shall seem expedient and proper: *Provided*, that nothing contained in this act shall be so construed as to affect institutions already incorporated in said town.

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

§ 19. That the members of the board of trustees and any officer of said corporation shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace to support the constitution of the United States and of this state, faithfully to discharge the duties of their several offices. Proviso.

§ 20. That the trustees shall have power to divide the town into such wards as to them shall seem expedient and proper: *Provided*, that no stock belonging to citizens without the boundaries of said town shall be hurt by the authority of said corporation. Oath.

§ 21. This law shall be deemed a public act, and take effect from and after its passage. Wards.

APPROVED February 11, 1853.

AN ACT to incorporate the town of Aurora.

In force Feb. 8, 1853.

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 Aurora, in the county of Kane, 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 Aurora," 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 General powers.

or equity, and in all actions whatever, and purchase, receive and hold property, real or 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 or personal, for the benefit of said town, and improve and protect such property, and to do all things in relation thereto as natural persons.

Boundaries.

§ 3. That the boundaries of the corporation of said town be as follows, to wit, beginning three-eighths of a mile easterly from the town well, on the course of Main street; thence northerly, at right angles with said Main street, three-eighths of a mile; thence westerly, parallel with said Main street, to the centre of Fox river; thence southerly, along the centre of said river, to Stolp's island; thence along the west shore of said island to the southern extremity of the same; thence east to the eastern shore of said river; thence southerly along said shore to a point five-eighths of a mile from the north side of said Main street; thence east, parallel with said Main street, to intersect the eastern boundary—said boundary to be extended southerly from the point of beginning, at right angles with Main street, sufficiently far to make an intersection with the southern boundary: *Provided, nevertheless*, the president and trustees of said town may at any time, by ordinance, prescribe other or different boundaries for said town, not exceeding two miles square.

Proviso.

Election.

§ 4. The present president and trustees of said town, as at present incorporated under the general act of incorporation, are hereby appointed trustees of the said town, and shall hold their office until the first Monday of April next, and until their successors are elected and qualified. And on the first Monday of April next, or within ten days thereafter, and on the first Monday of April of 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 ten days' public notice of the time and place of holding any election for trustees shall be given by the president and trustees, or by their clerk, by advertisement in any weekly paper published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected a trustee of said town who shall not be qualified to vote for state and county officers, and who shall not have been, for one year previous to such election, a resident and *bona fide* freeholder within the incorporated limits of said town.

Eligibility
trustees.

Voter's

§ 5. That at any election for trustees every person who shall be qualified to vote for state officers, and who shall have a residence within the limits of said corpo-

ration for six months previous to such election, may enjoy the rights of an elector.

§ 6. That the trustees shall elect one of their number President. president, and shall be judges of the 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 penalties as they may provide, and punish their members for disorderly conduct, and by vote of three-fifths 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 occasioned by death, resignation, removal or continued absence from town for three months, or otherwise.

§ 7. The president and trustees of said town shall have power—

1. To cause all the streets and alleys and public roads Streets and alleys. within the limits of said town 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, 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 from the general funds of the corporation as they shall deem necessary therefor.

2. 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 town.

3. To make, construct and keep in repair side-walks Side-walks. 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 side-walks 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, and until the said president and trustees shall provide by ordinance for the levying and collecting of 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 collected, 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 10, 1849, for the collection of other corporate taxes.

4. To levy and collect taxes upon all property, real Special taxes. and personal, within the limits of said corporation, not ex-

ceeding 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, they shall be collected in the manner provided by the ninth section of the act aforesaid.

- Cattle, horses, &c. 5. 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.
- Dogs. 6. To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.
- Bathing in Fox river. 7. To regulate or prohibit bathing in Fox river, and prohibit any indecent exposure of person.
- Houses, &c. 8. 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 or public road in said town.
- Public pound. 9. To establish and maintain a public pound, and appoint a pound master and prescribe his duties.
- Gambling. 10. To restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments.
- Disorderly houses. 11. To suppress and prohibit disorderly houses or groceries, and houses of ill fame.
- Shows, &c. 12. To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.
- Riot. 13. To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or shooting within the limits of said town.
- Nuisances. 14. 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.
- Contagious diseases. 15. To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding two miles from the limits thereof.
- Gunpowder. 16. To regulate the storage of gunpowder and other combustible materials.
- Fire. 17. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
18. To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.

19. To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town. Public grounds.

20. To provide for erecting all needful buildings for the use of said town.

21. To make all necessary regulations to secure the general health of the inhabitants thereof. General health.

22. To suppress and prohibit the selling, bartering, exchanging and traffic of any wine, rum, gin, brandy, whiskey or other intoxicating liquors within the limits of said town: *Provided*, that 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. Spirituous liquors.

23. To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers. Debts of town.

24. 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 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 offence. Ordinances.

§ 8. That the president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute any where in Kane county any writ, process and precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest on view any and all persons who may violate the same, and to take them before any justice of the peace of said town, and to collect any fine for forfeiture and penalty which may be assessed or recovered for the use of said town: *Provided*, that any other constable may execute any process issued by any justice of the peace by virtue of this act. 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. Town constable.

§ 9. 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. Record.

And such book, purporting to be the record of the corporation of the town of Aurora, shall be received in all courts, without further proof, as evidence of all such matters therein contained. 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 of said town.

Fines, penalties,
&c.

§ 10. 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 several fines, forfeitures or penalties for breaches of the same ordinance 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, 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 offences against the laws of the state. It shall be lawful to declare generally for debt 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 personal property of the defendant or defendants not exempt from execution. If the constable shall return upon such execution "no property found," 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 forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the 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*, an appeal may be granted within five days after the rendition of judgment, with the

From o.

Proviso.

same force and effect, rights and privileges to all parties as in other cases.

§ 11. The justices of the peace and constables who may render service under this act shall be entitled to the same fees, and collect them in the same manner as is or hereafter may be provided by law in other cases. Fees of justice of the peace.

§ 12. 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 costs. Suits.

§ 13. 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, &c.

§ 14. The inhabitants of said town are hereby exempted from working upon 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. Road labor.

§ 15. Nothing in this act contained shall require the inhabitants of said town, in their corporate capacity, to build or keep in repair any bridge across Fox river. Bridge across Fox river.

§ 16. All ordinances, by-laws and resolutions passed by the president and trustees of the town of Aurora, as incorporated under the general law, and which are now in force and not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation created by this act. Ordinances of the town of Aurora.

§ 17. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued to, or have been commenced by the president and trustees of said town incorporated under the general law, shall be vested in and prosecuted by the corporation hereby created. Actions in suit.

§ 18. All property, real and personal, or any estate or interest therein held by or belonging to the president and trustees of said town of Aurora, as incorporated under the general law, for the use of the inhabitants thereof, shall be and the same are hereby declared to be vested in the corporation hereby created. Property.

§ 19. This charter shall not invalidate any act done by the president and trustees of the town of Aurora, as at present incorporated, and all taxes assessed in favor of said corporation, and which have not yet been paid into the treasury thereof, shall, when collected, be paid into the treasury of the corporation hereby created. Charter not invalidated.

§ 20. 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.

APPROVED February 8, 1853.

in force Feb. 12, 1853. AN ACT to incorporate the City Mutual Insurance Company, of Alton, Illinois.

SECTION 1. *Be it enacted by the General Assembly of the state of Illinois,* That J. G. Lamb, J. L. Blair, S. Wise, Samuel Wade, J. J. Mitchell, L. B. Parsons, S. A. Buckmaster, Richard Flagg, Isaac Scarritt, of Alton, Ill., and their associates, successors and assigns, be and they are hereby incorporated into a body corporate and politic, by the name and style of "The City Mutual Insurance Company," of Alton, Ill.," to have continuance for and during the term of forty years from and after the passage of this act; and by said corporate name and style shall be, for the term aforesaid, able and capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, pleas, complaints, causes, matters and demands, of whatever kind and nature they be, in as full and effectual a manner as any person or persons, bodies corporate and politic, may or can do; and may have a common seal, which they may alter or break at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company: *Provided*, that said corporation shall not, at any one time, hold real estate exceeding in value five thousand dollars, excepting such as may be taken for debt or held as collateral security for money due to said company.

§ 2. The capital stock of said company, exclusive of premium notes and other undivided profits arising from business, shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, one dollar in each share of which shall be paid in money at the time of subscription for said stock, as hereinafter provided; and the said capital stock may be increased to two hundred thousand dollars, should a majority of the stockholders deem it advisable, and the additional stock may be subscribed, paid in and secured, as provided in this act, for the original subscription, payment and security of the first named original stock—the directors, however, in that case, acting as or in place of other commissioners: *Provided*, that the directors shall then at once order a new election of directors, by all the then stockholders. The stock shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer until such debt be paid or secured to the satisfaction of the directors.

§ 3. The persons named in the first section of this act are hereby appointed commissioners for procuring subscriptions to said capital stock of fifty thousand dollars,

and said commissioners, or a majority of them, shall open subscription books for such stock, on such days and at such places as they may deem expedient, and shall give public notice of such times and places for at least thirty days, in one or more public newspapers of the city of Alton; and the said books shall be kept open until the whole of the said fifty thousand dollars in stock shall have been taken, and the sum of one dollar per share on each share of stock subscribed for shall have been paid to said commissioners.

§ 4. When the full amount of fifty thousand dollars capital stock, as provided in section second, shall have been subscribed, and the amount required to be paid on each share shall have been received by the said commissioners, it shall be their duty to notify the stockholders of the completion of said subscription, and appoint a time and place (such notice and appointment to be published at least ten days prior to said meeting in a public newspaper of the city of Alton,) at which they will meet the stockholders and receive their votes for seven directors, who shall manage the business of the company, and hold their office for one year, or until their successors are elected, and who shall, at the time of their election, be citizens of this state, and holders, respectively, of not less than five shares of the capital stock of said company. The voting at all elections of the company shall be by ballot, and each share shall represent one vote: *Provided*, that absent stockholders may vote by proxy, in writing.

§ 5. When the stockholders shall have elected the board of directors as provided in section four, the commissioners aforesaid shall deliver to the said directors the subscription books, moneys collected on account of subscription, and all other papers and things in their hands necessary to a full organization of said company and said board of directors, and the said directors shall proceed to organize by the election of a president from among their number, a secretary and any other officers or agents they may deem necessary for the objects and interests of the company, who shall hold their office for one year or until their successors are elected. The board shall then proceed to adopt by-laws for their government in the conduct of the business of the company, which may be altered or amended by a majority of all the members of the board at pleasure; they may also fix the salaries, duties, fines and forfeitures of any and all officers or agents of the company.

§ 6. When the board of directors shall be fully organized as provided in section five, they shall call in, by a public notice of at least twenty days, such an amount of the capital stock as they may deem expedient, not exceeding five dollars on each share in cash, which, together with

Notify stockholders.

Commissioners deliver books, &c.

By-laws.

Call for capital stock.

the amount paid to the commissioners, shall constitute the first instalment on the capital stock provided in section two, and shall require the residue of said stock to be secured by good and legal stock notes, secured to the satisfaction of the directors, and payable on demand as hereinafter provided, and shall issue therefor certificates of stock, setting forth the amount paid in cash, and the amount and conditions of the stock notes for the residue: *Provided*, that if at any time the directors may consider any one or more stock notes insecure, they shall have power to require additional and sufficient security on the same, after due notice, under such just penalties and forfeitures as they may by by-law provide.

Make marine insurance.

§ 7. The said company shall have power to make marine insurance upon vessels, hulls of steamboats, flat and keel boats, freight lists, goods, wares and merchandise, specie, bullion, commissions, profits, bank notes and bills of exchange, and other evidences of debt, bottomry and *respondentia* interest, and to make all and every insurance connected with marine or inland transportation, or navigation risks, and to do and perform all necessary acts and things connected with these objects, or any of them, on such terms and conditions as may be agreed upon by the parties, and to fix the premium and terms of payment; and all policies of insurance by them made shall be subscribed by the president, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned and sealed by the secretary of said company; and any losses duly arising under any policy so subscribed and sealed, may be adjusted by the president and directors, and the same shall be binding on said company.

Policies.

Losses.

§ 8. If at any time the losses of the company shall exceed the net earnings for premiums, &c., the directors shall make a *pro rata* assessment on the stock notes held by them as provided in section six, and require the payment of said assessment by each and every stockholder at the office of the company, within thirty days after notice of such assessment shall have been given in the public newspapers of the city of Alton, under such penalties and forfeitures as the board of directors may determine; for the amount of which assessment, when paid in cash as required herein, they shall issue certificates payable *pro rata* out of the sinking fund that may arise under the provision therefor in section nine.

Dividend.

§ 9. Whenever, at the close of a fiscal year of the company's business, the profits and earnings of the company shall exceed the losses and expenses of the same, exclusive of any and all premiums for policies or risks, not then expired and determined, it shall be the duty of the directors to declare a dividend to stockholders from such pro-

fits, not exceeding ten per centum on the capital stock of said company, which dividend shall be credited on the stock notes as authorized in section six, as payments thereon, and in case an additional amount of profits shall remain after the dividend hereby provided to stockholders, it shall be lawful for the directors to constitute the same a sinking fund for the payment of the outstanding certificates to stockholders for assessments that may be created under section eight, for the payment of future losses, or divide the same among the customers of the company, in proportion to the amount that each has paid on risks then expired during the said fiscal year, or they may appropriate a part of said last mentioned surplus to each of these objects.

§ 10. When the stock notes held by the directors of said company shall have been fully cancelled by dividends indorsed thereon, as provided in section nine, or by the payment of cash in full, it shall be the duty of the directors to pay in cash to the stockholders all dividends declared thereafter on the stock of the company, and all excess of profits over and above the stock dividends herein provided, and the expenses of the company, shall thereafter be divided annually among the customers of the office, as provided in section nine: *Provided*, that it shall be lawful for the directors to constitute a sinking fund therefrom, in their discretion, as provided in section nine.

§ 11. The directors may cause the company to be re-insured against any risk or risks which they may have made or shall assume to make in the progress of their business.

§ 12. It shall be lawful for the directors of said company to loan, on good and sufficient security, for a period not exceeding three months, any surplus of profits or capital stock paid in, remaining on hand and not needed for the time being for the payment of losses or current expenses of the office.

§ 13. Said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, except when it may be necessary in order to secure any money or moneys that may be due to said company.

§ 14. Nothing in this act contained shall be so construed as to authorize banking privileges.

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

APPROVED February 12, 1853.

AN ACT to establish the Woodstock Insurance Company.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be and hereby is established in the town of Woodstock an insurance company, to be known by the name and style of "The Woodstock Insurance Company," with a capital stock of fifty thousand dollars, divided into shares of fifty dollars each, which may be increased, at the will of the directors, to any amount not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter specified.

Name and style.

Capital stock.

Corporators.

§ 2. That Neill Donnelly, Lawrence S. Church, A. H. Nixon, Enos W. Smith, Charles M. Willard, or any three of them, be and are hereby authorized to open books of subscription in said town for the capital stock of said company, at such times and places as they shall think proper, after giving twenty days' notice of the same in any public newspaper in this state; said books to be kept open for the space of five days, and until at least one hundred shares shall be subscribed, when the same may be closed, and said subscribers may, after sixty days' notice being given by said commissioners in manner aforesaid, meet, and under the inspection of said commissioners, choose their directors, who may, at any time after ten days' public [notice] given, cause the subscription books to be reopened, and continue open until the whole amount of said stocks shall have been taken.

Body corporate
and politic.

§ 3. The subscribers of said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of "The Woodstock Insurance Company," and shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended against, in all courts and places whatsoever, in all manner of actions, suits, complaints and causes.

General powers.

§ 4. The said corporation may have and use a common seal, which they may change, alter or break at pleasure, and may also make, establish and put in execution such by-laws, ordinances and regulations as shall, in their opinion, be necessary for the good government and management of the affairs of said corporation, and which are not repugnant to the laws and constitution of the United States or of this state.

Payment of stock

§ 5. The payment of the stock subscribed for shall be made by the subscribers respectively, at the time and in the manner following, that is to say—at the time of subscribing there shall be paid on each share one dollar, and the balance due on each share shall be subject to the call of the di-

rectors, under such penalties as the board of directors may appoint and order, and shall be secured to be paid on demand by approved notes, hypothecated stocks, mortgages on real estate, or other satisfactory security.

§ 6. The stock and affairs of said company or corporation aforesaid shall be managed and conducted by five directors, who shall be stockholders of said corporation. They shall, after the first year, be elected on the first Tuesday in June, in each year, at such time and place in the town of Woodstock as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer. Ten days' public notice of said election shall be previously given, and the election shall be held under the inspection of three stockholders, to be previously appointed by the board of directors for that purpose, and shall be made by ballot, by plurality of the stock represented, allowing one vote for every share, and stockholders not personally present may vote by proxy, mailed in writing, directed to the person representing them at such election. In case that it shall happen at any time that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to make and hold an election of directors in such manner as shall be directed by the by-laws and regulations or ordinances of said company.

§ 7. The directors of said company shall, as soon as may be after their election in each year, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death or resignation of the president, or any director, the vacancy may be filled by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall have all the powers and perform all the duties of the president regularly chosen.

§ 8. The directors may, by the ordinances or by-laws of said company, order what number of directors shall constitute a board or quorum, and be competent for the transaction of the business of the corporation; and they shall have power, subject to said by-laws, to appoint from their own body one or more persons to act and assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also to appoint a secretary and such clerks and other servants as they may deem expedient. They shall have the power to declare and make dividends of the profits arising from the business of said corporation, but all contracts, certifi-

Management of affairs.

Election.

In case of no election.

President.

Quorum.

Officers and servants.

ates and other instruments of writing of said company shall be signed by the president and secretary thereof, or either of them, as may be provided by the by-laws of said company.

Risks.

§ 9. The corporation hereby created shall have full power and authority to take all marine risks, of any and every kind, nature and description, and to make insurance upon inland navigation and transportation, and against losses by fire of buildings and all other property whatsoever, and to make all kind of insurance upon lives, and all such other insurances as they may deem proper; and also to receive money on deposit, and to loan the same and their surplus or unemployed capital or money on personal, real or other security, at such rates of interest, not exceeding ten per cent., as they may think proper; and to lend money upon *respondentia* and bottomry, to companies, corporations or individuals, upon such securities as they shall think proper. They may also cause themselves to be insured or re-insured against all or any risks upon which they may have made insurance, and also upon all property of every kind, or any interest therein owned by said company, or held by them as security, and generally to do or perform all necessary matters and things relating to or connected with those objects, or either of them.

Reinsure.

Stock constituted
personal property.

§ 10. The stock of said corporation shall be considered personal property, and shall be assignable and transferable according to such rules and restrictions as the board of directors shall from time to time make and establish.

Real estate.

§ 11. The said corporation may purchase, hold, sell and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of its business, not exceeding at any one time thirty thousand dollars, and to take and hold any real estate, mortgaged or pledged as security for the payment of any debt due or that may become due to it, and also to purchase on sale, in virtue of any judgment at law or any decree of a court of equity, or otherwise; to take and receive any real estate or other property in payment, or towards satisfaction of any debt previously due to said corporation, and to hold the same until they can conveniently and advantageously sell or convert the same into money or other property.

Disposition
of funds.

§ 12. That said corporation shall have full power and authority to deposit any portion of their unemployed capital or other funds, at any time in their possession, with any corporation, company or individual in any section of the United States, and to use the same as they may think proper, in order to facilitate exchanges, and to do and perform all such acts and things as may be requisite in all such transactions, and for the best interest of said corporation.

§ 13. The expenses incurred by the commissioners in executing duties required by this act shall be paid out of money received by them of the subscribers to the capital stock, and may be retained by them for such purposes, and the balance so received shall be paid over to the directors after they shall have been chosen. Exp enses.

§ 14. All policies of insurance by them made shall be subscribed by the president, or in case of his death or absence, by such other person as may be authorized, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed, may be adjusted and settled by the board of directors, or such other person or persons as said board may appoint for such purpose. Policies.

§ 15. In case of any loss or losses whereby the capital stock of said company may be lessened before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place, and no subsequent dividend shall be made until the sum arising from the profits of the business, or by advance of the stockholders to make good said capital stock, shall have been added thereto. Losse.

§ 16. If a greater number of shares shall be subscribed for than is contemplated in the second section of this act, the same shall be apportioned amongst the subscribers in such equitable manner as the said commissioners shall appoint: *Provided*, such subscriptions take place before the election of directors, and if after their election then the same shall be appointed by said directors. Stock.

§ 17. The business of the company shall be carried on at such place in the town of Woodstock, or elsewhere by agency, as the directors shall direct, and at such agencies as they may establish. Office.

§ 18. This corporation may conduct its insurance business in part or entirely upon the principle of mutual insurance, if preferred by its stockholders or directors: *Provided, always*, that all risks are assessed at their cost value of hazards, and the premium shall be paid in cash, or its equivalent, when the policy is issued. Manner of conducting business.

§ 19. This act shall be and it is hereby declared to be a public act, and the same shall be construed liberally for the beneficial purposes herein granted; and the corporation hereby created shall take effect and be in force from and after the passage thereof, and shall continue in force for the term of fifty years, and no longer. Public act.

§ 20. This charter shall be void and of no effect unless the company shall commence operations, agreeably to the provisions thereof, within two years after the passage of this act.

Life insurance.

§ 21. In effecting insurance on lives, agreeably with the power conferred by this charter, it shall be the duty of the directors to have kept a separate account for this class of business, distinct from the other insurances, which shall not be effected by the loss or gains of their other insurance business. And it shall and may be lawful for the said directors to allow all persons so insuring such part of the net profits or earnings of this department of the company's business as may be deemed for the mutual interest of the assured and assurers.

Not allowed
banking privi-
leges.

§ 22. That nothing contained in this act shall be so construed as to authorize said company to perform any banking privileges, or to issue any certificates of deposit to circulate as money or currency.

APPROVED February 12, 1853.

AN ACT to incorporate the Western Marine and Fire Insurance Company.
In force Feb. 10, 1853.

Corporators.

Style.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Gurdon S. Hubbard, George W. Dole, John H. Kinzie, John M. Wilson and Mark Skinner, and all other persons who shall hereafter become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name of "The Western Marine and Fire Insurance Company," and by such name shall have succession and continue in existence for fifty years from the time when this act shall take effect, and may sue and be sued, and have all other rights and privileges ordinarily granted to corporations.

Board of direc-
tors.

§ 2. The persons above named shall constitute the first board of directors, and shall hold their office until the first Monday in January, A. D. 1854, and until their successors are elected; and on the first Monday in January of each year, during the continuance of said corporation, an election of directors for said corporation shall be held in the city of Chicago, at such hour and place as the board of directors shall appoint. The stockholders in said corporation, in person or by proxy, shall be entitled to one vote for each share of stock held by them respectively at the time of such election, and the persons, to the number of five, being stockholders and residents of this state, receiving the highest number of votes at such election, shall be declared elected directors of said corporation for one year, and shall hold their office until the next annual election and until their successors are appointed. The number of di-

rectors may be increased to nine, at the discretion of the board of directors, and shall all be elected in the same manner, and for the same length of time.

§ 3. The directors, when chosen, shall meet as soon as Meetings. may be after every election, and shall choose out of their number a president, who shall be sworn or affirmed faithfully to discharge the duties of his office, and shall preside for one year and until another person shall be chosen in his stead, and also a vice president for the same time. The directors shall also have power to appoint a secretary and all subordinate officers of said corporation, to fix their compensation, define their powers and prescribe their duties; and all officers of said corporation who shall hold their office by virtue of appointment made by the directors of said corporation shall execute such bond and in such penal sum Give bond. and with such sureties and securities as the directors shall prescribe from time to time, and, excepting the president, shall hold their offices during the pleasure of the board of directors.

§ 4. Any four of the directors, including the president, Quorum. or in case of his death or absence, including the vice president, shall be a board competent to transact all business of said corporation, and all questions shall be decided in the meetings of said board by a majority of votes. The board of directors may, upon the death or resignation of the president, vice president or other director, fill such vacancy or vacancies from time to time as they occur, and the persons so elected shall hold their offices until the succeeding annual election and until their successors are elected.

§ 5. The stock, property and business and interests of Management of affairs. said corporation shall be managed and conducted by the president and directors of said corporation.

§ 6. The capital stock of said corporation shall be two Capital stock. hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments as the board of directors of said corporation may from time to time, at their discretion, appoint and order. The said capital stock may hereafter be increased to an amount not exceeding five hundred thousand dollars, in the discretion of the board of directors, and the stock of said corporation shall be transferable on the books of said corporation, and not otherwise.

§ 7. The directors of said corporation shall receive Subscriptions. subscriptions for the capital stock of said corporation at such times and places as may be ordered by a majority of said board of directors; and whenever fifty thousand dollars shall have been actually paid in upon the subscriptions for the capital stock of said corporation, the board of directors may exercise all the powers, franchises and privi-

leges granted by this act, and shall be subject to all liabilities and duties incident to their incorporation.

Insurance.

§ 8. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods and merchandise, freights, money, bottomry, *respondentia*, interest, and on all marine risks and inland navigation and transportation, and against all losses by fire of any buildings or houses, goods, wares and merchandise whatsoever, and vessels on the stocks, and also to receive moneys on deposit and to loan the same on bottomry and *respondentia*, or otherwise, at such rates of interest as may now be done by the existing laws of this state, and they may also cause themselves to be reinsured against any maritime or other risk upon which they have made insurance, and upon the interest which they may have in any vessel, goods or merchandise or houses, as their own property, or in virtue of any such loan, whether on bottomry and *respondentia*, or otherwise, on such terms and conditions as may be agreed upon by the parties, and to fix the premiums and terms of payment.

Policies.

§ 9. All policies of insurance made by said corporation shall be subscribed by the president, or in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said corporation; and all losses arising under any policies so subscribed and sealed may be adjusted and settled by the president or secretary, under such regulations and orders as the board of directors may from time to time prescribe.

Not take risks
until \$50,000 is
subscribed.

§ 10. The said corporation shall not take any risk, nor subscribe any policy by virtue of this act, until fifty thousand dollars of the capital stock thereof shall have been actually paid in; and in case of any loss or losses whereby the capital stock of said corporation shall be lessened before all the instalments are paid in, each stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until the sum arising from the profits of the business of said corporation, equal to such diminution, shall have been added to the capital stock; and once in every three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Merchandise, &c

§ 11. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever; but the president and directors may, at their option, vest the capital stock of said corporation in the capital stock of any incorporated bank, trust

company or public funds of the United States or any state in the Union. They shall have power, also, to loan to any citizen of this state any portion of their capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion, for such interest as is now allowed by the laws of this state.

§ 12. The said corporation shall have power and authority to loan any money or funds which they may have in their own right or as trustee for others as herein provided, and to draw drafts for the same at pleasure, but shall not have power to issue any certificate of deposit, bill or other paper in the similitude of money, to be used as a circulating medium or as currency. Loan money.

§ 13. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and to an amount at any one time not exceeding fifty thousand dollars, and may take and hold any real estate as security, mortgaged or pledged to said corporation, to secure the payment of any debt due, or that may become due to it; and also, may purchase on sales made by virtue of any judgment at law, or any decree in equity or otherwise, and may take and receive any real estate in payment or towards satisfaction of any debt previously contracted or due to said corporation, and may hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property, and may sell and convey said real estate or any part thereof. Real estate.

APPROVED February 10, 1853.

AN ACT to incorporate the Boone County Mutual Insurance Company. In force Jan. 21, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That from the time this act shall take effect, Joel Walker, N. C. Amsden, Daniel Leonard, Alexander Neely, Henry L. Crosby, William S. Dunton, James H. Carpenter, George Waterman, B. F. Lawrence, James Bennet and M. G. Leonard, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a body politic and corporate, by the name of "The Boone County Mutual Insurance Company."* Corporation. Name.

§ 2. The corporation hereby created may become a party to suits at law, may make by-laws not inconsistent with any existing law, for the regulation of its affairs, General powers.

have and use a common seal, and alter the same at pleasure; and in addition to the general powers, shall have power by instrument, under seal, or otherwise: 1st. To make insurances on all descriptions of property against loss or damage by fire; 2d. To make insurance on all descriptions of boats and vessels, the cargoes and freights thereof, and on bottomry and *respondentia* interests, against the perils of marine or inland navigation; 3d. To cause themselves to be reinsured against any risk on which they have made insurance.

Management of affairs.

§ 3. All the incorporate powers of the said company shall be exercised by a board of directors, consisting of eleven persons, all of whom shall be citizens of this state, and such officers, clerks and agents as the said board may appoint; the directors shall hold their office two years, and until others are elected; they shall elect from their own body a president, vice president and secretary, who shall, each respectively, hold office during the aforesaid term of two years, and until others are elected, but nothing herein shall be so construed as to prevent a director, or other officer, whose term has expired, or is about to expire, from being again eligible. Seven members of the board shall constitute a quorum for the transaction of business. The persons named in the first section of this act shall constitute the first board of directors, and their term of office shall commence at the time of the organization of the company.

Vacancies.

§ 4. The board of directors shall have power to fill any vacancy that may occur in their own body, a plurality of votes constituting a choice; they shall also choose in the same manner, previous to the biennial election of directors, three inspectors of election, whose duty it shall be to canvass the votes cast thereat and declare the result; the said inspectors shall also be judges of the qualification of voters. Notice of such elections shall be given by publication in one or more weekly newspapers published in said county of Boone, at least three weeks previous thereto, over the signature of an officer of the company.

Persons taking policies.

§ 5. Every person or firm taking a policy of insurance from the said company, shall thereupon become a member thereof, and shall, at all elections of directors, thereafter, be entitled to vote upon his or their dividend certificates issued as hereinafter provided, in the ratio of one vote for every five dollars of such certificates: *Provided*, that if any such election shall be held previous to the first dividend of profits, each member of said company shall be entitled to vote thereat in the ratio of one vote for every ten dollars of premium previously by him or them paid or agreed to be paid to the said company: *And provided*, that in no case shall any person or firm be entitled to more

than fifty votes, except as provided in section eight of this act.

§ 6. It shall be the duty of the corporators named in the first section of this act, or any number of them not less than five, within two years after this act takes effect, to open books to receive applications for insurance to be effected by said company, and after the receipt of such applications to the amount of one thousand dollars, the books may be closed and the company organized. Duty of corporators.

§ 7. All premiums upon policies having one year or less to run, shall be payable in cash, in advance, and for premiums on policies for a term of years the company may receive notes payable in equal annual instalments, except the premium for the first year, which shall be paid in cash when the policy is issued; and no premium so paid or agreed to be paid shall be thereafter withdrawn during the life of the policy, but shall remain liable for all losses and expenses incurred by the company. Premiums.

§ 8. For the better security of policy holders, the said company may receive guaranty notes, to be approved by the board of directors, to the amount of fifty thousand dollars, the signers whereof shall be paid, in consideration of such guaranty, a compensation, to be determined by the board of directors, but not to exceed seven per cent. per annum. Such notes shall be entitled to representation at elections of directors in the same ratio as dividend certificates, and shall be liable for losses whenever the premiums theretofore received are insufficient to pay the same: *Provided*, that assessments so made on such notes shall be reimbursed from the funds of the company before any dividend of profits shall thereafter be made. The said guaranty notes may be withdrawn at the option either of the signer or of a majority of the directors, by giving one month's notice, but such withdrawal shall not operate to release any liabilities already attaching on any notes so withdrawn. Guaranty.

§ 9. It shall be lawful for the said company to issue stock policies, so called, to persons not desirous of participating in the profits or losses of the company, and all gains or losses on such policies shall be passed to the account of profit and loss on the books of the company. Stock policies.

§ 10. It shall be lawful for the said company to invest their funds in bonds and mortgages on unincumbered real estate worth fifty per cent. more than the sum loaned thereon, in any stocks created by or under the laws of this state, or of the United States, and on bottomry and *respondentia*, or otherwise, at the discretion of the board of directors, and to change and re-invest the same. Disposition of funds.

§ 11. By the first day of February, one thousand eight hundred and fifty-five, and annually thereafter, the officers Statements.

of the company shall cause a true statement of its affairs to be made, they shall estimate the profits, if any, that have accrued on policies issued prior to the first day of January last preceding, and issue certificates thereof to the holders of such policies, in proportion to the amount of premium thereon paid in cash. Such certificates shall bear an annual interest of six per cent., and shall be redeemable whenever the accumulated profits exceed fifty thousand dollars, so far and as fast as the same can be redeemed by such excess; certificates for the first year's profits taking priority, and so on thereafter in regular succession. Nevertheless, each such certificate shall contain a proviso, that the sum therein named is liable for future losses at any time previous to its redemption, as provided in the seventh section of this act.

Publication
statement.

of § 12. The annual statement as aforesaid shall be full and complete, and shall be published in one or more newspapers in said county, weekly for four weeks, immediately after the same shall have been made.

Suits.

§ 13. Suits at law may be prosecuted and maintained by any member against said corporation for the losses and damages insured against by them, if payment is withheld more than sixty days after the same shall have been duly proven up, and any member of the company, not being in his individual capacity a party therein, shall be deemed a competent witness in any suit against the company. All process against said company may be served upon the president or secretary.

Office.

§ 14. The office of said company shall be located and kept in the village of Belvidere, in said county of Boone. Nothing contained in this act shall be so construed as to confer any banking privileges whatever, nor shall any certificate or evidence of stock or debt be allowed to circulate as money, under penalty of forfeiture of the charter.

§ 15. This act shall take effect immediately after its passage and approval, and continue in force fifty years, but may at any time be altered, amended or repealed by the legislature of the state of Illinois.

APPROVED January 27, 1853.

in force Feb. 12, 1853. AN ACT to incorporate the Stephenson County Mutual Fire Insurance Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William D. Fisher, John K. Brewster, Silas D. Clark, Charles Powell, Joseph A. W. Donohoo, John Black, Samuel D.*

Knight, Ebenezer H. Hyde, George Purington, Loyal L. Munn, and all other persons who may become members of the said company in the manner herein prescribed, be and they are hereby incorporated and constituted a body politic and corporate, by the name and style of "The Stephenson County Mutual Fire Insurance Company," and for the term of twenty years from the passage of this act, for the purpose of insuring their dwelling houses, stores, shops and other buildings, household furniture and merchandise, and other personal property, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, excepting that of design in the assured, or by the invasion of an enemy or insurrection of the citizens of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure: *Provided*, such real estate shall not exceed one hundred and sixty acres; may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by the charter.

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

§ 3. There shall be a meeting of said company at Freeport, the county of Stephenson, state of Illinois, on the first Monday of —, annually, or on such other day as the said company may hereafter determine; at which first annual meeting shall be chosen, by a majority of the votes cast, either by the members present or by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen and accepted the trust in their stead. In all vacancies opening in said board, whether by removing from the standing or refusing or neglecting to act for and during the space of three months successively, then, and in every such case, another director shall be chosen in the place of each director so removing, dying, refusing or neg-

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

Classification. Special meetings

Power of directors. § 4. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices for the period of one year, and until others are chosen in their place. The board of directors may also appoint an executive committee from their own members, and such committee, when the board is not in session, may exercise all the powers vested in the company, except where the company has, by its by-laws, otherwise provided. The board of directors may also appoint examiners, agents and such subordinate officers as they shall deem necessary, who shall hold their offices during the pleasure of the board. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company.

Officers. Directors to superintend.

Officers and agents. § 5. It shall be the duty of the directors of said company to prescribe the duties of their respective officers and agents, and fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their respective duties; they shall also determine the rates of insurance, the sum to be insured in any building not exceeding two-thirds of its value, not two-thirds the value of personal property, and the sum to be deposited for the insurance thereof. They shall direct the making and issuing of all policies of insurance, the providing of books, stationery and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer or the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company, and may hold their meetings monthly and oftener if necessary, for transacting the business of said company, and shall keep a record of their proceedings, and any director disagreeing with a majority of the board, at any

Rates of insurance. Policies. Powers.

meeting, may enter his dissent, with his reasons therefor, on record.

§ 6. It shall be the duty of the directors of said company, whenever the premium notes shall amount to the sum of one hundred thousand dollars, or before, if it should be thought expedient, to build or cause to be built, or procure for the use of said company, a fire proof building, suitable for the transaction of business, and for the preservation of the funds and other property belonging to said company from destruction, by reason or means of fire; and for the purpose of providing said building, the directors may assess any sum not exceeding five per cent. of the amount of premium notes aforesaid in any one year; and it shall be the duty of the directors to keep said building in proper repair, and to renew the same in whole or in part, as they may think necessary and expedient.

Procure a fire proof building.

Assess premium notes.

§ 7. The directors may extend the insurance of said company to any part of this state or any other state or states which they may deem expedient with the exceptions and provisions hereinafter enacted, not exceeding the sum of ——— thousand dollars in any one risk, at such rate or rates as said directors may, in view of the equity of the case and the interest of the company, determine. Insurance shall be made in all cases upon the representation of the assured contained in his application therefor, and signed by him or his attorney, which representation shall in fairness and good faith state all the material circumstances within his knowledge which may affect the risk: *Provided*, that in case of any loss or damage by fire, the valuation of the property at the time of such loss or damage shall be determined by the award of impartial men, as hereinafter provided.

Power to extend.

§ 8. Books of accounts, written securities or evidence of debt, title deeds, manuscripts or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, statuary, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance unless those articles, or any of them, form part of the usual and regular stock in trade of the assured, or are particularly specified in the policy.

What not deemed objects of insurance.

§ 9. The rates of insurance shall be from time to time fixed and regulated by the company, and premium notes therefor shall be received from the insured, which shall be paid at such time or times and in such sum or sums as the company shall from time to time require for losses and expenses. Any person applying for insurance so electing may pay a cash premium in addition to the premium note,

Premium notes.

or a definite sum in money, to be fixed by said company, in full for said insurance, in lieu of a premium note.

§ 10. The said company may divide applications for insurance into two or more classes, according to the degree of hazard, and the premium note shall not in such case be assessed for the payment of any loss except in the class to which they belong.

§ 11. The cash premiums received by the said company for risks in lieu of premium notes, and the cash premiums received in addition to the premium notes, shall be applied in payment of losses and expenses before any assessment shall be made upon the said premium notes; and the said cash premiums, together with the premiums notes, shall constitute the capital stock of this company.

§ 12. When any property insured by this company shall be alienated by sale or otherwise, the policy shall thereupon be void. But in such cases it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy of insurance, and such assignee or assignees shall have all the benefit of such policy, and may bring and maintain a suit thereon in his or her or their own names: *Provided*, that before any loss happens, he, she or they shall obtain the consent, in writing, of the said company to such assignment, and have the same indorsed or annexed to the said policy of insurance.

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

§ 14. The board of directors may invest and employ the funds of the said company in such a way and manner as the interest and welfare of the company may require: *Provided*, that nothing be herein construed as authorizing them to engage in any banking operations, or to traffic in any goods, wares or merchandise, or to exempt any of the property of said company from taxation except the premium notes.

§ 15. In case of any loss or damage by fire happening to any member upon property insured in and with said company, the said member shall give notice thereof in writing to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of

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

§ 16. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for such loss or damage: *Provided,* the cash fund received by the said company should not be sufficient to meet said loss or damage, the directors shall settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss, and publish the same in such manner as they shall see fit or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him; her or them as his, her or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with cost of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

§ 17. Said company may make insurance for any term not exceeding five years; and any policy of insurance issued by said company, signed by the president and coun-

Duty of director
in case of loss.

Terms of insu-
rance.

tersigned by the secretary, shall be deemed valid and binding on said company in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured has a less estate therein, or if the premises be incumbered, the policy shall be void unless the true title of the assured and the incumbrance on the premises be expressed therein.

Payment of losses.

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

Policy void.

§ 19. When any house or other building shall be alienated by sale or otherwise, the policy thereupon shall be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his, her or their deposit note upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided, however*, that the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him, her or them for his, her or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of the said directors for such portion of the deposit note as shall remain unpaid, and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original insured was entitled and subjected under this act.

Alteration in house.

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

Buildings on leased lands.

§ 21. In case any building or buildings situated upon leased lands and insured in said company be destroyed by

fire, and the owner or owners thereof shall prefer to receive the amount of such loss or damage in money; in such case the directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired, and at the expiration thereof the assured shall have the right to demand and receive such part of said retained sum or sums as has not [been] expended in losses and expenses.

§ 22. If insurance on any house or building, household furniture, merchandise or other property, shall be and subsist in said company and in other office, or from and by any other person or persons at the same time, the insurance made in and by this company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by indorsement on the back of the policy, signed by the president and secretary. When insurance void.

§ 23. Each and every member of said company shall be entitled to and allowed an examination of the books, papers and general transactions of said company, upon application thereof to the secretary. Examination of books.

§ 24. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company, a copy of which report shall be furnished to the general assembly. Report.

§ 25. The operations and business of said company shall be carried on and conducted at such place in Freeport, county of Stephenson, as a majority of the members present at any regular meeting shall designate. Office.

§ 26. The fiscal year of this company shall commence on the first day of —, and terminate on the last day of — in each year. Fiscal year.

§ 27. The individuals named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for; they shall, if they think proper, have power to make up their number to fifteen, as allowed in the third section of this act, from among the members of said company, and all vacancies which may occur in said board by death, resignation, removal or refusal to serve, may be filled by the remaining members of said board, and a majority of their number at any time shall constitute a quorum for the transaction of business; they may call the first meeting of the members of said company, at any suitable time and place in Freeport aforesaid, by advertisement in the several newspapers printed in said town, giving at least ten days' notice of the place, time and design of the meeting; they may make and establish by-laws for the government of said company, until the first annual meeting thereof, and Directors.

may transact any business necessary and proper to carry into effect the provisions and intentions of this act: *Provided, however,* that no policy shall be issued by said company until his excellency, the governor of the state, shall have made proclamation that application has been made for insurance in said company on fifty thousand dollars at least, of which notice shall be given him by the directors.

Proportionate
dividend.

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

§ 29. This act shall take effect from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to establish the Miners' Insurance Company.

Name and style.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be and hereby is established, in the city of Galena, an insurance company, to be known by the name and style of "The Miners' Insurance Company," with a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each, which may be increased, at the will of the directors, to any amount not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter specified.

Corporate.

§ 2. Lucius S. Felt, Edward Hempstead, Benjamin H. Campbell, Samuel Hughlett, D. A. Barrows, Nathan Corwith and Edwin Ripley, or any three of them, be and they are hereby authorized to open books of subscription

in said city for the capital stock of said company, at such time and place as they shall think proper, after giving twenty days' notice of the same in either of the public newspapers in said city; said books to be kept open for the space of five days, and until at least one hundred shares shall be subscribed, when the same may be closed; and said subscribers may, after six days' notice being given by said commissioners in manner aforesaid, meet, and under inspection of said commissioners, choose their directors, who may, at any time after ten days' public notice given, cause the subscription books to be reopened and continue open until the whole amount of said stock shall have been taken.

§ 3. The subscribers of said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of "The Miners' Insurance Company," and shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended against, in all courts and places whatever, in all manner of actions, suits, complaints and causes.

§ 4. The said corporation may have and use a common seal, which they may change, alter or break, at pleasure; and may also make, establish and put in execution such by-laws, ordinances and regulations, as shall, in their opinion, be necessary for the good government and management of the affairs of said corporation, and which are not repugnant to the laws and constitution of this state, or of the United States.

§ 5. The corporation hereby created shall have full power and authority to take all marine risks of any and every kind, nature and description, and to make insurance upon inland navigation and transportation, and against losses by fire, of buildings and all other property whatsoever, and to make all kinds of insurances upon lives, and all such other insurances as they may deem proper, and also to receive moneys on deposit, and to loan the same, and their surplus or unemployed capital, or money, on personal, real, or other security, at such rates of interest as may be done under the existing laws of this state; and to lend money upon *respondentia* and bottomry, to companies, corporations and individuals, upon such security as they shall think proper. They may also cause themselves to be insured or re-insured against all or any risks upon which they may have made insurance, and also upon all property of every kind, or any interest therein, owned by said company, or held by them as security, and generally to do and perform all necessary matters and things relating to or connected with these objects, or either of them.

Manner of pay-
ment of stock.

§ 6. The payment of the stock subscribed for shall be made by the subscribers, respectively, at the time and in the manner following, that is to say—at the time of subscribing, there shall be paid on each share one dollar, and the balance due upon each share, shall be subject to the call of the directors, under such penalties as the board of directors may appoint and order, and shall be secured to be paid on demand by approved notes, hypothecated stock, mortgages on real estate, or other satisfactory security.

Management of
affairs.

§ 7. The stock and affairs of said company or corporation aforesaid, shall be managed and conducted by seven directors, who shall be stockholders of said corporation. They shall, after the first year, be elected on the first Tuesday in June in each year, at such time and place in the city of Galena as the board of directors for the time being shall appoint, and shall hold their offices for one year and until others shall be chosen to supply their places, and no longer; ten days' public notice of said election shall be previously given, and the election shall be held under the inspection of three stockholders, to be previously appointed by the board of directors for that purpose, and shall be made by ballot, by a plurality of the stock represented, allowing one vote for every share, and stockholders not personally present may vote by proxy, mailed in writing directly to the person representing them at such election. In case that it shall happen at any time that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day, to make and hold an election of directors, in such manner as shall be regulated by the by-laws and ordinances of said company.

Pre ident.

§ 8. The directors of said company shall, as soon as may be after their election, in each year, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death or resignation of the president or any director, the vacancy may be filled by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall have all the powers and perform all the duties of the president regularly chosen.

Quorum.

§ 9. The directors may, by the ordinances or by-laws of said company, order what number of directors shall constitute a board or quorum, and be competent for the transaction of the business of the corporation; and they shall have power, subject to said by-laws, to appoint from their own body, one or more persons, to act and assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also

to appoint a secretary, and such clerks and other servants as they may deem expedient; they shall have power to declare and make dividends of the profits arising from the business of said corporation, but all contracts, certificates, and other instruments, in writing, of said company, shall be signed by the president and secretary thereof, or either of them, as may be provided by the by-laws of said company.

§ 10. The stock of said corporation shall be considered personal property, and shall be assignable and transferable, according to such rules and restrictions as the board of directors shall from time to time make and establish. Stock considered personal property.

§ 11. The said corporation may purchase, hold, sell and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of its business, not exceeding at any one time twenty thousand dollars, and to take and hold any real estate, mortgaged or pledged as security for the payment of any debt due, or that may become due to it, and also to purchase on sale, in virtue of any judgment at law, or any decree of a court of equity or otherwise, to take and receive any real estate or other property in payment, or towards satisfaction of any debt previously due to said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other property. Real estate.

§ 12. That said corporation shall have full power and authority to deposit any portion of their unemployed capital, or other funds at any time in their possession, with any corporation, company or individual, in any section of the United States, and to use the same as they may think proper, in order to facilitate exchanges, and to do and perform all such acts and things as may be requisite in all such transactions, and for the best interest of said corporation. Deposit capital.

§ 13. The expenses incurred by the commissioners in executing duties required by this act, shall be paid out of moneys received by them of the subscribers to the capital stock, and may be retained by them for such purposes, and the balance so received shall be paid over to the directors after they shall have been chosen. Expenses incurred by commissioners.

§ 14. All policies of insurance by them made shall be subscribed by the president, or in case of his death or absence by such other person as may be authorized, and countersigned and sealed by the secretary of said company; and all losses arising under any policy so subscribed and sealed may be adjusted and settled by the board of directors, or such other person or persons as said board may appoint for such purpose. Policies.

In case of decrease of capital stock.

§ 15. In case of any loss or losses whereby the capital stock of said company may be lessened before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place, and no subsequent dividend shall be made until the sum arising from the profits of the business, or by advance of the stockholders, to make good said capital stock, shall have been added thereto.

Surplus of subscription.

§ 16. If a greater number of shares shall be subscribed for than is contemplated in the second section of this act, the same shall be apportioned amongst the subscribed, in such equitable manner as the said commissioners shall appoint: *Provided*, such subscriptions take place before the election of directors, and if after their election, then the same shall be appointed by said directors.

Place of business

§ 17. The business of the company shall be carried on at such place in the city of Galena, or elsewhere, by agency, as the directors shall direct, and at such agencies as they may establish.

Manner of conducting business

§ 18. This corporation may conduct its insurance business in part, or entirely, upon the principle of mutual insurance, if preferred by its stockholders or directors: *Provided, always*, that all risks are assessed at their cash value of hazards, and the premiums shall be paid in cash, or its equivalent, when the policy is issued.

Public act.

§ 19. This act shall be and is hereby declared to be a public act, and the same shall be construed liberally for the beneficial purposes herein granted, and the corporation hereby created shall take effect and be in force from and after the passage thereof, and shall continue in force for the term of thirty years, and no longer.

Final settlement.

§ 20. Notwithstanding the expiration of the time for which the said corporation is created, it shall be lawful to use the corporate name, style and capacity for the final settlement and liquidation of the affairs and accounts of the said corporation in all cases, and for the sale and disposition of their estate, real or personal.

§ 21. This charter shall be void and of no effect unless the company shall commence operations, agreeably to the provisions thereof, within two years after the passage of this act.

Life insurance.

§ 22. In effecting insurance on lives agreeably with the power conferred by this charter, it shall be the duty of the directors to have kept a separate account for this class of business, distinct from the other insurances, which shall not be affected by the loss or gains of their other insurance business, and it shall and may be lawful for the said directors to allow all persons so insuring such part

of the net profits or earnings of this department of the company's business as may be deemed for the mutual interest of the assured and assurers.

APPROVED February 12, 1853.

AN ACT to incorporate the Quincy Savings and Insurance Company. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel Holmes, Calvin A. Warren, Newton Flagg, I. N. Morris, William H. Carlin, Amos Green, C. M. Pomroy, John Wood, S. Thayer, C. A. Savage, Thomas Redmond and Hiram Rodgers, and all such other persons as shall hereafter become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Quincy Savings and Insurance Company," to be located in the city of Quincy, and said corporation may continue until the first day of January, one thousand eight hundred and eighty, and shall have power to adopt a common seal, and alter or renew the same at pleasure, and in that name shall transmit its business and have succession, may sue and be sued, answer, prosecute and defend, in all courts of justice within this state of competent jurisdiction. Incorporators.

§ 2. The capital stock of this corporation shall be one hundred thousand dollars, and be divided into shares of twenty-five dollars each, but shall be entitled to enjoy all its franchises when fifty thousand dollars shall be subscribed, and twenty per cent. of said subscription paid in cash, and the balance secured to the satisfaction of the directors; and said capital stock may be increased at any time hereafter to the sum of five hundred thousand dollars, in the discretion of a majority of the directors, in such manner as they shall prescribe by the by-laws of the company. Capital stock.

§ 3. The above named incorporators, or a majority of them, shall open books at such time and place in the city of Quincy for subscription to the capital stock as they shall appoint, not exceeding six months from the passage of this act, by giving five days' notice in one or more of the daily papers published in said city, that such books will be opened to subscribers to such capital stock, and that they will remain open until fifty thousand dollars shall be subscribed, and then the stockholders will organize the company by choosing its directors, and at which time twenty per cent. of the capital stock thus subscribed shall be paid in, and the balance secured to the satisfaction of the directors. Open books.

Management of
affairs.

§ 4. The stock, funds and business of this corporation shall be managed by five directors, one of which shall be president, three of which shall be a quorum to transact business. At all elections of directors each share shall be entitled to one vote, and absent shareholders may vote by proxy, the holder of which being being a shareholder. No person shall be eligible to the office of director or president unless a stockholder to the amount of five hundred dollars, and a citizen of the state of Illinois. And after the first election there shall be an annual election held on the first Monday of April in each year, at such time and place in the city of Quincy as the directors may appoint, which directors shall hold their office for one year and until others are chosen and qualified. Notice of the time and place shall be published at least five days previous in some paper published in the city of Quincy.

Election.

§ 5. At every annual election the directors shall appoint three stockholders, who are not directors, as inspectors of such election, who shall canvass the votes and declare the result, and the nine persons who shall have the highest number of votes shall be directors for the coming year. Said directors, when chosen, shall proceed to choose one of their number, by ballot, president, and in case of death, resignation, disqualification or absence, shall, in the same manner, appoint a president *pro tempore*, who shall discharge the duties and exercise all the functions of the president. The directors may also appoint a secretary and treasurer, and such other officers and agents as they may think necessary, and define their duties and determine their compensation and require such security for the faithful discharge of their duty as shall be deemed proper.

Insurance.

§ 6. The corporation hereby created shall have power to make all kind of insurance against fire, and to make marine insurance upon vessels, boats and water crafts employed in inland, lake, river, ocean or canal navigation, and upon all goods, wares or merchandise, produce or property transported thereon or otherwise, and upon freight, bottomry, *respondentia* interests, and upon all ocean, lake, river or inland navigation risks of every kind soever, and upon money transmitted by mail.

Duty of president
and directors.

§ 7. It shall be the duty of the president and directors to make out a complete and perfect statement of the condition and affairs of the corporation, and report the same to the stockholders at their annual meeting, and on the first Mondays of April and September in each year to make a dividend of so much of the profit of said corporation as to them shall appear advisable. But in no case shall they declare a dividend that shall impair the capital stock or infringe thereon; and in case of losses at any time that shall lessen the capital stock, calls shall be forthwith made for

instalments of unpaid stock sufficient to restore the capital, or no dividend shall be made until the capital stock is restored, from the profits arising from the business of the corporation, nor shall any premiums received be counted as profits until the risk for which it was taken shall have terminated.

§ 8. All policies of insurance or other engagements Policies. shall be signed by the president and countersigned by the secretary, with or without seal, and shall be binding upon the corporation, and all such assured may thereupon, in case of loss arising, maintain an action of debt, covenant, or on the case against such corporation.

§ 9. The directors, at their first meeting, and at the By-laws. time of their organization, shall adopt by-laws, rules and regulations by which the corporation and its members shall be governed, and may alter and amend the same at any subsequent meeting: *Provided*, such by-laws shall not be inconsistent with the laws of this state; and the directors may open books for subscription to fill up such portion or all of the unsubscribed stock as in their opinion may be useful and desirable. The directors shall have power to call in instalments of the capital stock at such times as they shall deem advisable, by giving thirty days' notice in some paper published in the city of Quincy: *Provided*, no call shall be made to exceed ten per cent. of the capital stock subscribed at one time, nor oftener than once in thirty days. The president shall notify all shareholders out of the city of Quincy of such call by mailing such notice to such persons' address, if known.

§ 10. If, after a public call for instalments be made Default of stock-holders. agreeable to the provisions of section nine, any shareholder shall neglect or refuse to pay said instalment, agreeable to the notice and for ten days thereafter, the president may advertise so much of the stock of the delinquent shareholder to be sold at auction to the highest bidder as will pay the amount called for and expense of advertising and selling, in which advertisement he shall give notice of the time and place of sale, and the amount of instalment to be provided for, and shall cause the same to be published ten days in some paper in Quincy before the day of sale.

§ 11. This corporation may conduct its insurance business in part or entirely upon the principle of mutual insurance, if preferred by its customers and directors: *Provided, always*, that all risks are assessed at their cash value of hazards taken, and the premiums shall be paid in cash or its equivalent when the policy is issued. Manner of conducting business.

§ 12. This corporation shall not deal in any real or Merchandise, &c personal estate, property or merchandise, except so much as is necessary for its own use, and such as may be taken

to secure any debt, or in payment thereof, but shall strictly confine itself to the objects of its creation as herein set forth.

Stock deemed
personal prop-
erty.

§ 13. The stock in this corporation shall be deemed personal property, and no transfer shall be valid while the holder is indebted to the corporation. The mode of transferring or alienating the stock, and the forms of policies, orders, receipts, certificates or other papers to be used by this corporation, shall be regulated and determined by the by-laws of the same.

Savings institu-
tion.

§ 14. This corporation shall have power to perform the duties and functions of a savings institution, and may receive deposits of money, bullion or other valuable commodities, and give certificates for the safe keeping and return of the same. Also, for remittance or investment or sale, and may loan or invest its own funds, or those of other persons, and on their account, when desired to do so; to deal in exchange, and to pay on money deposited and receive on money loaned a rate of interest not exceeding the rate now lawful to be charged, by agreement of the parties, on money loaned, and to do and perform all such other trusts as may be required, and charge and receive therefor such compensation or commission as may be agreed upon: *Provided, always*, that the corporation shall open and keep a separate account, called savings, deposits and trust account, in which it shall enter all savings, deposit and trust funds, whether for investment or remittance, and all charges for commission, interest or compensation paid or received shall be entered in the same account: *And provided further*, that said corporation shall not, in any case, use any portion of such savings, trust funds or deposits in the payment of any loss or losses arising from insurance, or any fire or marine risk it may take: *And provided further*, that all such funds or valuable commodities shall not be paid out or removed from such deposit except on the order of the president, countersigned by the secretary, or a return of the receipt or obligation given to such depositor.

Liabilities.

§ 15. That the real and personal property of each individual stockholder shall be liable for any and all liabilities or losses of the company to the amount of stock subscribed or held by him and not actually paid in, in all cases of losses exceeding the means of the corporation.

§ 16. This act shall take effect and be in force from and after its passage, and be liberally construed for all purposes herein contained by the courts of justice in this state: *Provided*, that nothing herein contained shall be so construed as to authorize the said company to issue any notes, bills, certificates of deposit or other paper to circulate as money.

APPROVED February 12, 1853.

AN ACT to incorporate the Mutual Security Insurance Company.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Jonathan Burr, William H. Brown, J. Young Scammon, John M. Wilson, Edward J. Tinkham, Thomas Drummond, Ezra B. McCagg, Thomas Hoyne, and their associates, and all others who may associate with them hereafter in the manner herein provided, and their successors and assigns, be and they are hereby created and made a body politic and corporate, by the name of "The Mutual Security Insurance Company," and by that name, style and title shall be and hereby are empowered to purchase, receive, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind and nature as may be deemed necessary or convenient for the business of said incorporation, and the same to grant, alien, sell and dispose of; to sue and be sued, plead and be impleaded, in all courts of justice; also, to have and use a common seal, and the same to change at pleasure; also, to ordain and put in execution such by-laws and regulations as they may deem proper for the well ordering of said corporation and its affairs: *Provided*, they be not repugnant to the laws of the United States or of this state, or to the provisions of their act of incorporation.*

Corporators.
Style.
General powers.

§ 2. The capital stock of said corporation shall not be less than fifty thousand dollars, and may, at the pleasure of said corporation, be increased to any further sum not exceeding three hundred thousand dollars, and shall be divided into shares of fifty dollars each; and on the said capital stock of fifty thousand dollars, in part of said stock, shall be paid into the treasury of said corporation by each subscriber at the time of subscription an instalment of five dollars on each share of stock by him subscribed, and the remainder of said stock shall, within ninety days from said subscription, be secured to be paid by mortgages on real estate, or secured promissory notes approved by the president and directors of said corporation, and shall be payable sixty days after a demand shall be made in some newspaper published in the city of Chicago; and the sureties on such notes shall have a lien on the stock for which such note or notes are given, or the same may be made payable in regular instalments at stated periods, at the discretion of the president and directors as aforesaid.

Capital stock.

§ 3. The stock and affairs of said corporation shall be managed and conducted by any number of directors, not more than twenty-five nor less than nine, to be chosen by ballot from among and by the stockholders, which directors shall hold their office at pleasure for one year, and until others

Management of affairs.

are chosen to supply their places; and the annual meetings for the choice of said directors shall, after the first election, be holden in the city of Chicago, on the first Monday of July, or such other day in the month of July as shall be appointed by said board of directors; but a failure to elect directors at the day appointed shall not work a forfeiture of the charter; and in case of such failure the election may be held at any other day appointed by the president or secretary of said company, or any two directors thereof, thirty days' notice of such election being given by publication as aforesaid.

President.

§ 4. The said directors shall choose out of their number a president and also a vice president of their corporation, and in case of the absence of either from business may, so often as necessity shall require, elect from among themselves a president or vice president for the time being; and in case any vacancy shall occur in said direction, said directors may elect a director or directors from among the stockholders to fill such vacancy, who shall hold his or their office at pleasure until others are chosen in his or their place, and said directors shall have power to appoint, for the time being, such officers, secretaries, agents and servants as they shall judge necessary, and with such salaries and allowances as they may think proper, and shall be capable of performing such other acts and exercising such other powers as shall be by them deemed for the best interests of the company.

Quorum.

§ 5. The directors shall determine what number of their own body shall constitute a quorum for the transaction of business, and when such quorum is formed, if the president is not present, the vice president shall preside, or in the absence of both, the directors shall appoint a president *pro tempore*.

Vote.

§ 6. Stockholders voting at any election shall be allowed one vote for every share of stock they may then hold, and shall be entitled to vote in person or by proxy duly appointed, and none but stockholders shall be eligible as directors.

Notice.

§ 7. Public notice by order of the directors shall be given at least one week previous to any meeting of the stockholders in a newspaper printed in the city of Chicago, and in such other way as they may deem expedient.

Transfer of stock.

§ 8. The capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares in said stock who shall neglect to pay the instalment aforesaid, or secure the residue of the said share or shares aforesaid, shall forfeit to the said corporation such share or shares, and all payments made thereon, and all profits that may have arisen thereon.

§ 9. The said corporation shall have full power and authority to insure all kinds of property of whatever kind or nature soever against loss or damage by fire; also, to lend money on mortgage or otherwise at such rates of interest as are now authorized by law, and also, (when the annuity fund is created as hereinafter provided for,) to make insurance upon life or lives, and also to grant annuities for life or lives, or for a term dependent upon life or lives, and also to do and perform all necessary matters and things connected with these objects, or any of them, and may cause themselves to be reinsured upon any risk or insurance which they may have assumed or taken in the progress of their business.

Insurance.

§ 10. All policies of insurance or other contracts authorized by this act which shall be made and entered into by said corporation may be either under or without the seal thereof, and shall be subscribed by the president or such other officer as shall be designated for the purpose by the by-laws of said corporation and attested by the secretary, and being so signed, executed and attested to, shall be binding and obligatory upon said corporation according to the true intent and meaning of such policies and contracts; and all such policies and contracts may be so made, signed, executed and attested to without the presence of a board of directors by the president and vice president, or either of them, or by a committee of directors previously appointed for that purpose by the board of directors, or such other person as they may appoint; and the acts of such president or vice president, or either of them, or of such committee or person appointed, shall be binding and obligatory upon said corporation.

Manner of insurance.

§ 11. Jonathan Burr, Edward J. Tinkham, William H. Brown, J. Young Scammon, John M. Wilson, Ezra B. McCagg, Thomas Drummond and Thomas Hoynes are hereby appointed commissioners to receive subscriptions, who may open the books of subscription for the capital stock of said corporation whenever and wherever they may deem most conducive to the interest of said corporation, giving as much notoriety to the same as in their judgment shall be necessary; and in case of the resignation or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for the remainder of them to proceed to business, whose duties shall be the same in the premises as that prescribed to the whole of said commissioners, and such acts shall be legal. And as soon as the said sum of fifty thousand dollars shall have been subscribed, the first board of directors shall be chosen under the inspection of said commissioners.

Commissioners

§ 12. Before the said corporation shall commence business or assume any risks in pursuance of this act, the amount

When to commence.

of fifty thousand dollars of the capital stock shall be subscribed for, and the instalment aforesaid shall have been paid and the remainder of said stock secured to be paid agreeably to the provisions aforesaid.

Capital stock.

§ 13. The capital stock of said corporation shall be invested, at the discretion of the directors, either in loans upon bonds or mortgages or unincumbered real estate of the value of at least one-third more than the amount loaned thereon, or in United States or state stocks or stocks created by any state of the United States or stocks of incorporate companies, or may be loaned upon promissory notes or bills of exchange or otherwise, not having more than twelve months to run, and the same may be called in and reloaned on the like security as occasion may require; and the dividends of the profits or interest accruing from such investments may be made semi-annually to the stockholders, but such capital and the interest not divided shall be liable for all losses and expenses incurred by the corporation after the application of all other means of the company.

Statements.

§ 14. The officers of the company, at the expiration of one year from the time that the first policy shall have been issued and bear date, and within one month thereafter, and within the first month of every subsequent year, shall cause an estimate to be made of the profits of the business, and a true statement of the affairs of said company, as far as may be, for the preceding year, and so on for each successive year; and such profits shall be invested in the same manner as is prescribed for the investment of the capital stock, and no part of such profits shall ever be withdrawn from said company, except as hereinafter provided for, but shall at all times be liable for all losses and expenses incurred by this company in the course of its business, but the interest accruing on such investments may be divided annually, it being the true intent and meaning of this act that should the said capital stock, or interest not divided thereon, be at any time assessed to meet any demands against said corporation, such amount, with interest, shall be made good to the stockholders before estimating or investing the profits of business.

Persons insured.

§ 15. Any person or firm effecting insurance in this corporation, and every stockholder, shall be entitled to a credit in the books of said company of his or their proportion of said invested profits, sharing *pro rata*, according to the amount of premiums paid or amount of stock held by him or them respectively, and to a certificate thereof; such certificate to contain a proviso that the amount of profits named therein is liable for any future loss or losses by said company; but no certificate shall be issued for the fractional parts of sums between even tens of dollars,

nor for any sums less than ten dollars, but all such fractional sums, and sums less than ten dollars, may be passed to the contingent account of the company, and applied to the expenses and other charges of said corporation.

§ 16. Whenever the accumulated net profits shall exceed one hundred thousand dollars, the excess may be divided, from year to year thereafter, among the holders of each year's certificates successively, in whole or in part; but nothing shall be paid on the certificates of a subsequent year until the par value of all those of preceding years are provided for; or the board of directors of said company may, at their discretion, appropriate and set apart the sum of one hundred thousand dollars, part of the said accumulated profits, and increase the capital stock of said corporation that amount; which sum shall form and constitute the "annuity fund" created by this act, and shall be invested in real estate by loans upon bonds secured by mortgage on real estate of the value of at least fifty per cent. more than the sum loaned thereon, and in no other way whatever, to be exclusively held and pledged as a fund for the payment of annuities which shall be granted by said company, and of losses upon insurance for a life or lives, or in any way dependent upon life or lives, and shall, in no case, be liable for the other debts, contracts, liabilities and engagements of the said company; that the said fund shall be denominated "the annuity fund," and all investments of the said capital of one hundred thousand dollars, and all accumulations in respect thereto or arising from the income thereof, or from insurance upon life or lives, or from the granting of annuities, and all expenses, payments and losses in respect to such insurance upon life or lives, or dependent thereon, and the granting of such annuities, shall be kept in a separate and distinct account, and such fund and accumulation thereof shall alone be liable to pay, bear and satisfy all losses, expenses, payments and charges in respect to insurance on life or lives, or in any manner dependent upon life or lives, annuities which shall be granted by the said company.

§ 17. Suits at law or in equity may be prosecuted and maintained by any person or persons holding a certificate against said corporation, and no person holding a certificate of the corporation, not being in his individual capacity a party to the suit, shall, by reason thereof, be incompetent as a witness in suits in which such corporation is interested.

§ 18. Nothing in this act contained shall be so construed as to authorize said company to engage in the business of banking, and the issuing by said company of any instrument in writing designed or intended to be used as a

circulating medium, as and in lieu of money, shall cause a forfeiture of this charter.

§ 19. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect from and after its passage.

APPROVED February 10, 1853.

In force Feb. 3,
1853.

AN ACT to amend the charter of the City of Peru.

Taxes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the limitation in section one of the fifth article of the charter of the city of Peru shall extend to taxes for general purposes only, and that the city council be and they are hereby authorized to levy such additional taxes as may be necessary and proper, to pay the interest upon the bonds issued by the city on account of railroad stock, or other public improvement authorized by the voters of said city; and also, such further taxes as may be necessary and proper to establish and maintain a system of common schools in said city; and such additional taxes shall be kept separate from the taxes for general purposes on the city tax list, and shall be payable in money only, and appropriated to the purposes for which the same may be levied: *Provided,* that the limitation of the aggregate amount of interest upon all sums borrowed by the city, as provided in section three of said fifth article, shall not be held to extend to interest upon bonds for public improvements authorized by the voters of the city, as above provided: *Provided, also,* that the power given to said city to levy taxes therein for common school purposes, shall be to the exclusion of taxes for school purposes within said city, under the general laws of the state.

Common schools.

Borrowed money

School houses.

§ 2. That the public school houses and real estate, and other public school property in said city not belonging to the fund arising from section sixteen, shall be held in trust by the city of Peru for the use of schools, and any suit or action to recover possession, or protect the same, or for damages thereto, may be maintained in the name of said city.

Turnpike road.

§ 3. That said city of Peru is hereby authorized to construct and maintain a turnpike road or roads, planked or macadamized, from any point or points in said city determined upon by the city council, to such point or points on the line between the city of Peru and the city of La Salle as may be deemed best by the city council, and

when said city council shall determine that any such road is completed and fit for use, they shall have power to establish a toll-gate or gates, and to demand and collect tolls upon any such road, not exceeding five cents for each waggon, carriage, dray, cart, or other vehicle drawn by not more than two horses, or other animals, and one cent for each of such animals over two, and one cent per head for horses, cattle, mules or asses not in teams, and one-fourth of a cent per head for swine or sheep.

§ 4. That said city of Peru may authorize any such road to be constructed by a joint stock company or corporation organized under the general plank road laws of the state, in such manner as said city shall determine, and with such powers and rights as said city might have and may confer upon such joint stock company or corporation; and whether such road or roads be constructed or maintained by said city or by such company or corporation, the same shall be under the regulations of the general plank road laws of the state, so far as applicable.

Road constructed
by joint stock
company.

§ 5. That the cities of Peru and La Salle may agree that any such road or roads shall be extended to such point or points in the city of La Salle as may be agreed upon, and upon such terms as may be agreed upon, in which case said two cities shall have all the powers to act jointly by agreement that are conferred upon the city of Peru in the third and fourth sections of this act.

Roads extended
to La Salle.

§ 6. That the mayor of said city of Peru, before executing any deed of real estate sold for taxes or assessments in said city, under the authority of said city, shall ascertain and satisfy himself that the proceedings preliminary to the execution of such deed have been legal, and as required by the laws of the state and ordinances of the city, and such deed, when executed and delivered, shall be *prima facie* evidence of the legality of such proceedings.

Execution of
deeds by mayor

APPROVED February 3, 1853.

AN ACT to incorporate the Kankakee Bridge Company.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Durham, William Durham, James Lamb, Virgil Lamb, Noel Vassieur, Henry G. Hall, Samuel L. Knight, Francis Seguin, David Perry, Medore Martin and Peter Spink, and their associates and assigns, are hereby created a body politic and corporate, by the name and style of "The Kankakee Bridge Company," and by that name and style may

Corporators.

Style.

(General powers. sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; may adopt and use a common seal, and alter and change the same at pleasure; and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes of this act. Said company may purchase, hold and convey any real and personal estate that may be necessary to enable them to carry out and accomplish the objects of this corporation, not exceeding in value (aside from said bridge) of ten thousand dollars. Said company shall have power to borrow money for the purpose of building or re-building and keeping in repair their said bridge, and for no other purpose, and not exceeding in amount one-half of their capital stock, and for that purpose, and no other, they shall have power to mortgage their said bridge, its tolls, and all their privileges. Said company are authorized and empowered to locate, construct, complete and keep in repair a toll-bridge across the Kankakee river, near to and within one-half mile of where the east branch of the Illinois Central Railroad crosses said Kankakee river, and to obtain the right of way at, to and from said bridge, to connect with any public highway necessary for the use of said bridge, either by purchase, cession, grant, or in the manner prescribed by law for obtaining the right of way for public roads, canals, railroads or other public works.

Capital stock. § 2. The capital stock of said company shall be twelve thousand dollars, but may be increased to twenty thousand dollars, should the directors of said company deem such increase necessary for the purpose of erecting, finishing and maintaining said bridge, which shall be personal property, and shall be divided into shares of one hundred dollars each, and each subscriber to said stock shall pay in advance at the time of subscribing five dollars on each share, and shall be liable to pay the balance on such instalments and at such times as the same shall be called in or required to be paid by the directors; and the directors shall have the power to declare any share or shares of stock forfeited for non-payment, or may enforce the collection thereof by law. The corporators named in the first section hereof, or a majority of them, may at any time when they shall deem proper open books for the subscription of the said capital stock, and keep them open such time and at such place or places as they or a majority of them shall deem necessary and proper; and when the amount of four thousand dollars of said capital stock shall have been *bona fide* subscribed, and the amount of five dollars on each and every share subscribed actually paid in, the said corporators named in the first section hereof, or a majority of them, may call a meeting of the stock-

Payment in advance.

Enforce collection.

holders, by publishing a notice of the time, place and object of said meeting, at least four weeks successively, previous to the time of holding such meeting, in some public newspaper published in Will county, or by serving a written or printed notice on each of said stockholders, at least ten days previous to such meeting, and the certificate of the publisher of such newspaper, in case of publication, shall be sufficient proof of such publication. As soon as the board of directors shall have organized after the first election of directors, the commissioners appointed by this act to open books and receive subscriptions of stock shall deliver to the president of said company all books, papers and moneys in their possession belonging to said company, who shall deliver the same to the proper officers of said company.

§ 3. At the first meeting of said stockholders, in pursuance of the notice specified in the last preceding section, they shall choose a president and secretary from among their number, and then shall elect, by ballot, five directors, who shall be stockholders. Said directors shall hold their offices until the first Monday of April succeeding their election, and until their successors are elected, and on the first Monday of April of each year, after the first elections of directors, said company shall meet and elect five directors for the ensuing year, but a failure to meet and elect directors at said time shall not work a forfeiture of this charter or effect the rights of said company, and directors may, in such case, be elected at a subsequent meeting, on due notice given for that purpose. The directors shall choose a president from among their number, and shall choose or appoint such other officers and agents as they may deem necessary; they shall have power to make such by-laws, rules and regulations as may be necessary for the transaction of their necessary business, and the conducting the affairs of said company, and may alter the same when necessary; and they shall cause notices to be given by publication, or otherwise, of the annual meetings for the election of directors, for such length of time as they may deem necessary, and at each election every stockholder shall be entitled to one vote for each share of stock owned by such stockholder, which may be cast in person or by proxy duly authorized.

§ 4. Said company shall commence said bridge within one year, and complete the same within three years from the passage of this act, and when completed, they may demand and receive for passing over the same the following rates of toll, viz: for each two-horse pleasure carriage or vehicle drawn by two horses or other animals, twenty-five cents, and five cents for each additional animal in such team; for each two horse lumber wagon or

like vehicle, drawn by two horses or other animals, fifteen cents, and for each additional animal in such team, five cents; for each one horse wagon or carriage, drawn by one horse or other animal, ten cents; for each horse or other animal and rider, five cents; for each foot passenger, three cents; for each head of horses, mules, asses or cattle, under and to the number of twenty, not driven in team, three cents, and for all over twenty, two cents each; for each head of swine or sheep, one cent.

Keep in repair.

§ 5. Said company shall at all times, after the completion of said bridge, keep the same in good order and repair, with a safe and convenient passage to and from the same, unless the same shall be carried away or injured by high water or other casualty, and then it shall be speedily re-built or repaired, and shall at all times allow a speedy passage over the same during the continuance of this act, which shall be fifty years.

Injury.

§ 6. If any person shall wilfully do, or cause to be done, any injury to said bridge or its abutments, piers, or the passage or passages to or from the same, such person or persons so offending shall forfeit and pay to said company not less than three times the amount of such injury, and not more than five times the amount of such injury, which may be recovered in an action of debt, before any justice of the peace, to the amount of one hundred dollars, or before any other court of competent jurisdiction.

Penalty for crossing.

§ 7. Any person or persons crossing said bridge with any beast or animal faster than a walk, shall forfeit and pay to said company five dollars for each and every such offence, which may be recovered in an action of debt before any justice of the peace, or other court of competent jurisdiction: *Provided*, said company shall keep up at each end of said bridge, in some conspicuous place, notice to that effect in large letters.

§ 8. This act shall be taken and considered a public act, and shall be liberally construed, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 9, 1853. AN ACT to incorporate the Grand Royal Arch Chapter of the State of Illinois, and the subordinate chapters under its jurisdiction.

Corporate s.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Grand High Priest, Deputy Grand High Priest, Grand King, Grand Scribe, Grand Treasurer, Grand Secretary, Grand Chaplain and Grand Marshal for the time being, and their successors in office, the Past Grand High Priests,

Past Deputy Grand High Priests, Past Grand Kings and Past Grand Scribes of the Grand Royal Arch Chapter of the State of Illinois who shall be and remain members of subordinate chapters, together with the High Priests, Kings and Scribes of the several chapters subordinate to said Grand Chapter, while holding said offices, shall be and the same are hereby forever declared and constituted into a body politic and corporate, by the name, style and description of "The Grand Royal Arch Chapter of the State of Illinois."

§ 2. The said corporation, by the name and style aforesaid, shall have full power to sue and be sued, plead and be impleaded, prosecute and defend, in all manner of actions at law or in equity, in all places whatever where legal or equitable proceedings are had. The said corporation shall have power to make such constitution, by-laws, rules and regulations for its own government, and the management of its own concerns, and the government of its subordinates, as shall be deemed advisable, and to alter or amend the same at pleasure: *Provided*, that such constitution, by-laws, rules and regulations shall not conflict with the constitution and laws of this state and of the United States.

§ 3. The said corporation, by the name and style aforesaid, shall, by their grand treasurer and grand secretary, be capable in law of purchasing, holding and conveying real estate for the benefit of said corporation, to create a charity fund and a fund in support of education, and for no other uses or benefits whatever: *Provided*, that said corporation shall not, at any one time, hold personal or mixed property to an amount exceeding fifty thousand dollars, nor real estate to an amount exceeding one thousand acres of land.

§ 4. The said corporation shall have power to loan money belonging to the same, and take promissory notes or other evidences for the money so loaned, which may be recovered in their corporate name aforesaid, in all courts and places whatever where judicial proceedings are had.

§ 5. The said corporation is also authorized to borrow money in sums not exceeding five hundred dollars at any one time, nor at a greater rate of interest than eight per cent.

§ 6. The mode of service of any writ, summons or other process upon said corporation shall be by leaving an attested copy of such writ, summons or other process with the grand secretary, or in his absence, with the grand treasurer, or in the absence of both, at the last usual place of abode of either of them.

§ 7. In the management of its business concerns said corporation is hereby authorized to appoint such agents,

officers and attorneys for that purpose as from time to time may be deemed proper.

Subordinates.

§ 8. Each subordinate chapter under the jurisdiction of the aforesaid Grand Royal Arch Chapter now in existence also hereby declared to be a body politic and corporate, by and under the name, style and number set forth in their respective charters, and by such designation they may respectively sue and be sued, plead and be impleaded, defend and be defended against, in all suits arising in law or chancery in this state, or which may hereafter be chartered by the same, is all the courts of this state, and by said respective names and numbers the said subordinate chapters respectively shall be capable in law of purchasing or receiving, by purchase, gift or otherwise, and of selling and conveying real and personal estate for the benefit of said subordinate chapters respectively: *Provided*, that neither of said subordinate chapters shall at any one time possess more than five hundred acres of land, or hold real estate exceeding in value twenty-five thousand dollars each.

Applicable to
subordinates.

§ 9. So far as applicable, the provisions of sections four, five, six and seven of this act shall be applicable to each of said subordinate chapters.

Subordinates
cease to exist.

§ 10. In case any subordinate chapter under the jurisdiction of said Grand Royal Arch Chapter should cease to exist, or forfeit its charter, then all the estate, real and personal, together with all the records, books, papers, vouchers, furniture, jewels, seals and fixtures belonging to such chapter shall immediately vest in the said Grand Royal Arch Chapter, and all personal property, the books, records, papers, vouchers, jewels, seals, furniture, deeds, moneys, evidences of debt, leases or mortgages belonging to said chapter so forfeiting its charter or ceasing to exist, shall be delivered over by the last secretary or treasurer of the same to the proper officer or agent of said Grand Royal Arch Chapter on demand, and on failing to do so, each and every member of such delinquent chapter shall be individually liable to said Grand Royal Arch Chapter in an action of debt for the full value of the same.

File proceedings
with secretary
of state.

§ 11. The said Grand Royal Arch Chapter shall annually file with the secretary of state the printed copy of its proceedings, together with a list of its officers and a list of the said subordinate chapters, their officers and members, which shall be evidence of all it contains in all matters affecting any of said corporations, so far as applicable to them respectively. This act shall be taken to be a public act, and shall be liberally construed. It shall also take effect from and after its passage.

APPROVED February 9, 1853.

AN ACT to incorporate the Rutland Bridge Company.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Joseph O. Glover, R. Eaton Goodell and C. R. Potter, and their* Cooperators, associates, successors, heirs and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of "The Rutland Bridge Company," with power to build, maintain and use a toll-bridge across the Toll-bridge. Fox river, at any point within three miles above the mouth of said river, at Ottawa, in La Salle county, Illinois, and to connect said bridge with any railroad at or near said point, and to unite and consolidate its franchises and property with any and all bridge or railroad companies; to fix the amount of capital stock; to divide, transfer and increase Capital stock. the same; to borrow money, and pledge or mortgage its property and franchises; to condemn property for the uses and purposes of said company, in the manner and upon the principle provided by the ninety-second chapter of the Revised Statutes of this state, entitled "Right of way;" to Right of way. bargain and agree with any railroad company, or other persons, for and in the construction and maintenance of such bridge, and to sell or lease said bridge, or the use of the same, or the franchises of said company, to any company or corporation.

§ 2. The said bridge shall be deemed a public highway Public Highway. within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner.

§ 3. Said company are authorized to charge and receive Toll. such tolls for crossing on said bridge as may be fixed by the president and directors of said company, not exceeding the tolls now authorized by law to be received by the Fox River Bridge Company, at Ottawa. This act to be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT for the relief of the Rockford Water Power Company.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the* Declared to be a body corporate and politic. company known as the Rockford Water Power Company, formed under an act of the legislature of the state of Illinois, entitled "An act for the improvement of the navigation of Rock river, and for the production of hydraulic power," be and the same is hereby declared to have been a body corporate and politic, by the name and style of

“The Rockford Water Power Company,” with all the powers conferred by said act upon corporations organized under said act, from the day when the articles of association of said company were first filed with the recorder of the county of Winnebago; any irregularity, omission, informality or defective action in organizing said company according to the requirements of said act to the contrary notwithstanding.

§ 2. The signers of said original articles of association, and the makers or signers of all contracts or agreements since made by any person or persons, firms or companies, thereby agreeing, contracting or promising to take any share or number of shares of the capital stock of said company, shall be held and taken to be stockholders of said company to the number of shares taken by them respectively. And all the acts of said company electing directors, increasing the capital stock of said company, and making calls upon the stock subscribed, and all contracts, purchases and sales of lands and water rights made by said company, when made in good faith, shall be and the same are hereby declared to be, to all intents and purposes, valid and binding upon said company and the stockholders thereof.

§ 3. The said company is hereby authorized, by the vote of the stockholders owning a majority of the capital stock of said company, to increase its capital stock to any amount not exceeding fifty thousand dollars, and to open books of subscription for that purpose, and to receive subscriptions for as many shares of said stock as may be subscribed for, and to collect the amount thereof according to the powers conferred by the aforesaid act. And the said company are hereby authorized to sue for and collect, in any court having jurisdiction thereof, any calls that may be due or become due from any of the stockholders of said company; or in case any of the stockholders shall refuse to pay any calls due upon the said stock, after notice thereof for thirty days in some newspaper of the city of Rockford, to declare such stock forfeited to said company, and the several shares of stock of said company are hereby made assignable, but the said company shall not be bound by such assignment until the stockholders making such assignment shall cause the same to be made upon the transfer books of the said company.

§ 4. In case the said company shall, by the construction of their said works, overflow any lands belonging to any other person, or in case it shall appear to said company that the construction and completion of their said works will everflow any lands belonging to any other person or persons, it shall be their duty and they are hereby authorized to apply to the county court of Winnebago county for a writ of *ad quod damnum*, or in case there shall be no judge of any court, or he shall be absent from the county,

or shall, in any manner, be interested in the execution of said writ, then and in that case the said application shall be made to the circuit court of said county at any term thereof, and such proceedings shall be had as is now required by the statute in that behalf. Circuit court.

§ 5. The said company are authorized and empowered to borrow from time to time such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be necessary to aid in the construction of the said works, and to pay any indebtedness which shall have accrued against said company in the premises, and to pay any rate of interest therefor not exceeding twelve per cent. per annum, and to pledge and mortgage the works of said company and their appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company as security for any loan of money, and interest thereon, and to dispose of the bonds of said company for such loan, at such rate, in such amounts and upon such terms as the board of directors may determine. Borrow money. Mortgage.

§ 6. The directors of said company are hereby authorized to make such regulations and by-laws respecting the affairs of said company, and the management thereof, as they may deem necessary, not inconsistent with the laws and constitution of this state and the United States. By-laws.

§ 7. This act shall, in the courts of this state, be held to be a public act, and shall take effect from and after its passage.

APPROVED February 10, 1853.

AN ACT to incorporate the Northern Illinois Agricultural College. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John Colvin, Smiley Shepherd, John Grable, L. L. Bullock, Lewis Beck and William A. Pennell, and their successors, be and they are hereby created a body politic and corporate, by the name and style of "The Northern Illinois Agricultural College," and by that name and style to remain and have perpetual succession. The institution shall remain and be permanently located within the limits of Putnam county, at such place as shall be determined hereafter by the stockholders: Provided, that it shall require a majority of all the stockholders to determine such place or location.* Corporators. Style. Location.

§ 2. For the present, the aforesaid individuals shall constitute the board of trustees for said institution. Trustees.

Objects.

§ 3. The object of said corporation shall be the promotion of the general interests of agricultural and mechanical education, and to qualify students to engage in the several pursuits and employments of society, and to discharge honorably and usefully the various duties of life.

Corporate powers

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

Course of studies

§ 5. The trustees of the corporation shall have authority from time to time to prescribe and regulate the course of studies to be pursued in said institution, and in the preparatory departments attached thereto; to fix the rate of tuition, room rent and college expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution, to define their powers, duties and employments, to fix their compensation, to displace and remove either of the instructors, officers or agents as said trustees shall deem to the interest of the said institution to require; to fill all vacancies among said instructors, officers and agents; to purchase lands, erect suitable buildings, to purchase books and chemical and philosophical apparatus, and other suitable means of instruction; to put in operation a system of manual labor for the purpose of lessening the expenses of education and promoting the health of the students, and to add, as the ability of said institution shall increase and the interest of the community shall require, additional departments for the study of the agricultural and mechanical arts on scientific principles.

Appoint officers.

Erect buildings.

Remove trustee.

§ 6. The trustees shall have power to remove any trustee from his office of trustee for any dishonorable or criminal conduct: *Provided*, that no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity to de-

send himself before the board, nor unless two-thirds of the whole number of trustees shall concur in such removal. The trustees shall also have power, in case of a removal from office, death, resignation, or a removal out of the state, of any one of their number, to fill such vacancy occasioned by such removal, death, resignation, or removal out of the state, to serve until the next annual election to be held as hereinafter provided. A majority of trustees shall be sufficient to constitute a quorum to do business. Fill vacancy.

§ 7. This corporation shall have power and authority to raise a capital stock, in shares of fifty dollars each, to the amount of one hundred thousand dollars, exclusive of such sums as may be given by donation, bequest or otherwise, to be used as a college fund, and devoted exclusively to the purposes of education, and that so soon as two hundred shares or ten thousand dollars of said stock shall be subscribed, the stockholders will be hereby authorized to organize and locate said institution. Capital stock.

§ 8. The trustees shall faithfully apply all funds by them collected, or to be collected hereafter, according to their best judgment, in purchasing lands, erecting suitable buildings, in supporting the necessary instructors, officers and agents, in procuring books, maps, charts, globes, philosophical and chemical apparatus necessary to aid in the promotion of sound learning in the institution: *Provided*, that in case any donation, devise or bequest shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express condition of the donor or devisor: *Provided, also*, that lands donated or devised as aforesaid shall be sold or disposed of as required by the fourteenth section of this act. Application of funds.

§ 9. The treasurer of said institution always, and all other agents when required by the trustees, before entering upon the duties of their appointment, shall give bonds for the security of the corporation in such penal sum and with such securities as the board of trustees shall approve, and all process against the said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer of said institution at least thirty days before the return day thereof. Process.

§ 10. The trustees of said institution shall not exceed six, exclusive of the president, principal, or presiding officer of said institution, who shall be *ex-officio* a member of the board of trustees. Said trustees shall be elected annually on the third Thursday in October, at such place within the county of Putnam, and under the direction of such persons as a majority of the trustees for the time be- No. of trustees. Time of election.

ing shall appoint, by a resolution to be entered on the minutes.

§ 11. All elections shall be by ballot, and may be given in person or by proxy, allowing one vote to each share of the capital stock, and such persons at said election having the greatest number of votes, shall be trustee of said institution; and if at any election any two or more out of the six who have the greatest number of votes shall have an equal number of votes, so as to leave their election undecided, then the trustees who have been duly elected shall proceed by ballot, and by a plurality determine which of said persons so having an equal number of votes shall be trustee or trustees, so as to complete the whole number.

President and Secretary. § 12. The trustees shall elect a president and secretary of the board of trustees from among their own body; and also appoint some suitable person the treasurer of said institution, to serve for the term of one year, and until his successor shall be appointed.

Open to all denominations of Christians. § 13. The said institution and its preparatory departments shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students. All persons, however, who are idle or vicious, or whose characters are immoral, may be suspended or expelled.

Property. Proviso. § 14. The lands, tenements and hereditaments to be held in perpetuity in virtue of this act by this corporation shall not exceed one thousand acres: *Provided, however,* that if donations, grants, or devises in lands shall from time to time be made to this corporation, over and above one thousand acres, which may be held in perpetuity, as aforesaid, the same may be received and held by such corporation for the period of ten years from the date of every such donation, grant or devise; at the end of which time, if the said lands, over and above the one thousand acres, shall not have been sold by the said corporation, then and in that case the said lands so donated, granted, or devised shall revert to the donor, grantor, or the heirs of the devisor of the same, if the donor, grantor or the heirs of the same shall so demand.

Exempt from taxation. § 15. All the real and personal estate belonging to or to belong to said corporation shall be exempted from taxation for any and all purposes whatever.

APPROVED February 12, 1853.

AN ACT to amend an act entitled "An act to incorporate the Mechanics' Institute, in the city of Chicago," approved January 2d, A. D. 1843. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That for the purpose of enabling the said Mechanics' Institute to purchase and hold such real estate in the city of Chicago, and of the erection thereon of such buildings as the said institute may require, the said Mechanics' Institute is hereby authorized and empowered, at any time hereafter when it is thought best, by a resolution to be entered upon the records of said institute, to create a capital stock of one hundred thousand dollars, divided into shares of ten dollars each, with the privilege to said institute, at any time thereafter, of increasing the same to a sum not exceeding, in the aggregate, five hundred thousand dollars, to be subscribed for under such restrictions and in such manner, and to be paid in by such instalments, at such times and places, in such proportions, and subject to such forfeitures for non-payment of instalments, as said Mechanics' Institute may think proper to prescribe. Said capital stock, when subscribed, shall be under the control of said institute, through the board of trustees, to be created as hereinafter mentioned, and shall be only used for the purposes of purchasing or paying for a lot or lots in said city of Chicago, the erection thereon of such building or buildings as may be deemed by said institute necessary or proper for its use, and to aid in effecting the objects of said institute as the same are set forth in the second section of the act to which this is an amendment. And the said Mechanics' Institute is hereby authorized to purchase and hold such lot or lots in Chicago aforesaid, for the purposes aforesaid, of a value not exceeding, at the time of purchase, the sum of fifty thousand dollars, and to erect such buildings thereon, at any time thereafter, as said institute may deem proper. The money that shall or may be raised upon the stock so to be subscribed as aforesaid shall be held by said institute as a separate fund by itself and apart from the general fund of said society, and shall, in no event, be liable for or taken to pay any of the debts of said society, excepting those that may be incurred for the purpose for which such stock shall be created as the same shall be expressed in the subscription papers for such stock. The said institute shall have the right to create a board of trustees, to be elected, hold their office for such time, and have such powers as said institute may direct; but said board, when created, shall have the management and control of the funds to be raised from said stock, and shall give such security as said institute may require.

Real estate.

Capital stock.

Buildings.

Disposition of stock.

Act repealed.

§ 2. So much of said act of which this is an amendment as conflicts with the substance and spirit of this amendment is hereby repealed.

Witnesses.

§ 3. The members of the Mechanics' Institute shall be competent witnesses in all cases in which said institute may be a party, whether suits shall be between said institute and members thereof or any other persons, and the fact of membership shall only go to the credibility of such witness.

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

APPROVED February 10, 1853.

Force Feb. 12, 1853. AN ACT to create and establish the Mississippi and Fevre River Portage Canal Company.

Corporators.

Style.

General powers.

Power to construct.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Dement, of the county of Lee, and James Carter, of the county of Jo Daviess, and their associates, successors, heirs and assigns, are hereby created a body politic and corporate, under the name and style of "The Mississippi and Fevre River Portage Canal Company," and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law or equity or other places, in this state or elsewhere, of contracting and being contracted with; and said company shall have authority to make, have and use a common seal, and the same to renew and alter at pleasure; and said company are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act hereinafter mentioned, set forth or referred to, and to exercise and enjoy, for the purposes of said company, the rights and privileges of natural persons.

§ 2. Said company are hereby authorized and empowered to locate, construct, establish and fully and finally complete a steamboat canal to connect the waters of the Mississippi and Fevre rivers at a place or slough called Portage, at or near section one, township twenty-seven north, range one west, in the county of Jo Daviess, in said state; and the said company are hereby empowered to make said canal of sufficient width and depth to admit steamboats and other water crafts navigating or plying on said rivers to pass through the same, and may erect and maintain all such locks and embankments as may be necessary to render the navigation by or through said canal

good and sufficient; and for the purpose of constructing the said canal, and for materials—stone, earth and gravel, the said company may take and use as much more land on the sides of the said canal as may be necessary for the proper construction and security of the same, in conformity with “An act to amend the law condemning right of way for the purposes of internal improvement,” approved June 22d, 1852.

§ 3. The capital stock of said company shall be fifty thousand dollars, and may be increased to any such sum as may be necessary to fully and finally complete said canal, and to equip and manage the same. The immediate control, government and direction of the affairs and organization of said company and company franchises shall be vested in the persons named in the first section of this act, with power and authority to adopt such rules and by-laws and all other things to do and perform necessary to the complete organization of said company, and to conducting the same, and to provide for opening books and obtaining subscriptions to the capital stock of said company, and for the calling of meetings of the same; the shares to be divided into sums of one hundred dollars each. Capital stock.

§ 4. The company hereby incorporated shall have power to procure a loan or loans of money as may be deemed necessary for the construction of said canal, and may pledge the said canal for the payment thereof. Borrow money.

§ 5. The said company shall have power and authority to agree with any person or persons in behalf of said company to cut the said canal, and execute such other works as shall be deemed necessary for the due navigation of said canal and such works as are necessary thereto; to appoint such toll-gatherers, managers and operatives as they shall deem requisite; to make and establish rules of proceeding, and transact all other business and concerns of said company necessary for its control and management, not inconsistent with the laws of this state or the United States. Cut canal.

§ 6. The said company are hereby empowered to demand and receive, at appropriate places on said canal, for all steamboats, keel boats, barges, rafts, flat boats or other water crafts passing through said canal, such rate of tolls as the company may establish, not to exceed the following rates: For every steamboat, three dollars; for every keel boat, one dollar and fifty cents; for every barge, one dollar and fifty cents; for every flat boat, one dollar; for every raft of boards, plank or square timber, not exceeding one hundred feet in length, two dollars and fifty cents; for every raft of boards, plank or square timber exceeding one hundred feet in length, four dollars; for every raft of saw logs, not exceeding one hundred feet in length, two dollars and fifty cents; for every raft of saw logs exceeding one Tolls.

hundred feet in length, four dollars ; for every other raft, three dollars ; for every lighter, one dollar ; for every craft of smaller denomination, fifty cents.

§ 7. This act shall be deemed and taken in all courts and places as a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 9, 1853. AN ACT to incorporate the Calhoun County Agricultural Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Benjamin Beck, Edward C. Bosbyshell, Lafayette McCrillis, Paris H. Mason and Henry G. Stiles, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Calhoun County Agricultural Company," with perpetual succession, and by that name be and they are hereby made capable, in law and in 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 any other place ; to make, have and use a common seal, and the same to renew or alter at pleasure ; and shall be capable in their corporate name aforesaid to purchase, hold and convey any real estate, lands, tenements and hereditaments, in the county of Calhoun and state of Illinois, not exceeding ten thousand acres in all, and such personal goods and chattels as may be necessary to the objects of this incorporation, and shall be and hereby are vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act.*

§ 2. The stock of said corporation shall be divided into one hundred shares of one hundred dollars each, and it shall be lawful for the president and directors of said corporation to call for and demand of the stockholders respectively all such sums as are subscribed for by them, at such time and in such proportion as they shall deem fit, not exceeding ten dollars on each share at any one time, under penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation ; shall give at least ten days' notice in writing of such call and demand.

§ 3. The company shall have the right, and are hereby vested with the power to locate and construct a fence running from the Mississippi river, on section twenty-two, in fractional township thirteen south, and range one west of the fourth principal meridian, to section nine or ten in

aid fractional township, so as to make one lot or common field of all of the lands lying and being in said fractional township, east of said fence, between the said two rivers, and the right to restrain any person or persons from turning any cattle, horses, or other stock whatsoever out at large within said enclosure, except at such times as said company may direct and allow.

§ 4. The said corporation are hereby authorized, by their agents and surveyors, to cause such an examination and survey to be made as shall be necessary to determine the route for the line whereon to construct said fence; and it shall be lawful for said company to enter upon and take possession of and use all such land and real estate as may be necessary for the construction and maintenance of said fence, and also, as soon as said fence may or shall be completed, or as soon thereafter as the directors of said company may direct, erect good and substantial gates across any roads in the line of said fence leading across said enclosure heretofore or hereafter to be laid out or located by authority of law, and drive back all cattle and stock whatsoever, and turn the same out of said enclosure, which may be found running at large in the same: *Provided*, that all lands or real estate entered upon and taken possession of and used by said company for the purposes of maintenance and accommodation of said fence, or upon which said fence shall have been located or determined by said company, shall be paid for by said company in damages, if any be sustained by the owner or owners hereof, for the use of the same, for the purpose of said fence; and all damages, that may accrue to any person or persons who own lands or real estate within the boundaries of said field, by reason of not letting stock run at large in the same, in damages, if any be sustained by the owner or owners of land thereof; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, or the right of way to the same, shall be paid for by said corporation at such price as may be mutually agreed upon by the said company and the owner or owners of such lands; and in case of disagreement, the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads.

§ 5. If any person or persons shall wilfully or maliciously or wantonly turn in any kind of stock into said enclosure, or negligently open any gates, or tear down or destroy any thing, or do any act by which said company be damaged, he, she or they, or any person assisting, shall forfeit and pay to said company, for every offence, treble the amount of damage that shall be proved before any competent court having jurisdiction of the amount claimed, and

be sued for in the name of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in like cases.

Management of
affairs.

§ 6. The stock, property, concerns and affairs of the said corporation shall be managed and conducted by three directors, who shall be annually elected on the first day of March, at such places as the by-laws of said corporation shall direct, by giving notice in writing at least thirty days to each stockholder of the time and place previous thereto, and the election shall there and then be made by such stockholders as shall then and there attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons having the largest number of votes shall be the directors for said year; and the directors, soon as may be practicable after their election, shall proceed in like manner to elect one of their number president.

Vacancy.

§ 7. If any vacancy shall at any time happen among the directors elected by the stockholders as aforesaid, by death, resignation or otherwise, such vacancy shall be filled by such person or persons as the remaining directors shall appoint.

§ 8. That in case it shall at any time happen that an election of directors shall not be made on the day pursuant to this act it should have been made, the said company shall not for that cause be dissolved, but it shall be lawful to hold such election on such other day in the manner aforesaid as shall be regulated by the by-laws of the company.

Quorum.

§ 9. That the majority of the directors for the time being, either by person or by proxy, (provided the said majority are owners of more than one-half of the number of shares owned by the whole,) shall have the right to form a board or quorum for the transaction of business for the said company, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States and this state, as to them shall appear needful and proper, touching the concerns of said company, and shall have power to appoint and employ as many agents and laborers for carrying on the business and objects of said corporation, with such pay and allowance as they may see fit and proper.

Stock personal
property.

§ 10. That the stock of said company shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company.

Transfer of stock

§ 11. That no transfer of said stock shall be valid or effectual until such transfer shall be entered or registered

by the officers duly appointed for that purpose, in a book to be kept by the president and directors for that purpose.

§ 12. This act to take effect from and after its passage.

APPROVED February 9, 1853.

AN ACT to incorporate the Pekin Water Company.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel P. Baily, Peter A. Brower, Benjamin S. Prettyman, Benjamin Kellogg, jr., J. C. Thompson, Daniel McCook, Henry Wisner, Peter Weyrick, Daniel M. Baily, William B. Doolittle and Middleton Tackaberry, and such other persons as they may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Pekin Water Company," with perpetual succession; and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and in their corporate name may sue and be sued; to have a common seal, which they may alter or renew at pleasure; may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes or objects of this act as the same are herein set forth.

Corporators.

General powers.

§ 2. The Pekin Water Company shall have full power and authority to locate, and from time to time alter, change, relocate, construct, reconstruct and fully finish, perfect and maintain all such works, dams, canals, water reservoirs, water pipes, mills, pumps, steam engines, aqueducts, hydrants and all such houses and buildings necessary for water works to supply with water the city of Pekin, in the county of Tazewell, and state of Illinois; and for that purpose the said company shall have full power and authority to lay out, designate and establish their said water works, and may take and appropriate to their own use any lands necessary for said water works, not exceeding sixty feet in width along the entire line from the lake east of the city of Pekin, called and known by the name of "Baily's lake," to and through any part of said city—said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

Power to build.

§ 3. The said company, and under their direction their agents, servants and workmen, are hereby authorized and

Right of way.

empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, body politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the constructing of said water works, and for all purposes connected with said water works; which said corporation, by the last preceding section, is authorized to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing within fifty feet of the line of said water works—the damages occasioned by the felling of said trees, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for land taken for the use of said water company, the said company doing as little damage as possible in the execution of said power hereby granted, and making satisfaction in the manner hereinafter mentioned for the damages to be sustained by the owners or occupiers of said land.

Grants, &c.

§ 4. The said company shall have power to take, receive and hold all such voluntary grants and donations of land and real estate for the purposes of said water works as may or shall be made to said company to aid in the construction, maintenance and accommodation of said water works; and said company may contract and agree with the owner or occupiers of land upon which said company may wish to construct said water works, or which said company may wish to use for the purpose of procuring stone, sand, gravel or earth or other materials to be used in dams, walls or otherwise in or about the construction, repairs or enjoyment of said water works, or which said company may wish to use or occupy in any manner or for any purpose or purposes connected with said water works; which said company is authorized and empowered by this act to have or appropriate any lands, and to take and receive grants and conveyances of any and all interests and estate therein, and to them and their successors or assigns, in fee or otherwise; and in case said company cannot agree with such owner or owners or occupants of such land as aforesaid, then the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for public roads, canals or other public works as prescribed by the act relating to "right of way," approved March 3d, 1845; but when the owners or occupiers, or either of them, of such lands shall be a *femme covert*, infant, *non compos mentis*, unknown or out of the state or county in which the said lands or property wanted may be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively whenever the same shall be lawfully demanded; that

Right of way.

to ascertain the amount to be paid as above to said owners or occupiers for land and materials taken for the use of said company, it shall be the duty of the governor of the state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the amount of damages which the owner or occupiers of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same ; and it shall be the duty of the commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the lands or real estate by them appraised, to be recorded by said corporation in the circuit clerk's office of Tazewell county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same all rights, privileges, franchises and immunities in said act contemplated : *Provided*, that notice by publication in some newspaper in Tazewell county shall first be given, for thirty days, to the owners or occupiers or unknown owners, as the case may be, of the intention on the part of said corporation to apply to the governor for the appointment of commissioners as herein provided : *And provided, further*, that any appeal that may be allowed under the provisions of this act above mentioned, or any general law of this state, shall not affect the possession by said company to any of the lands appraised or taken under this act ; and when the appeal may be taken, or a writ of error prosecuted by any person or persons other than the said corporation, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error that the said company may enter upon and use the land described in the petition, or required by said company for the use and purposes of said water works, upon said company giving bond and security, to be approved by the clerk of the circuit court of Tazewell county, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the first hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all rights to use the land so condemned.

Deliver written statement.

Publication.

Appeal.

§ 5. The capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time by a majority vote in interest of the stockholders at their annual meeting, or any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding one hundred and fifty thousand dollars; which stock shall be divided into shares of one hundred dollars each, which shall be deemed per-

Capital stock.

sonal property, which may be issued, certified and transferred in such manner and in such plans 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 request of the board of directors, the shares of such delinquents 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 interest and costs of suit, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed shall cause books to be opened for subscription to the capital stock of said company at such time and places and in such manner as they shall direct: *Provided*, that as soon as ten thousand dollars of *bona fide* subscription shall be made, and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said water works.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than three nor more than five in number, and such officers, agents and servants as they shall appoint. The first board of directors shall consist of Samuel P. Bailly, Daniel McCook, Benjamin S. Prettyman, Middleton Tackaberry and Peter A. Brower, who shall hold their offices until their successors are elected and qualified. Vacancies of the board may be filled by a vote of two-thirds of the directors remaining—such appointees to continue in office until the next regular annual election of directors shall be held, and which annual election of directors shall be held on the first Monday of January in each year, at the office of the company, thirty days' notice being given in a newspaper published in the city of Pekin.

§ 7. At any election of directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy; and the persons receiving the largest number of votes to be declared duly elected, and to hold their offices until the annual election, and until their successors are elected and qualified. All elections to be conducted by three judges, to be selected by the stockholders present.

§ 8. The office of said company shall be located in the city of Pekin, and the directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

§ 9. The said company shall have power to charge for the supply of water to families, mills, distilleries, breweries, founderies, fire companies, or to any person or persons and bodies corporate, applying to said company for a sup-

Payment of sub-
scription.

Corporate powers

Voters.

Office.

charges.

ply of water, such sums of money per annum as shall be lawfully established by the by-laws of said company.

§ 10. The said company shall annually or semi-annually make such dividends as they may deem proper of the net profits, receipts or incomes of said company among the stockholders therein in proper proportion to their respective shares. Dividends.

§ 11. The said company may accept subscriptions to their stock to any amount not to exceed one hundred and fifty thousand dollars; and for the purpose of raising the amount to be by them subscribed, the said company, by its corporate authority, is hereby authorized and empowered to borrow any sum not exceeding one hundred thousand dollars, payable at such times and places, and in sums and with such rate of interest as may be agreed upon, and may issue their bonds therefor under their seal. Subscriptions.

§ 12. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatever whereby any building or construction or work of said company, or any machine or water conveyance, or any water or thing appertaining to the same shall be stopped, obstructed, impaired or weakened, injured or destroyed, or if any person or persons shall throw or conduct or convey into the water reservoirs, dams or dykes of said company any filth, dust, mud, still-slops, offals or any other impurities, or by shooting game upon said lake, the person or persons so offending shall be deemed [guilty] of a misdemeanor, and may be punished upon conviction by fine in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years in the penitentiary of this state, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass before any justice of the peace of this state, or before any court having jurisdiction thereof. Penalties.

§ 13. Said company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing, finishing or enlarging their said water works; to issue and dispose of their bonds in denominations of not less than five hundred dollars, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid. And the directors of said company may confer on the bondholders of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bonds, under such regulations as the directors of said company may see fit to adopt; Borrow money.

and all sales of bonds for less than their par value shall be good and valid and as binding upon said corporation as if the same were sold for the full amount thereof.

§ 14. The said company hereby chartered shall be required to construct and operate their said water works according to the terms of this charter within ten years from the passage of this act, which shall be taken and received as a public act in all courts and places whatever; and the said company shall have power to loan the balance of their capital stock to individuals, or to vest the same in the capital stock of any other corporation, as the directors of said company shall deem fit, at any rate of interest that may be agreed upon between the directors of this company and the individuals and corporation aforesaid. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to incorporate the Sangamon County Agricultural and Mechanical Association.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James McConnell, James M. Morse, their associates, heirs and assigns, and such other persons as shall hereafter become stockholders by virtue of the provisions of this act, are hereby constituted and declared a body politic and corporate, by the name and style of "The Sangamon County Agricultural and Mechanical Association," and by that name shall sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in this state.

§ 2. That said association shall have power to make and establish such by-laws, rules and regulations for the government of said association, and for the transaction of their business, as shall be deemed necessary and proper by said association: *Provided, however,* such by-laws, rules and regulations are not contrary to the provisions of the constitution and laws of this state, or of the United States.

§ 3. That the capital stock of said association shall consist of two thousand dollars, to be divided into shares of twenty dollars each.

§ 4. That said association may at any time increase the amount of their capital stock by a vote of two-thirds the members of said association.

§ 5. That said association may purchase real estate for the purposes of the said association.

§ 6. That the objects of said association shall be to Objects. advance the interest and encourage the improvement of agriculture and mechanics.

§ 7. That said association shall have succession and existence as a body corporate for the term of fifty years.

APPROVED February 11, 1853.

AN ACT to incorporate the McLean County Agriculture Society.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John E. McClun, Edmond H. Didlake, William H. Allen, Isaac Funk, Edwin Poston and Samuel Gander, and such persons as are or may hereafter become members of "The McLean County Agriculture Society,"* Corporators. from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style Style. aforesaid, and by that name they and their successors shall have succession, and shall in law be capable of contracting and being contracted with, of suing and being sued, General powers. plead and being impleaded, prosecute and defend, in all manner of actions in law or in equity, in all courts and places whatever where legal proceedings are had, and by that name and style be capable in law of purchasing or receiving, by gift or otherwise, holding and conveying real estate for the benefit of said corporation: *Provided*, that said corporation shall not at any one time hold real estate more than the amount of one hundred and sixty acres.

§ 2. Said corporation shall have power to loan money Loan money. belonging to the same, and take promissory notes, or other evidences, for the money so loaned, which may be collected in their corporate name aforesaid, in all courts and places whatever, where judicial proceedings are had, and in their corporate name shall have power to sue for and collect all gratuitous subscription that are or may hereafter be made to said corporation.

§ 3. A meeting of the members of this corporation Meetings. shall be held on the first Monday of March, 1853, and forever thereafter on said day, annually, for the purpose of making such by-laws as may be necessary for the better government and regulation of the association, and also for the purpose of electing a president, two vice presidents, a secretary and treasurer, who shall respectively hold their office for one year, until their successors are elected; and the said officers so elected be a standing board of directors, with full power and authority to do all acts and deeds

necessary to promote the interests of the association, and to carry into effect the provisions and objects of this act.

Treasurer give bonds. § 4. The treasurer shall, before entering upon the duties of his office, give a bond to said incorporation, to be kept by the secretary of the same, with sufficient security for the faithful performance of his duties.

§ 5. This act to take effect from and after its passage.
APPROVED February 12, 1853.

In force Feb. 10, 1853. AN ACT to incorporate the Evangelical Lutheran Synod of Illinois.

Corporators. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Francis Springer, A. A. Trimper, Conrad Kuhl, William Hunderdosse, E. Schwartz, Jacob Cress, sr., and Conrad Dickman, together with their associates and successors, as members of the Evangelical Lutheran Synod of Illinois, are hereby created a body corporate and politic, under the name and Name and style. style of "The Evangelical Lutheran Synod of Illinois," and by that name and style shall remain and have perpetual succession, with power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, in all lawful ways, and to any amount that may be necessary to accomplish the plans and purposes of christian benevolence, which said synod may agree upon.

Object. § 2. The sole object of this incorporation is to enable said synod to effect, with greater security and certainty, the benevolent purposes of a christian society, by disseminating a sound and instructive christian literature, relieving the poor and unfortunate, and founding and maintaining institutions of public instruction.

Sec. § 3. Said incorporation may have, use and change, at pleasure, a common seal, and may make and ordain for their government such constitution and by-laws as they may deem necessary: *Provided*, that such constitution and by-laws be not inconsistent with the constitution and laws of the state of Illinois, and of the United States.

Gift, &c. § 4. No misnomer of said corporation shall defeat or annul any gift, grant, bequest or devise to or for said corporation, and said corporation shall be bound to appropriate and use any bequest, devise, gift or grant, in such manner as shall be indicated by the party making the said grant, gift, bequest or devise.

APPROVED February 10, 1853.

AN ACT to amend an act, approved June 21st, 1852, and entitled "An act In force Feb. 3, 1853. to amend an act' to incorporate a Literary and Theological Institute of the Evangelical Lutheran Church of the Far West, to be located in Hillsboro', Montgomery county, Illinois, approved January 22d, 1847."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John T. Stuart, James C. Conkling, Richard V. Dodge, Elijah Iles, Simeon W. Harkey, John M. Burkhardt, E. R. Wiley, Thomas Lewis, Jacob Divelbiss, David Miller, John B. Weber, James Smith, Albert Hale, Francis Springer, Edmund Miller, C. B. Thumel, L. P. Esbjorn, J. G. Donmeyer, N. J. Stroh, Ephraim Miller, A. A. Trimper, Conrad Kuhl, Elias S. Schwartz, James M. Harkey, William Kearns, David Gregory, Absolom Cress, Jacob Cress, jr., J. P. Silly, Dr. J. C. A. Seeger and Paul Anderson, being the trustees of the Illinois State University, and their successors in office, be and they are hereby created a body corporate and politic, for the purpose of founding or maintaining, in or near the city of Springfield, Illinois, an institution of learning, to be under the auspices of the Evangelical Lutheran Church, and to be known by the name of "Illinois State University."

§ 2. Said corporation shall be known by the name and style of "The Board of Trustees of Illinois State University," and by that style and name remain and have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real personal and mixed; and in all lawful ways to have, use and alter at pleasure, a common seal; to make, alter and establish, from time to time, such constitution, rules, by-laws and regulations as they may deem necessary for the good government of said corporation and the proper management of the institution under their control: *Provided*, such constitution, rules, by-laws and regulations be not inconsistent with the provisions of this act, and the constitution and laws of this state or of the United States.

§ 3. The number of persons constituting said board of trustees shall never exceed thirty-one, two-thirds of whom shall always be members of the Evangelical Lutheran Church. Said two-thirds shall always be elected by the Evangelical Lutheran Synod of Illinois, and by such Evangelical Lutheran Synods as may hereafter be admitted to a participation in the control of said institution, by a vote of the synod named, and the remaining one-third shall be elected by the board from among the citizens of Springfield and vicinity; said trustees not to serve longer than five years without being re-elected. Nine members shall constitute a quorum for the transaction of business, at any regular or special meeting duly notified and assembled.

Departments.

§ 4. Said corporation may establish separate departments of the learned professions of the sciences and arts, including, besides the usual departments of theology, medicine and law, a department of mechanical philosophy, and also of agriculture, and shall assign to each department a competent faculty of instruction: *Provided*, that the instructor or instructors, professor or professors constituting the faculty of theology, shall always be appointed by the Evangelical Lutheran Synod aforesaid.

Certificate of scholarship.

§ 5. Said corporation may issue certificates of scholarships, limited or perpetual, upon such terms as the corporation and the persons contracting for the scholarships may agree, and the benefit of said scholarship shall inure to the holders thereof, his or her heirs or assigns, so long as the covenants therein agreed to by the person or persons contracting for or lawfully owning such scholarship shall continue to be faithfully performed, and no longer, except at the option of the corporation.

Faculty.

§ 6. The professors, or a majority of them, duly appointed in said university, as provided for in section four of this act, shall constitute a faculty, or may, at the option of the board of trustees, be divided into several faculties, corresponding with the several departments which may be established in the institution, with power to enforce the laws, rules and regulations enacted by the board of trustees for the government and discipline of the students; to suspend or expel such of them as may, in their judgment, deserve it, and to grant and confirm, by the consent of the board of trustees, such degrees in the liberal arts and sciences, or such branches thereof, to students and others whom, by their proficiency in learning and other meritorious distinctions, they shall regard as entitled to them, as it has been usual to grant, in the universities and colleges, and to grant to such graduates diplomas or certificates, under their common seal, to authenticate and perpetuate such graduation.

Gifts, &c.

§ 7. No misnomer of said corporation shall defeat or annul any gift, grant, bequest or devise to or for the use and benefit of Illinois State University, or any department thereof: *Provided*, the intent of the party or parties making such grant, gift, devise or bequest be sufficiently manifest.

Acts repealed.

§ 8. So much of the act to which this an amendment as is inconsistent herewith, is hereby repealed, but all rights acquired and responsibilities incurred under said acts are hereby preserved. This act to be in force from and after its passage.

APPROVED February 3, 1853.

AN ACT to incorporate a bridge company by the title hereinafter named. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Calvin Cole, William N. Grover, Jacob C. Davis, William H. Ralston and William H. Roosevelt, and their associates, successors, heirs and assigns, be and they are hereby created a body corporate, by the name and style of "The Hancock Railroad and Bridge Company," with power to build, maintain and use a railroad bridge over the Mississippi river, or that portion within the jurisdiction of the state of Illinois, at any eligible point within five miles of section one, in township five north, range nine west, in said county of Hancock, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect by railroad or otherwise such bridge with any railroad, either in the state of Illinois or Iowa, terminating at or near said bridge; to unite and consolidate its franchises and property with any and all bridge and railroad companies in either of said states; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money and pledge or mortgage its property and franchise; to condemn according to law property for the use and purposes of said company; to contract, bargain and agree with any such railroad companies for and in the construction and maintenance of such bridge; to sell or lease said bridge, or the use of the same, or the franchises of said company, to any companies or corporations: *Provided,* that said company shall commence said bridge within three years, and shall complete the same within seven years from the passage of this act.

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

APPROVED February, 10 1853.

AN ACT to amend the act incorporating the Ottawa Hydraulic Company, and the La Salle County Manufacturing Company, of Ottawa, both incorporated under the general law approved February 10th, 1849. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Ottawa Hydraulic Company, of La Salle county, incorporated under the general law approved February 10th, 1849, authorizing the formation of corporations for manufacturing and other purposes, is hereby authorized to hold, lease, transfer, use and enjoy all of the property and privileges leased to it by the trustees of the Illinois and Michigan Canal, and all such property and privileges, the use and enjoyment of which has been granted to it by the

president and trustees of the said town of Ottawa, and all such property and privileges as may hereafter be granted to it by said canal trustees, president and trustees, or any other corporation, or by any person.

Real estate.

§ 2. That the said company and the said La Salle County Manufacturing Company, either or both, may procure and hold all such real estate as may be deemed necessary or proper for the construction of races to conduct the water from the works of said companies, or either of them, of their, or either of their leases or transfers to the Illinois or Fox rivers, or both. If the said real estate cannot be procured by agreement and purchase, the same may be condemned for that purpose by either or both of said companies, under and in pursuance of the provisions for that purpose of the act providing for the construction of plank roads by a general law, approved February 12th, 1849, and the general acts amendatory thereof.

Right of way.

Notice.

§ 3. Any person or persons who shall withhold the possession of the said property, or any part thereof, so leased to the said hydraulic company by the said canal trustees, or the use and enjoyment of which was granted to it by the said president and trustees of the town of Ottawa, after demand made, and giving sixty days' notice in writing for the possession thereof, shall be held and adjudged guilty of forcible detainer, under chapter forty-three of the Revised Statutes, and may be prosecuted under said chapter in the name of said company as the lessees of said canal trustees and grantees of the use of said property of the said president and trustees of the town of Ottawa.

§ 4. The tenth, eleventh and twelfth sections of the said act referred to in section one above shall not apply to be binding upon either of said companies.

§ 5. This act shall be a public act, and be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Harrison Draw-bridge Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all persons who shall become stockholders pursuant to the provisions of this act, be and they are hereby constituted a body politic and corporate, by the name of "The Harrison Draw-bridge Company," by such name shall be capable of holding real estate sufficient for the purpose of this act, and to sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, in all courts*

Style.

General powers:

whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution and laws of this state, or the United States, as shall from time to time be found necessary to promote the interest and good government of said corporation.

§ 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each. Capital stock.

§ 3. That Thomas C. Bailey, Jacob May, Jesse K. Duboise, Joseph G. Bowman, H. D. Wheeler and C. M. Allen, be and they are hereby appointed commissioners, or a majority of them, or their survivors, to open books for the subscriptions to the capital stock of said company, at such times and places as may suit their convenience, and each of the commissioners may receive subscriptions either jointly or separately. Commissioners.

§ 4. As soon as two hundred shares shall have been subscribed the said commissioners, or a majority of them, or of their survivors, shall, by publication in one or more newspapers, if any be published at Vincennes and Lawrenceville, cause notice to be given of the time and place of the meeting of the stockholders to elect directors; and at the time and place so appointed the stockholders shall choose from seven to nine directors from the stockholders of said company, who shall serve one year, and until their successors are chosen and qualified, a majority of whom shall constitute a quorum for the transaction of business; and the annual election of directors shall be held thereafter at such time and place as the stockholders at their meeting shall direct, and the directors thus chosen shall, as soon thereafter as possible, choose one of their own body as president, and also as secretary, and such other officers as may be deemed necessary: *Provided*, that should the stockholders fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to execute the duties of their office until their successors shall be chosen by the stockholders; and the directors shall at all times have full power to fill vacancies in the board, and to remove and appoint all its officers, at pleasure. Election.

§ 5. The directors may demand from the stockholders all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not, however, exceeding ten per centum on the amount of said subscription at any one time, nor oftener than intervals of four weeks after the first payment shall become due, which times shall be determined by the directors, and two weeks' notice given thereof, in some newspaper printed at Vincennes, stating the amount demanded, and the time and Demand subscriptions.

place of payment; and if any stockholder shall neglect or refuse to pay such requirement within ten days after it shall become due, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with one per cent. interest per month thereon from such delinquent; and if the amount cannot be made on execution, or if such delinquent is beyond the reach of process, the directors may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon.

Build bridge.

§ 6. The said corporation may erect a bridge across the Wabash river, at any point opposite the borough of Vincennes, or within one-half mile thereof, which point shall be determined by a vote of the stockholders, each share being entitled to one vote, at a special meeting to be called for that purpose by the directors, upon three weeks' notice in some newspaper published at Vincennes.

Toll.

§ 7. When said bridge shall be completed the said corporation may erect at either end a gate, and demand and receive the following rates of tolls: for two horses or oxen and loaded wagon, twenty cents; for the same, not loaded, ten cents; for a four-horse or ox team with wagon, and loaded, twenty-five cents; for the same, not loaded, fifteen cents, and for any additional horse or ox attached thereto, two and one-half cents; for a single horse and wagon, buggy or gig, fifteen cents; for a horse and rider, five cents; for a person on foot, three cents; for horses or cattle, lead or driven, per head, three cents; for hogs, sheep or calves, per head, two cents; and in similar proportion to the foregoing rates for any other animals or carriages.

Height of bridge

§ 8. Said bridge shall be elevated to a sufficient height above high water mark to admit the free passage of loaded flat boats under the same.

Draw of bridge.

§ 9. The said company shall cause to be stationed, during such times as the Wabash river may be navigable for steamboats, a qualified person or persons, whose duty it shall be to raise the draw of said bridge when steamboats are approaching, by night or by day; and it shall be the further duty of said company to cause a light to be placed on each end of said draw during the night, when the river is so navigable; and should any avoidable or unnecessary delay occur by neglect of these provisions in permitting steamboats to pass up and down said river, the said corporation shall be subject to a fine of not less than ten, nor more than three hundred dollars, for the benefit of the owner or owners of the steamboat so detained, to be recovered by said owner or owners in an action of debt before any court of competent jurisdiction.

§ 10. It shall be the duty of said company to construct a good and sufficient draw in said bridge, of a width not less than sixty feet, and in such place as boats at low water may conveniently pass the same. Construct draw.

§ 11. It shall be the duty of the directors to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at their annual meeting, and at such other times as may be required. Statement.

§ 12. Annual or semi-annual dividends of so much of the profits as the directors may deem expedient shall be declared, but no dividend shall be made of more than the net profits after deducting all expenses. Dividends.

§ 13. The president and directors may sit on their own adjournments, or on the call of the president or any two directors; and when the president is absent the directors may elect a president *pro tem*.

§ 14. In all elections for directors each stockholder shall be entitled to vote in person or by proxy, under such regulations as may be prescribed by the stockholders, and on all occasions every share of stock shall be entitled to one vote. Elections.

§ 15. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held. They shall be signed by the president and countersigned by the secretary. The stock shall be transferable on the books of the corporation only personally or by attorney, but such stock shall at all times be held by the corporation for any debts due from the holder to the corporation. Certificate stock.

§ 16. If any person shall willfully injure said bridge, he, she or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered in an action of debt before any court of competent jurisdiction. Penalty for injury.

§ 17. If any person shall forcibly pass the gate without having paid the legal rate of toll, he shall forfeit and pay to the corporation six times the amount of legal toll, to be recovered, with costs of suit, in an action of debt before any court of competent jurisdiction. If any toll-gatherer shall unreasonably delay or hinder any passenger at the gate, tendering the legal toll, or shall demand more than the legal rate of toll, he shall, for any such offence, forfeit the sum of five dollars, for the benefit of the person so delayed or defrauded, to be recovered before any court of competent jurisdiction, with costs of suit; and in case said toll-gatherer shall have no property subject to execution, the company shall be liable for the said penalty and costs, to be recovered in like manner. Penalty for refusal to pay toll.

§ 18. This act to take effect and be in force as a public act from and after its passage.

APPROVED February 12, 1853.

In force Feb. 14,
1853. AN ACT to incorporate the Mount Carmel Manufacturing Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joshua Beal, Charles W. Eldridge, Isaac N. Jaquess, Robert Parkinson, Cyrus O. B. Goforth, James H. Beal, John J. Leshner, Alexander C. Edgar, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Mount Carmel Manufacturing Company," and by that title shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever.

§ 2. The said corporation may have and use a common seal, and the same may alter or renew, at pleasure; and are hereby vested with power to purchase, hold and convey real and personal estate; to give and receive promissory notes; to enter into and carry on all kinds of mechanical and manufacturing business, by water, steam caloric, or other power; to erect mills, furnaces, foundries, factories and machine shops, for the manufacture of flour, lumber, woolen and cotton goods, castings, machinery, furniture, farming utensils and any other kind or description of articles not forbidden by law.

§ 3. The said corporation may make and establish such by-laws, ordinances and regulations as shall, in their opinion, be necessary for the good government of the said corporation, and the prudent and efficient management of its affairs, and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act.

§ 4. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of fifty dollars each.

§ 5. The persons named in the first section of this act, or a majority of them, or of the survivors of them, if any shall die, may cause books of subscription to the capital stock of said company to be opened at such public places as they may deem expedient, after having given notice of the same for at least thirty days, by publication in the nearest newspaper; and after five thousand dollars of the stock of said company shall have been subscribed, and ten per cent. thereon paid in, an election may be held for five directors, of the time and place of holding which election the same notice shall be given as required for opening books for subscription.

§ 6. The directors shall hold their offices for one year, and shall have the management of all the business of said corporation, the application of its funds, the disposition of its property, and shall make all contracts. The said

Term of office of
directors.

directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president President. of the company, and shall, in behalf of said company, execute all conveyances. They shall also choose a secretary, who shall be sworn to the faithful discharge of his Sworn. duties, and a treasurer, who shall give bond to the corporation, with securities to the satisfaction of the directors, in such sum as they shall require, for the faithful discharge of his duties; and they may also appoint such other officers and agents as to them shall seem necessary.

§ 7. The annual meeting of the members of said company shall be holden on the first Monday in May of each year, at Mount Carmel, at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares, and having power to vote by proxy. In case it shall so happen at any time that the directors or other officers of the corporation, or any of them, shall not be elected on the day appointed for their said election, the said corporation shall not, for that reason, be dissolved, but the said election, after thirty days' notice thereof in the nearest newspaper, may be held; and in the meantime, those already in office shall hold their offices until their successors are duly elected and qualified. Annual meeting.

§ 8. The said company may locate and construct a Construct canal. raceway or canal, with all necessary locks, dams and basins, from such point above the dams on the Great Wabash river, owned by the Wabash Navigation Company, and upon such terms for the use of the water power belonging to said last mentioned company, as shall be mutually agreed upon between them, or if deemed more advisable, may construct the said raceway or canal from Crawford Creek; and said company are hereby authorized to unite said race with the Wabash river, near Mount Carmel, at any point considered by them most eligible and proper.

§ 9. The said corporation, for the purposes herein expressed and authorized, may enter upon, take and flow a strip of land, not exceeding one hundred feet in width along the line of said canal, and for the purpose of making embankments or crossings, may take as much more land as may be necessary for the proper construction and security of the said canal, or the bridges and crossings over the same: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation, for the purposes hereinafter mentioned, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said company; and all lands so entered upon and not donated to said company, shall be obtained Right of way.

under the provisions of the laws of this state concerning "condemning right of way for purposes of internal improvement," approved June 22, 1852, or at their option, by other laws of this state in force relating to "right of way;" and when the damages are assessed and paid, or rendered according to the provisions of such law, said land shall be vested in said company.

Use streets in Mt.
Carmel.

§ 10. The said company, having first obtained the assent of the corporate authorities of the town of Mount Carmel, may use any of the streets, alleys or public grounds of said town in constructing said raceway and basin connected therewith, or for any other purpose connected with the objects of this act, and are further authorized and empowered to construct their said canal or raceway over and across any public road or highway, but the corporation shall, by bridges or otherwise, restore such road or highway in such manner as not to impair its usefulness.

Penalty for dam-
ages.

§ 11. If any person shall wilfully, maliciously or wantonly damage, break or destroy any part of the said raceway, basin, buildings, machinery, implements or manufactured article of the said company, he, she, or they, or any person assisting, aiding and abetting, shall forfeit and pay to said company, for every such offence, treble the amount of damages proved before any competent court to have been sustained, and be sued for in the name and behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to indictment in the same manner as other indictments are found in the said county of Wabash, and upon conviction every such offender shall be liable to a fine, not exceeding one thousand dollars, or imprisonment in the county jail for a term not exceeding six months.

Capital stock.

§ 12. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times, in such proportion, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in some newspaper published in the town of Mount Carmel.

Personal prop-
erty.

§ 13. The stock of said company shall be deemed personal property, and assignable and transferable on the books of the corporation, but no stockholder indebted to the corporation shall be permitted to make a transfer until such debt shall have been paid, or secured to be paid to the satisfaction of the directors.

Books of accounts

§ 14. The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation, and the same shall at all times be

subject to the inspection of the stockholders. It shall be the duty of the directors to make annual dividends, or at such other times as a majority of them shall deem advisable; and the said directors, whenever required by a majority of the stockholders, shall exhibit at a general meeting a full and perfect statement of the debts and credits of said corporation, and all such other matters as may be deemed essential, relating to the affairs of the company.

§ 15. The said company is hereby authorized to borrow such sum or sums of money as may be necessary for completing the said raceway, basin, locks, bridges, and for the erection and furnishing of all needful buildings, mills, factories, foundries and machine shops, to be used in the prosecution of their business, and to issue and dispose of their bonds in such denominations as they may prescribe, at such rate of interest or discount as they shall determine upon, and in such form and upon such terms and conditions as to them shall seem most expedient; and they shall have the right to mortgage, or in any manner to pledge their said raceway, and all their corporate property and rights of every description, so as to secure the repayment of any sum or sums of money borrowed; and they may do all things which natural persons might or could do for effecting this object; and all such liens, mortgages, deeds of trust or other instruments as may be executed by said company, or its authorized agents, shall be deemed and taken as valid and effectual in all courts and places, according to the true intent and meaning of the parties thereto.

§ 16. The company incorporated under this act shall commence their said raceway within three years from and after the passage hereof; and this act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 14, 1853.

AN ACT to amend an act to charter the city of La Salle.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the city council of the said city of La Salle be and they are hereby authorized to borrow, upon the faith and credit of said city, any sum of money not exceeding fifteen thousand dollars, at a rate of interest not exceeding ten per centum per annum, and for a period of time not exceeding ten years, and to issue the bonds or other securities of said city, under the seal thereof, therefor, to be signed by the*

mayor and countersigned by the clerk, with or without coupons, as the said council may see fit, and pledging the revenues and property of said city or the payment thereof—the interest to be paid in such manner, at such place or places and at such times, either annually, semi-annually or otherwise, as said council may direct; and in addition to the taxes authorized by the act to which this is an amendment, said city council may levy and collect a sufficient sum, as a special tax each year, to defray the interest and expenses of any such loan or loans; said sum, thus borrowed, to be expended in grading or otherwise improving the streets of said city or the roads leading thereto, within two miles of said city; to the purchase of grounds for and the erection of a hospital, watch house, or house of correction, as may be provided by ordinance of said city council.

Special tax.

Justice of peace.

§ 2. The said city council may designate any justice of the peace in said city, or any one of the aldermen of said city, to act as a justice of the peace, and to exercise the powers and authority conferred upon the mayor of said city as a justice of the peace, in sections seven, eight and nine of the fourth article of said act to which this is an amendment; and upon such designation, the person thus designated shall have and exercise all the powers conferred upon the mayor in said section: *Provided*, that in case any alderman, who is not a justice of the peace, shall be so designated, he shall be commissioned by the governor as a justice of the peace of said city, and take the like oath and give bond as required of other justices of the peace: *And provided, further*, that this section shall not be construed to deprive the mayor of any authority conferred upon him by said sections, but he shall retain a concurrent jurisdiction with said justice thus designated, as to all matters arising under said sections.

Proviso.

Oath.

Open streets.

§ 3. The said city council are hereby authorized and empowered to lay out and open a street from the centre of section ten, in township thirty-three, of range one, of the third principal meridian, through said section ten, or such part thereof as they may see fit, to such point as they may determine upon the plank road now laid out and constructed through section eight, in said township, and to appropriate the land to be taken for such street for that purpose, the damages to be assessed to the owners of such land, and the proceeding in relation thereto to be ascertained and had in conformity to the seventh article of the act to charter said city.

Warehouses.

Proviso.

§ 4. The city council of La Salle may authorize and permit persons building warehouses upon blocks one hundred and thirty-four and one hundred and thirty-five, to extend the second story of their warehouses over the ten feet fronting on the canal basin: *Provided*, that they plank

and keep in repair said ten feet in such manner as shall be required by said council, and said second story be so constructed as to leave the passage under the same free and unincumbered, and the first story to be at least ten feet high.

APPROVED February 12, 1853.

AN ACT to incorporate the Bloomington City Hotel Company.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John E. McClure, David Davis, James Miller, Isaac Funk, Allen Withers, James H. Robinson, Richard O. Warriner, William F. Flagg, John W. Ewing, Orrin Curtis, Abram Brokaw, Jesse W. Fell, Hanson H. Painter, William Demmitt, William H. Temple, James E. Parke, Oliver Ellsworth, Lewis Bunn, Cyrenus Wakefield, Henry Coleman, William T. Major, Edward H. Dilake, John Nichols, William Evans, William H. Holmes, John M. Scott, Asahel Gridley, and their associates, heirs and assigns, are hereby declared and constituted a body politic and corporate, by the name and style of "The Bloomington City Hotel Company;" and by that name and style they and their successors shall have succession for fifty years, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; may have a common seal, and may change and alter the same at pleasure; and they and their successors may also, by that name and style, be capable in law of purchasing, holding and conveying away real and personal estate for the use and purposes of said corporation, which real estate shall not exceed one acre, whereon to erect the hotel, out-houses and necessary enclosures for carrying on the business of said company.

§ 2. The said company hereby incorporated shall have power to erect, and furnish in complete order, a hotel, in the city of Bloomington, in the county of McLean, in the state of Illinois, and are hereby authorized to carry on the business of hotel keeping, and to use all powers and privileges necessary for carrying on said business.

§ 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into four hundred shares, of fifty dollars each; and the said corporators herein named, or a majority of them, are hereby authorized to appoint three commissioners to receive subscriptions for said stock; and such subscription shall be opened at such times and places as the commissioners, or a majority of them,

Corporators.

Style.

General powers.

Power to build.

Capital stock.

shall appoint, by notice published in any newspaper printed and published in the said city of Bloomington, at least twenty days before the time appointed. If the requisite number of shares shall not be subscribed for at the time and places appointed for such subscription, said commissioners, or a majority of them, shall take such measures for completing such subscription as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar for each share subscribed, and the remainder at such times and in such sums as he shall be required by said company.

Meetings.

§ 4. As soon as one hundred of the shares shall be subscribed, the said commissioners shall give notice, in the manner aforesaid, and appoint the time and place in such notice for the subscribers to meet for the purpose of choosing a treasurer, clerk and five directors. Every stockholder shall be entitled at such and all other elections to one vote for each share to the number of ten, and one vote for every five additional shares; which votes may be given in person or by proxy at the election to be held as aforesaid. The said commissioners, or such of them as may attend, shall be inspectors of such election, and their certificates of the names of the persons elected shall be conclusive evidence of their election. The first Monday in the month in which such election shall be held, shall be the annual day of all subsequent election of such officers. A majority of the directors so chosen shall be a quorum, and shall be capable of transacting the business of the corporation. Any act of the majority shall be binding on the corporation.

Officers.

President.

§ 5. The said directors, when elected as aforesaid, shall immediately proceed to elect one of their number as president; and the said president and directors may meet from time to time, and shall have power to make and establish all such by-laws, rules and regulations as shall be necessary and not inconsistent with the constitution and laws of this state or of the United States, and with the provisions of this act, for the transfer or payment of the stock or property of said company, and for the management and direction of the affairs of said company.

§ 6. This act shall be in force from and after its passage.
APPROVED February 10, 1853.

AN ACT for the relief of the treasurers of the counties of Cook and Hancock. In force Feb. 10, 1853.

Whereas James Long, late treasurer of the county of Cook, Preamble. in accordance with the instruction of the auditor of state, did cause to be advertised the delinquent list of lands in June, 1851, and petitioned the county court of said county, at the July term, for authority to sell the same for the taxes of 1850, and the said court refused to grant such authority, until the next September term following, and the said treasurer thereby compelled to procure the said delinquent list of lands to be advertised a second time, which was done by the said treasurer at his own expense, and for which he has been unable to obtain any reimbursement; and whereas James McKee, of the county of Hancock, published and advertised the delinquent list of lands and town lots for that county, at the time and in manner as above mentioned, and for which said several publications he has been unable to obtain any compensation therefor—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Auditor to draw warrant. and directed to draw his warrant on the treasury in favor of the said James Long, for the sum of one hundred and eight dollars, and in favor of the said James McKee, for the sum of ninety-four dollars, which said allowances shall be in full satisfaction of the claims of the said James Long and James McKee, for the advertising of said delinquent tax lists for the years aforesaid.

APPROVED February 10, 1853.

AN ACT for the relief of the securities of John Elmore, late sheriff of Jackson county. In force Feb. 2, 1842.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the securities of John Elmore, late sheriff and collector of revenue for the county of Jackson, shall pay to the auditor of public accounts, by the first day of January, A. D. 1854, in state indebtedness, all such amounts as may then be due (without damages,) from the said John Elmore, and for which judgments have been recovered against said John Elmore and his securities, and also pay all costs which shall then have accrued to the persons respectively entitled thereto, they shall be released from liability, and said judgment as to them deemed satisfied: *Provided,* Time extended to securities. Proviso.

that nothing herein contained shall be so construed as to release the said sheriff from the debt.

Stay of execution

§ 2. That execution on said judgments be stayed until said time of payment, but to be in force if said payment be not made as herein provided.

§ 3. This act to be in force from and after its passage.
APPROVED February 3, 1853.

In force Feb. 8,
1853.

AN ACT for the relief of the securities of Solomon S. Leet.

Release of liability.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Alexander Marshall, Samuel W. Lynn, John N. Moreheart, William S. Powers, Samuel Darnell, Sarah Ann Jennings and heirs of Harry Jennings, deceased, and Rebecca Eames and heirs of Joseph Eames, deceased, securities of Solomon S. Leet, late collector of Henderson county, Illinois, be and they are hereby released from the payment of a certain judgment rendered against them and in favor of the state of Illinois, for the sum of seven hundred and sixty-five dollars and fifty cents and costs, at the September term, 1851, of the supreme court; and the auditor is hereby authorized and required to cause said judgment to be entered satisfied: Provided, that nothing herein contained shall be so construed as to release the said sheriff from the debt, or any portion thereof.*

Auditor to satisfy judgment.

Proviso.

§ 2. This act shall take effect from and after its passage.
APPROVED February 8, 1853.

In force Feb. 11,
1853.

AN ACT for the relief of the securities of William Compher, late collector of Peoria county.

Preamble.

Whereas William Compher, late collector of Peoria county, has absconded, leaving his securities liable to the state upon his official bond for the revenue collected by him for the year A. D. 1849; and whereas judgment has been rendered by the supreme court of this state against the securities of the said Compher for the amount of the revenue due the state for the year A. D., 1849; and whereas the said securities have paid upon said judgment the sum of three thousand five hundred and twenty-nine dollars and forty-one cents, being about one-half the amount of damages assessed against them by said judgment; now therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That upon the payment by the said securities of the said Compher, collector as aforesaid, of the costs of said suit in the supreme court, they, the said securities of the said Compher, as collector as aforesaid, be and they are hereby released and discharged from the payment of the residue of the said judgment, so far as the state of Illinois is interested in any revenue due said state in said judgment. To be discharged upon payment of costs.

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

APPROVED February 11, 1853.

AN ACT for the relief of William C. Kinney.

In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the time for the payment of the debt owing to the state by the estate of William Kinney, deceased, be and the same is hereby extended one year. And that upon the payment of the said debt, and the interest thereon, by William C. Kinney, his heirs, administrators, executors or assigns, the governor shall release, convey and transfer to him or them all the interest which the state holds in and to the lands held in security for the payment of the same. Time of payment extended. Interest in lands to be transferred upon payment.

APPROVED February 10, 1853.

AN ACT to pay Henry W. Blodgett for services rendered as state's attorney in Lake county. In force Jan. 26, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts of this state is hereby directed to issue his warrant upon the treasurer in favor of Henry W. Blodgett, of Lake county, for the sum of two hundred dollars, for services of said Blodgett, as state's attorney *pro tem.*, in the Lake county circuit court. Allowance in favor of Henry W. Blodgett.

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

APPROVED January 26, 1853.

In force Jan 26, 1853. AN ACT for the relief of the inhabitants of school district No. one, township 18, range 7, in Menard county.

Preamble. Whereas the inhabitants of school district No. one, in township eighteen north, of range seven west, in Menard county, Illinois, did, in public district meeting, on Saturday, the 20th day of July, A. D. 1850, vote a tax of five hundred dollars for the purpose of building a school house in said district—

Election declared valid. Acts of officers legalized. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the vote of the inhabitants of school district No. one, in township eighteen north, of range seven west, in Menard county, and the tax voted by the said inhabitants on the 20th day of July, A. D. 1850, are hereby declared to be good, valid and effectual in law and in equity; and the act of the secretary and chairman, in certifying to the district directors the record of the meeting of said inhabitants on the day and year aforesaid, and the act of the district clerk in certifying to the clerk of the county court of said county the abstract of the votes, and the amount of money voted to be raised at said meeting, and the act of the county clerk aforesaid, in computing the tax upon the taxable property of said school district, are hereby declared to be good, legal and effectual in law, in all respects whatever.

APPROVED January 26, 1853.

In force Jan. 26, 1853. AN ACT to locate a certain road therein named.

Road located. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a road be located as follows: beginning at the point where the road crosses the east line of the southwest quarter of section thirty-three, in the town of Big Rock, in the county of Kane, which road is known as the South Aurora road, and running thence south along the west side of said line to the south line of said section thirty-three; thence west on said line to the southwest corner of the east half of the southwest quarter of said section thirty-three; thence westerly to the east end of Oregon avenue, in the village of Little Rock, in the county of Kendall; and that the road be four rods wide, and that it be declared a public highway.

Road vacated. § 2. And that all roads heretofore laid out between the point first mentioned and the village of Little Rock, be and the same are hereby vacated.

Proviso. § 3. *Provided,* that if the owners of the several lands over which said road passes shall not, within six months

after the passage of this act, open the said road and file in the clerk's office of the respective towns, a release from all damage in consequence of the opening of said road, that then this act to be void, otherwise to be in full force.

This act to take effect from and after its passage.

APPROVED January 26, 1853.

AN ACT to restore William Whitaker, of Alexander county, to citizenship. In force Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Whitaker, of Alexander county, who was convicted of larceny in the Union county circuit court, be and he is hereby fully restored to all the rights of citizenship. Restored to citizenship.

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

APPROVED February 10, 1853.

AN ACT for the relief of Leanna Knox, of Sangamon county.

In force Feb. 10, 1853.

Whereas Leanna Knox, a free woman of color, was inter-married, in the state of Kentucky, with Jose Knox, who was a slave; and the said Leanna being the owner of property, bought the said Jose and liberated him; whereas, also, after the removal of the said Leanna and Jose to Sangamon county, Illinois, the west half of lot six, in block thirty, in the old town plat, now city of Springfield, was bought with the money of the said Leanna, and the deed for the same was made to the said Jose; and whereas, also, the said Jose has departed this life without heirs, whereby the half of said lot escheats to the state of Illinois, and that on said lot is a dwelling house, which has been and now is the house of the said Leanna; therefore— Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all the right, title and interest which the state of Illinois now has or hereafter may acquire in and to lot six, in block thirty, of the old town plat of the city of Springfield, in the right of the said Jose Knox, be and the same is hereby vested in the said Leanna Knox; and the governor of the state of Illinois is hereby directed and authorized to convey, under the great seal of the state, to the said Leanna Knox, her heirs and assigns, all the said interest of the state of Illinois in and to the lot aforesaid: *Provided*, that noth- Title to vest in Leanna Knox. Proviso.

ing herein contained shall affect or impair the rights of any heir or heirs of the said Jose Knox, if any such should hereafter be found to exist, or of the state of Illinois, acquired otherwise than through the said Jose Knox.

APPROVED February 11, 1853.

In force Feb. 14, 1853. AN ACT to authorize the county court of Morgan county to build a court house, and for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Morgan county is hereby vested with power to purchase, in the name of the county, a suitable lot or lots in Jacksonville, and build thereon a court house, of such form and dimensions as may be necessary to the public convenience and uses of the county; and said court is also vested with power to build a jail, on the lot on which the present jail stands, or to sell said lot and purchase another or others; and the said court is further vested with power, in order to execute the provisions hereof, to borrow, on the credit of the county, any sum of money not exceeding thirty thousand dollars, for a term of years not exceeding fifteen, and at a rate of interest not exceeding eight per cent. per annum, payable annually; said money to be received by the county in such sums and at such times as the same may be required for use for the purposes aforesaid.

County court to purchase lot for court house.

To execute bonds

§ 2. In the execution of the provisions of the foregoing section, the judges and justices of said court are vested with power to execute the bonds of the county from time to time, as funds may be required, for sums not less than one hundred nor more than one thousand dollars, payable at such time, not exceeding fifteen years from the date, and at such place in the state, or in St. Louis, in Missouri, as may be agreed on, to be signed by said judges and justices, attested by the clerk, and the seal of court affixed to each, and when so executed the said bonds may be sold for not less than the sums expressed on the face.

Make record of bonds, &c.

§ 3. Before affixing the seal upon any bonds executed as aforesaid, the clerks shall make an record, on the record books of said county, a descriptive list thereof, showing the date, number and amount of each bond, and when payable, and, if known, to whom payable.

§ 4. To enable the county to meet the payment of the interest upon said bonds, and the principal when due, the said court shall, before making sale of any bonds, levy a tax, to be collected annually, sufficient to pay the annual

interest and two thousand dollars of the principal any year; which tax shall be collected in specie, and which, when collected, shall constitute a separate fund, not subject to be used for any other purpose, and to be used exclusively in the payment of the bonds aforesaid: *Provided, however,* that unless the money can be obtained with a provision for the payment of one-fifteenth or more of the principal annually, the tax to be levied as aforesaid shall be limited to such sums as may be required for paying the interest and such portion of the principal as, by the terms of the loan, the county may have the right to pay.

§ 5. No order made under the provisions of this act by the said court shall be set aside or changed to the prejudice of any bondholder of the county.

§ 6. The said court is authorized to appoint an agent to make sale of said bonds, and to vest him with full and ample powers to make such sale upon the terms prescribed in this act.

Appoint agent to make sale of lands.

§ 7. The said building shall be constructed, if practicable, as not to be subject to be consumed by fire, and fire proof vaults shall be attached to or connected with the offices, for the safe deposit and keeping of the records of the courts and county. And moreover, the said building shall always be kept insured in one or more responsible offices, for a reasonable amount, to be determined by said county court. Whenever the owners of two-thirds in value of the taxable property situated within the corporate limits of the town of Jacksonville shall sign a petition to the president and trustees of said town, requesting the execution of the provisions of this act, it shall be lawful for the said president and trustees to purchase, in the name and for the use of the corporation, one or more lots in said town, and to cause to be erected or built thereon a public building, to be called "Illinois Hall," of such form and dimensions as that there shall be one room of sufficient capacity to seat three thousand persons at one and the same time, and such other rooms as may be required for the uses of the corporation.

Building to be fire proof and insured.

Corporation of Jacksonville to purchase lots and erect hall.

§ 8. The said large room shall be kept as a town hall, under regulation of the town authorities, in which all public meetings of the inhabitants of the town and county of Morgan shall be held for the transaction of business, and in which public meetings, for any lawful purpose, may be held, such as public debates and discussions, public lectures, anniversaries, or conventions of literary, scientific or other societies or institutions, conventions of the people for any lawful purpose, college commencements and public examinations of academies, seminaries and schools.

To be kept as a town hall.

§ 9. To enable the said president and trustees to purchase the ground and erect the building aforesaid, they are

Borrow money.

authorized to borrow, on the credit of the corporation, any sum of money not exceeding twenty thousand dollars, for a term of years not exceeding twenty, and at a rate of interest not exceeding eight per cent. per annum, payable annually, at such place as may be agreed upon: *Provided*, that, in contracting for said loan, provision shall be made, if practicable, for paying a part of the principal sum borrowed at the end of any year.

Execute bonds.

§ 10. The said president and trustees are vested with power to execute the bonds of the corporation, from time to time, as loans may be obtained, for sums not less than one hundred nor more than one thousand dollars, payable according to the provisions of the contract; which bond shall be signed by the president of the board, attested by the clerk or secretary, and the seal of the corporation affixed to each; but before affixing the seal the clerk or secretary shall enter on the record or journal of the proceedings of the board a descriptive list of said bonds, showing the date, number and amount of each, and when and where payable.

Levy tax.

§ 11. The said president and trustees shall provide for meeting the payment of the interest and principal of said bonds, by levying or assessing such a tax upon all the property within the limits of the corporation as shall be sufficient for that purpose; which tax shall be collected in and with other taxes in specie, and when collected shall be applied exclusively to the payment of said bonds, and to no other purpose whatever.

Order levying tax not to be set aside.

§ 12. No order levying or assessing a tax under the provisions of this act, shall be set aside, reversed or changed to the prejudice of the holders of any of said bonds.

Agent to obtain loan.

§ 13. The said president and trustees are vested with power to appoint an agent or agents, to act for the board in obtaining the loan aforesaid, and also to take and use all lawful ways and means in executing the power conferred by this act.

County and town authorities may act together.

§ 14. In executing the provisions of this act, the said president and trustees and county court of Morgan county may agree and act together so as to make one building constitute the court house and town hall; and in case of such agreement, the first story of the building shall be used for the court house and county offices, the second story for the town hall, and the third story for any safe purpose authorized by the said president and trustees, and said building may be placed on the public square in said town.

Cost of building to be apportioned.

§ 15. In case of the agreement provided for in the foregoing section, the cost of the building shall be fairly apportioned between the county and corporation of the town. The first story shall be under the control of the county authorities, and the second and third under the corporate authorities of the town.

§ 16. The said corporation shall pay a fair proportion of the cost of keeping said building insured, and may, moreover, keep the second and third stories insured separately.

Town corporation to pay part of insurance.

§ 17. No action shall be had under any agreement that may be made to unite the buildings, as herein provided for, until the president and trustees of the town shall have received the loan of such proportion of the cost of the building as said corporation may be bound to pay, so that the county shall never be charged with or required to pay a larger amount than the just proportion originally agreed on by the two authorities.

County not to pay more than proportion of cost.

§ 18. In case the county court and president and trustees of the town shall make agreement herein provided for, to make one building constitute the court house and town hall, then the question of executing said agreement, under the provisions of this act, shall be submitted to the decision of the people of said county of Morgan, to be decided by vote at the next November election, at which time and election the legal voters of said county shall vote for or against the same. Those voting for the law shall have printed or written on their tickets, "For building court house and hall;" those voting against the law shall have printed or written on the tickets, "Against building court house and hall;" and if, upon canvassing and counting the votes, it shall appear that a majority of the votes given upon the question are in favor of executing the agreement aforesaid, then this act, authorizing such agreement, shall be binding upon the county, and the building shall be erected by the two authorities as herein provided for; but if the majority of the votes given as aforesaid shall be against executing the said agreement, the same shall [be] null and void, and the said county court and president and trustees may proceed to execute the provisions hereof separately, as though no provision had been made for their joint action in the premises.

Vote to be taken of building court house and town hall.

APPROVED February 14, 1853.

AN ACT to legalize the election of trustees of schools, in township 12 south, range 6 east, in Pope county. In force Jan. 26, 1858.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the election of John Gullett, A. S. Barger and Wesley Connelly, as trustees of schools in township twelve south, range 6 east, in Pope county, Illinois, held in said township on the tenth day of April, A. D. one thousand eight hundred and fifty-two, be

Election legalized.

and the same is hereby legalized, and no informality or legal defect in the said election shall invalidate or in any manner impair the acts and doings of said trustees since their said election, and during their continuance in office. This act to take effect and be in force from and after its passage.

APPROVED January 26, 1853.

In force Jan. 22, 1853. AN ACT to authorize the purchase of law books for the libraries of the supreme court.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there be appropriated, for the years 1853 and 1854, the sum of five hundred dollars, annually, for each of the grand divisions of the supreme court, to be applied in the purchase of law books for the libraries of said court, the money to be drawn and expended under the direction of the justices of said court. This act to be in force from and after its passage.

APPROVED January 22, 1853.

In force Jan. 17, 1853. AN ACT to pay certain persons therein named for services rendered to the state.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of two hundred and seventy-eight dollars and fifty cents be and the same is hereby appropriated to Noah Johnson; the sum of one hundred and forty-nine to A. Lincoln, for services rendered as commissioners under and by virtue of an act entitled "An act to constitute a commission to take evidence in relation to certain claims," approved June 22, A. D. 1852; and that there be appropriated to R. E. Goodell the sum of one hundred and sixty-one dollars, for services rendered as clerk of said commission; and the auditor is hereby authorized and directed to issue his warrant upon the treasurer for the several sums of money above specified, in manner specified in the appropriation.

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

APPROVED January 17, 1853.

AN ACT to vacate a certain state road therein named.

In force Jan. 24,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a state road laid out under an act in force February 28th, A. D. 1847, as lies between the village of Roscoe, in Illinois, and the village of Beloit, in Wisconsin, be and the same is hereby vacated; and so much of said act as authorizes the laying out of a state road between Roscoe and Beloit, is hereby repealed.

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

APPROVED January 24, 1853.

AN ACT to amend an act entitled "An act to amend the revenue laws and provide for the collection of state taxes in the city of Quincy."

In force Jan. 24,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the provisions of the seventh section of an act entitled "An act to amend the revenue laws and provide for the collection of the state taxes in the city of Quincy," approved June 23, A. D. 1852, shall be so construed and amended as to authorize the collection of taxes for the year A. D. 1851, in said city, to obtain judgment against the delinquent real property at the March term A. D. 1853, or at any other regular term of the county court of Adams county, in like manner as he was authorized to do at the October term, 1852, of said court mentioned in the act aforesaid.

Authorizing the
collector to ob-
tain judgment.

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

APPROVED January 24, 1853.

AN ACT to authorize the sale of a school lot therein named.

In force Jan. 24,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly,* That the trustees of schools of township number eight north, of range number eight east, in Peoria county, be and they are hereby authorized and empowered to sell, either at public or private sale, lot number twelve (12,) in block number forty-six (46,) in Monson and Sanford's addition to the city of Peoria, with the improvements thereon, and to convey

Duties of trustee

Power to convey.

Proceeds, to pay
over, and how
to be applied.

Proviso.

to the purchaser or purchasers the title thereto, now vested in said trustees for the use of the inhabitants of school district number two in said city, for the use of schools; and that said trustees pay over the proceeds of such sale to the directors of schools in said school district, to be by them applied, under the direction of the legal voters of said district, or a majority of those voting at any meeting called according to law, towards the payment of debts, the purchase of grounds and the erection of buildings for common school purposes in said district: *Provided*, however, that a meeting of the legal voters of said school district shall be first convened in the manner now provided by law for the calling of meetings to levy taxes for common school purposes, and a vote taken on the question of the sale of said lot; and no sale thereof shall be made by said trustees unless a majority of votes of such legal voters attending and voting at such meeting shall be cast in favor of such sale, and the result thereof duly certified to the said trustees by the chairman and secretary of said meeting.

§ 2. This act to be in force from and after its passage.
APPROVED January 24, 1853.

In force Jan. 24, 1853. AN ACT to provide for the collection of a portion of the public revenue, and to enable the late sheriff of Kendall county to settle his accounts.

Sheriff authorized to collect. SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly*, That William L. Fowler, who was late sheriff of Kendall county, be and he is hereby authorized and empowered still to proceed and collect all taxes due and unpaid in said Kendall county for the year 1849; and for that purpose said Fowler is authorized and empowered to levy upon and sell personal property, and advertise, obtain judgment against, and sell real estate on which taxes remain due and unpaid for said year, in the same manner as if the time for such collection had not expired.

Board of supervision to make allowances for delinquents. § 2. The board of supervisors of said county is hereby authorized and required to allow and credit said collector with the amount of such taxes, not heretofore abated and allowed, as he may be unable to collect by reason of the insolvency or removal of the persons owing the same, or on account of errors in the tax lists; and when any such abatement is allowed, the clerk of said county shall make out and deliver to said collector a statement of the facts in the case, showing the amount of state tax abated; which statement shall be filed in the office of the auditor of pub-

lic accounts, and the auditor shall credit said collector with the amount of state tax so abated, and refund the same to him as in other cases of other payment: *Provided*, that if said collector shall not have settled and paid all debts due from him to the state and county, then the amount of such abatements shall be credited on his account or on any judgment in favor of the state or county, and against such collector; the county shall refund the county tax abated in like manner as the state is required to refund.

§ 3. This act shall be and remain in force for the space of nine months from and after its passage.

APPROVED January 24, 1853.

AN ACT to incorporate the Morris Cemetery Association.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly*, That George W. Lane, George Fisher, Charles H. Goold, Lewis P. Lott, and Stanbery, and their associates, be and they are hereby Eugene made and created a body corporate and politic, by name of "The Morris Cemetery Association," and by that the name to have perpetual succession, and all the franchises, powers, privileges, rights and immunities, together with the liabilities incident in law to a corporation aggregate.

§ 2. The officers of said corporation shall be a board of five directors, who shall be elected annually by ballot, on the first Monday in March in each year, who shall hold their offices until their successors are elected and qualified; a secretary and such other officers and agents, being members of said corporation, as may from time to time by the by-laws of said corporation be required, shall be appointed by said board of directors, who shall hold their offices until their successors are appointed, and who may be removed from office by said board of directors for any malfeasance or neglect of duty, and may be required to give bond to the corporation in such sums as by such by-laws may be provided, with such security as said board of directors may approve, conditioned for the faithful discharge of their respective duties. The said board of directors immediately after the election, shall appoint one of their number president, and from and after such appointment of president the said corporation shall be taken and held to be duly organized.

§ 3. The manner and place of holding the first election under this act shall be determined by the above named

corporators, or a majority of them; subsequent elections shall be held at such place, and be conducted as the by-laws of said corporation may provide; special elections, may be held on the order of the president for the purpose of filling vacancies.

Member.

§ 4. Every person having a title to one or more lots in the cemetery authorized by this act shall be a member of the said corporation and entitled to one vote only; absent members may vote by proxy in writing, to be filed with the secretary.

Real estate.

§ 5. Said corporation shall have power to purchase, receive by grant, or otherwise, and hold lands, not exceeding forty acres in quantity, which shall be used for a cemetery, and for the purposes of ornamental gardenings, which lands may by said board of directors be laid off in lots for the burial of the dead, with avenues, streets and alleys leading thereto, together with lots or parcels for horticulture; and such lots for the burial of the dead may be sold and conveyed to the purchaser or purchasers thereof, by certificate of purchase, signed by the president, attested by the secretary, and bearing the seal of the said corporation; and said lots so sold as aforesaid shall be used for the burial of the dead, and for no other purpose, and to that end, shall be under the exclusive control of the owner or owners thereof, subject, however, to such rules and regulations in relation to the same as said corporation may by its by-laws provide; and the owners of such lots may transfer the same, in manner and form in the said by-laws to be from time to time provided.

Exempt from execution.

§ 6. All the property of said corporation, both real and personal, and all lots of individual members so sold to them as aforesaid, shall be exempt from execution, attachment and taxation; and owners of lots, aforesaid, shall be individually liable for the debts of the corporation in proportion to the comparative value of their respective lots: *Provided, nevertheless*, that no debt shall be contracted by or on behalf of said corporation without the assent of two-thirds of the owners of said lots expressed at a meeting of said owners of lots, to be called by the board of directors for the purpose of voting thereon.

Avenues, &c.

§ 7. Said board of directors shall cause the lands so acquired by said corporation as aforesaid to be laid off into lots, avenues, streets, alleys and walks, as by the by-laws of said corporation may be prescribed, and cause an accurate plat thereof to be made, which shall be attested by the surveyor, subscribed by the president, and by him acknowledged before any officer authorized to take acknowledgment of deeds; and when so attested and subscribed, shall be recorded in the recorder's office of the county of Grundy; and such recording shall give to the said

survey and record all the virtue, force and effect that is given by law to the recording of town plats.

§ 8. Said corporation may make and establish all such ^{By-laws.} by-laws and regulations as are not inconsistent with the laws and constitution of this state and of the United States, for the government of its officers and the management of its affairs.

§ 9. That if any person shall at any time trespass upon ^{Trespasser.} the said lands so as aforesaid acquired by said corporation, or upon any lot or lots so as aforesaid sold and transferred to any individual, such trespasser or trespassers shall, upon conviction, be adjudged to pay to the said corporation or to said individual, as the case may be, three-fold the amount of the damage done by such trespasser or trespassers; which damage shall be ascertained by the verdict of a jury, and shall moreover be liable to public prosecution according to the nature of the offence; and all fines and penalties by law incurred for any violation of the law whatever, or in relation to the said lands and lots, shall, when collected, be paid into the treasury of said corporation.

§ 10. The funds of said corporation arising from the ^{Funds.} sale of lots in said cemetery, or from any other source, shall be applied, after all debts of said corporation shall have been fully paid, to enclosing, ornamenting, improving and beautifying said cemetery grounds, in such manner as the board of directors shall direct.

§ 11. This act shall be taken and held to be a public act, and shall be favorably construed in all courts and places for the objects herein contemplated, and shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Howard Cemetery.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Ezra* ^{Corporators.} S. Cable, F. S. Paine, Simon Gates, John R. Henning, James M. Clark, Peter Fleming and Newman Campbell, and their associates, in the town of Howard and vicinity, in the county of Winnebago, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Howard Cemetery Association;" and by that name shall have perpetual succession

and shall have all the powers, rights, privileges, liabilities and immunities incident to a corporate body.

Real estate.

§ 2. Said association shall have power to hold real estate, not exceeding ten acres, which shall be exempt from taxation, from attachment and execution.

Object.

§ 3. The object of said association shall be exclusively to lay out, enclose, ornament and keep in repair a plat or piece of ground, not exceeding ten acres as aforesaid, to be used as a burial place for the dead.

Burial places.

§ 4. Said association shall have power to lay out the burial place into lots of suitable size for family burial departments, and sell the same; the purchaser of which shall use said lot as herein contemplated, and for no other purpose whatever.

§ 5. The proceeds of such sale, and other funds which may come into the possession of the association, shall be appropriated and used in purchasing and laying out the grounds, and in improving and ornamenting the same, or in other objects connected with the incorporation.

Officers.

§ 6. The officers of this association shall consist of a president, a secretary, who shall also act as treasurer, and three trustees, who shall hold their office for two years, and until their successors are elected. The election for officers shall be held on the first Monday of May, biennially; but any failure to elect officers at the proper time shall not operate as a forfeiture of this act of incorporation.

Members.

§ 7. Every member holding one or more lots shall be a member, and entitled to one vote only. Absent members shall be entitled to vote by proxy.

Right of property

§ 8. The right of property to any lot or lots which may be sold by said association shall be vested in the purchaser by a certificate of purchase, signed by the president and countersigned by the secretary, and shall be recorded in a book kept by the secretary for that purpose; and every transfer of such certificate shall be made by surrendering the same to the secretary, who shall then issue a new certificate and cancel the former. No person shall hold more than two lots.

By-laws.

§ 9. The said corporation shall have power to establish and change by-laws, and prescribe rules and regulations for the government of said cemetery and its officers, and shall have power to raise upon an assessment upon the owners of lots such sums as may be necessary to keep the enclosing fences or walls in repair.

Call meeting.

§ 10. It shall be the duty of the secretary, on order of the president or two of the trustees, or any five of the members, to call a meeting of the members for the choice of officers, if not elected at the biennial election, or to fill vacancies, or for the transaction of any other business authorized by this act, by giving five days' public notice thereof.

§ 11. It shall be the duty of the trustees to have the general management and superintendence of the cemetery, appoint a sexton and fix upon his compensation.

APPROVED Feb. 11, 1853.

AN ACT to incorporate the Carlinville Cemetery Association.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William M. Maddox, Henry Fishback, John A. Chesnut, Enoch Wall, A. McKim Dubois, Samuel T. Mayo and John M. Palmer, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Carlinville Cemetery Association;" and by that name to have perpetual succession, and shall have and possess and be invested with all the powers, rights, privileges and immunities incident to a corporate body. Corporators.

§ 2. Said association shall have power to own and possess real estate, not exceeding fifteen acres, which shall be exempt from taxation and sale on execution. Real estate.

§ 3. The object of said association shall be exclusively and solely to lay out and enclose and ornament a plat or piece of ground, not exceeding fifteen acres as aforesaid, to be used as a burial place for the dead. Object-.

§ 4. The officers of this association shall be a president, a treasurer, (who shall act as secretary,) three directors, and such other officers as they may think proper, to be chosen as may be provided by by-laws. The said president, treasurer and directors to be chosen annually, and hold their offices until their successors are chosen. Any neglect to choose officers on the day fixed upon, shall not operate as a forfeiture of this act of incorporation. Officers.

§ 5. Said association shall have power to sell any lot in said burial ground by warranty deed, to be signed by their president; and the proceeds arising from the sale of lots, after deducting all the expenses of purchasing and laying out, shall be appropriated and used in improving and ornamenting the burial ground, or in other objects connected with this incorporation.

§ 6. Every person holding one or more lots shall be entitled to one vote only. Absent members shall have power to vote by proxy. Votes.

§ 7. Said company shall hold annual meetings for the transaction of its business, and shall have power to establish and change by-laws, and prescribe rules and regula- Annual meetings

tions for the government and direction of their officers, and the management of their property and affairs.

§ 8. This act to take effect from and after its passage.
APPROVED Feb. 11, 1853.

In force Jan. 27,
1853.

AN ACT to incorporate the Sangamon House Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall hereafter become subscribers to the stock hereafter described, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of "The Sangamon House Company," from and after the passage of this act; and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever; may have a common seal, and alter the same at pleasure; and their successors may also, by that name and style, be capable in law of purchasing, holding and conveying away real and personal estate for the benefit of said company.

§ 2. The said company hereby incorporated shall have power to erect an hotel in the city of Springfield, in the county of Sangamon, and to use such powers and privileges in the erection and management of said hotel, not inconsistent with the laws of this state, as may be conducive to the interests of said company.

§ 3. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased to fifty thousand dollars, to be divided into shares of fifty dollars each, and are authorized to commence their operations whenever five thousand dollars of the stock shall have been subscribed.

§ 4. For the purpose of carrying into effect the object of this corporation, John Williams, William Butler, Joseph Klein, William Carpenter, Virgil Hickox, Jacob Bunn, George Pasfield, Stephen T. Logan and Thomas Condell are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, after giving general notice thereof in some newspaper printed in the city of Springfield, may open books for the subscription of said stock at such times and places as they may direct, and keep the same open until at least one thousand shares have been subscribed. Every subscriber, at the time of subscribing, shall pay to said commissioners five dollars on each share subscribed; and when

Body corporate.

Style.

Powers.

Erect hotel.

Capital stock.

Commissioners.

such subscription is completed as aforesaid, or within sixty days thereafter, said commissioners shall call a meeting of the stockholders at Springfield, by a printed notice in some newspaper published in said city.

§ 5. At said meeting the stockholders of said company shall proceed to elect five directors, who shall manage, direct and govern the affairs of said company one year from the period of this election, and until their successors are elected and qualified; and that at said election each stockholder shall be entitled to one vote for each share he may hold, and a majority of all the votes given shall be required to make an election. The period of election of directors as aforesaid shall be annually, on the first Monday of the month in which the first election shall be held. Directors.

§ 6. Within ten days after the directors are chosen as aforesaid, they shall hold a meeting, at which, and at all subsequent meetings of said board, a majority of the directors shall constitute a quorum; that they shall proceed to the election of a president from their own body; a secretary, who shall be sworn by some justice of the peace to the faithful discharge of his duty, and who shall record all votes of the corporation in a book kept by him for that purpose; a treasurer, who shall give bond to such amount and in such manner as the president and directors shall direct; and the board shall appoint all other officers and agents as to them shall seem necessary. President.

§ 7. The corporation shall have power to call for such portion of the stock subscribed, every sixty days, as they may think proper, to be paid at such time and place as they may designate, by giving thirty days' notice to each stockholder in writing, or publishing the same in some newspaper in said city, in which shall be specified the amount required on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such call within ten days after the time named for such payment, the corporation may bring suit against any delinquent, for the amount due and called for, in any court of competent jurisdiction, and recover the same, with two per cent. interest per month; and if the amount cannot be made on execution, or if said delinquent is out of the state, then the corporation may, by an order of their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and such delinquent shall forfeit all his rights as a stockholder. Calls on sub-
scriptions.

§ 8. The said president and directors shall have power to make out and establish all such by-laws, rules and regulations as shall be necessary and not inconsistent with the laws of this state, which may be necessary for the payment or collection of the subscription to its stock or the transfer of the same, and of property that may, in any other way, By-laws.

concern the management and direction of the affairs of said company.

§ 9. This act shall be construed favorably in all courts, and shall be in force until a majority of the stockholders may vote for a dissolution.

APPROVED Jan. 27, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Macon House Company.

Corporators.

Style.

Powers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That D. L. Allen, Thomas H. Read, William Martin, J. J. Peddecord, H. Prather, Sheridan Wait, Joseph King, and their associates, heirs and assigns, are hereby declared and constituted a body politic and corporate, by the name and style of "The Macon House Company," and by that name and style, they and their successors, shall have succession for fifty years, and shall in law be capable of suing and being sued, pleading and being impleaded, answer and being answered unto, within all courts and places whatsoever; may have a common seal and may change and alter the same at pleasure; and they and their successors may also, by that name and style, be capable in law of purchasing, holding and conveying any real and personal estate for the use and purposes of said corporation, which real estate shall not exceed one acre, whereon to erect the hotel, out houses and necessary enclosures for carrying on the business of said company.

Erect and furnish.

§ 2. The said company hereby incorporated shall have power to erect and furnish in complete order, a house in the town of Decatur, in the county of Macon and state of Illinois, and are hereby authorized to carry on business of hotel keeping, and to use all powers and privileges necessary for carrying on said business.

Capital stock.

§ 3. The capital stock of said company shall be twenty thousand dollars, and shall be divided into four hundred shares of fifty dollars each; and the said corporators herein named, or a majority of them, are hereby authorized to appoint three commissioners, to receive subscription for said stock, and such subscription shall be opened at such times and places as the commissioners or a majority of them shall appoint, by notice published in any newspaper printed in the said town of Decatur, at least twenty days' notice before the time appointed. If the requisite number of shares shall not be subscribed for at the time and place appointed for such subscription, said commissioners or a majority of

them shall take such measures for completing such subscription as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay the said commissioners the sum of one dollar for such share subscribed, and the remainder at such time and in such sums as he shall be required by said company.

§ 4. As soon as forty of the shares shall be subscribed, ^{Publication.} the said commissioners shall give notice in the manner aforesaid, and appoint the time and place in such notice for the subscribers to meet for the purpose of choosing a treasurer, clerk and five directors. Every stockholder shall ^{Officers.} be entitled, at such and all other elections, to one vote for each share to the number of ten, and one vote for every five additional shares; which votes may be given in person or by proxy, at the election to be held as aforesaid. The said commissioners, or such of them as may attend, shall be inspectors of such election, and their certificate of the names of the persons elected shall be conclusive evidence of their election. The first Monday in the month in which such election shall be held, shall be the annual day of all subsequent elections of such officers. A majority of the directors so chosen, shall be a quorum, and shall be capable of transacting the business of the corporation. Any act of the majority shall be binding on the corporation.

§ 5. The said directors, when elected as aforesaid, ^{President.} shall immediately proceed to elect one of their number as president; and the said president and directors may meet from time to time, and shall have power to make and establish all such by-laws, rules and regulations as shall be necessary and not inconsistent with the constitution and laws now existing in this state or the United States and with the provisions of this act, for the transfer or payment of the stock or property of said company, and for the management and direction of the affairs of said company.

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

APPROVED February 12, 1853.

AN ACT to incorporate the Sullivan Academy, in Moultrie County. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James ^{Corporators.} Elder, Reuben B. Ewing, John A. Freeland, William Kellar, Ambrose Meeker, John Perryman and J. W. Ross, and their successors, be and they are hereby created a body

Style. politic and corporate, by the name and style of "The Trustees of Sullivan Academy," and by that name and style, shall have perpetual succession, and shall have Powers. power to contract; to sue and be sued; to plead and be impleaded; to grant and receive by their corporate name, to accept of donations, acquire by purchase, or to sell property, real, personal or mixed, in all lawful ways and means; to use, manage, employ and dispose of all such property or money belonging to said corporation, as to them may seem proper for the promotion of the object and in interests of said incorporation; to have a common seal, to alter and change the same at pleasure; to make and establish all such by-laws and regulations for the management of said institution as may be necessary and proper, and not inconsistent with the constitution and laws of this state, or of the United States. Said academy is to be located in the town of Sullivan, Moultrie county, Illinois; the object of which, will be the promotion of the general interests of education. The number of trustees shall not exceed twelve, and they shall have power to elect the necessary officers out of their own body. The trustees shall be considered as holding their office and continue in office until their successors be elected and qualified.

Course of study. § 2. The trustees shall have authority from time to time to prescribe and regulate the course of studies to be pursued by the students attending the academy; to fix the rate of tuition and other academical expenses; to appoint a principal, and such teachers as may be deemed necessary; to define their duties; to fix their compensation; to displace and remove them from office; to erect the necessary buildings; to purchase books, chemical, philosophical and other necessary apparatus necessary in said academy; to make rules for the general regulation of the conduct of the students; to suspend or expel any student whose habits are idle or vicious, or whose moral character is bad, or who refuses to obey the rules of the academy. The trustees, Location. or a majority of them, as soon as they may think proper, shall fix upon a permanent location for said academy, and proceed to erect a building or buildings thereon as soon as convenient, and the interest of said institution require: *Provided, however,* that they shall have the right to rent the necessary rooms until the said buildings or building can be completed. Females as well as males may be taught in said academy, and a department expressly for the education of females, may be attached thereto, whenever the trustees in their discretion may so order. The benefits and privileges of said institution shall be open alike to all religious denominations.

§ 3. There shall be attached to said academy a department in which shall be taught such branches as are

usually taught in common schools; and the trustees of said academy shall receive from the school commissioners of the county such amount and proportion of the common school fund as is received by other common schools: School fund.
Provided, the said trustees comply with the laws regulating common schools.

§ 4. This act to be in force from its passage.

APPROVED February 12, 1853.

AN ACT for the relief of John W. Brooks, of Coles county, and to In force Jan. 26,
 maintain the authority of the executive of the state of Illinois. 1853.

Whereas his excellency, Augustus C. French, late gov- Preamble.
 ernor of the state of Illinois, for good and sufficient reasons, and in the exercise of an authority wisely vested in the executive of the state, did by virtue of his office as said governor, under the seal of the state, remit a certain judgment on recognizance rendered against John W. Brooks, a citizen of Coles county, Illinois, rendered against him, the said John W. Brooks, by the circuit court of Coles county at the June term of said court, A. D. 1851; and whereas the county court of said Coles county, in opposition to the release of said judgment by the governor, aforesaid, do still seek to enforce said judgment by execution and sale of the goods and chattels and real estate of the said John W. Brooks; now, therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Judgment re-
leased.
 said judgment so rendered as aforesaid, and the execution issued thereon be held for naught, and the same for which said judgment was so rendered, is hereby remitted, and the said John W. Brooks is hereby fully released from the payment of any portion of said judgment, and the officer in whose hands the execution so issued as aforesaid may be found is hereby authorized, empowered and required to return the same to the court issuing the same, with a special return of satisfaction thereon, to be by him entered in conformity to the provisions of this act.

This act to take effect on the day of its passage by the General Assembly of Illinois.

APPROVED January 26, 1853.

In force Jan. 26, 1853. AN ACT to perfect the line between Rock Island and Whiteside counties.

Preamble.

Whereas an act approved February 9, 1831, entitled "An act to establish Rock Island county,"* shall run along the middle of the "Marias d'Ogee, slough or creek," from the confluence thereof with Rock river to the Mississippi river; and whereas so much of said boundary as so leads from Rock river to the Mississippi river is the dividing line between the counties of Rock Island and Whiteside; and whereas there is much diversity of opinion in regard to said line, therefore—

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joseph Crawford, of Lee county, Ben. Graham, of Henry county, and Thomas McKee, of Knox county, be appointed commissioners to survey, mark and establish the boundary line between the counties of Whiteside and Rock Island.

Locate boundary line.

§ 2. The said commissioners or any two of them shall meet at some time and place to be agreed upon by themselves, within twelve months from the passage of this act, and after having been sworn to the faithful performance of the duties required by this act, shall proceed to survey and locate the boundary line, leading as near as practicable by legal subdivisions along the middle of the Marias d'Ogee slough from its confluence with Rock river to the Mississippi river, between said counties; and shall make report of their proceedings under their hands and seals, and return a plat of their survey, with said line distinctly marked thereon, to each of the county courts of said counties of Rock Island and Whiteside; which plats and reports shall be recorded in the records of said courts, and shall also be recorded by the respective recorders of said counties.

Compensation.

§ 3. The said commissioners shall be paid ten cents per mile from their respective places of residence to said point on Rock river, going and returning, and three dollars per day while actually engaged in their said duties; to be paid upon their certificate, one-half by each of said counties.

§ 4. The said commissioners are also authorized to employ suitable assistants, and a surveyor, who shall be paid a reasonable compensation for their services, upon the certificate of said commissioners, one-half by each of said counties.

§ 5. This act to be in force from and after its passage.
APPROVED January 26, 1853.

*There is an omission here in the enrolled law.

AN ACT to change the name of Joseph Theodoric Gately.

In force Jan. 31.
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Joseph Theodoric Gately, of the county of Madison, in this state, be, and the same is hereby changed to Joseph Theodoric Totten, and by that name he shall be hereafter known and called.

Change name.

This act to take effect from and after its passage.

APPROVED January 26, 1853.

AN ACT for the relief of certain persons therein named.

In force Jan. 31.
1853.

Whereas the voters of Tazewell county, state of Illinois, at the general election of one thousand eight hundred and fifty-two, elected Joseph B. Worley coroner of Tazewell county; and whereas, owing to sickness, the said Worley has failed to enter into bond as such coroner at the time limited by law in that behalf; therefore—

Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That if the said Joseph B. Worley shall, on or before the first day of April, A. D. one thousand eight hundred and fifty-three, enter into and give such bond, with sufficient security, for the performance of the duties of coroner of Tazewell county, to be approved as prescribed by law, then the said Joseph B. Worley shall be entitled to the office of coroner of Tazewell county, and entitled to all the fees and emoluments thereof in as full manner as if he, the said Worley, had given bond in the time and manner prescribed by law.

Give bond.

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

APPROVED January 26, 1853.

AN ACT entitled "An act authorizing the county court of Alexander county to erect or otherwise provide a jail at Cairo." In force Jan. 26,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Alexander county are hereby authorized to cause to be erected, or otherwise to provide and establish an additional county jail for the confinement of prisoners, and for all other jail purposes at Cairo, on frac-

Build county jail.

tional section number twenty-five (25,) or fractional section thirty-six (36,) in township number seventeen (17) south, range one (1) west of the third principal meridian, in said county: *Provided*, that the erection of said jail or other provision therefor, under this act, shall not be at the expense of said county.

APPROVED January 26, 1853.

In force Jan. 26,
1853.

AN ACT in relation to the support of the poor in Lake county.

Vote.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That at the annual town meetings to be held in the several towns in Lake county, on the first Tuesday in April next, it shall be lawful for the legal voters of said towns to vote upon and determine the question whether the paupers of said county shall be supported out of the county treasury or by the towns in which said paupers are settled.

Duty of clerk.

§ 2. In giving notice of the annual town meetings of the several towns in said county, it shall be the duty of the town clerks to state in said notice that said question will be submitted to a vote at such meeting; and at said town meeting said question shall be voted upon by ballot, either written or printed, or partly written and partly printed, "*For County Support*," or "*For Township Support*," which said votes shall be canvassed by the presiding officers of said meetings, and entered upon the minutes by the town clerks in the same manner as other ballots cast at said town meeting. And it shall be the duty of the several town clerks of said towns within twenty days after the day of said town meeting to make out and transmit to the clerk of the county court of said county a statement certified by himself and the presiding officer of said meeting showing the whole number of votes given at said town meeting "*For County Support*," and the whole number given "*For Township Support*."

Canvass of vote.

§ 3. It shall be the duty of the clerk of the county court of said county, within three days after the expiration of said twenty days, to canvass the votes so certified to him, and certify the result of said canvass to the board of supervisors of said county at their next meeting after said canvass; and if it shall appear that the aggregate number of votes cast at said town meetings in said county "*For County Support*" exceed the number so cast "*For Township Support*," it shall be the duty of said board of supervisors to make immediate provisions for the support of

County.

the paupers of said county at the expense of the county, any thing in an act entitled "An act to provide for the support of paupers in Lake county," approved February 17, 1851, to the contrary notwithstanding.

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

APPROVED January 26, 1853.

AN ACT to amend an act entitled "An act to amend the charter of the Aurora Branch Railroad Company." In force Jan. 26, 1853.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the first section of the act entitled "An act to amend the charter of the Aurora Branch Railroad Company," approved June 22, 1852, be and the same is hereby so amended as to authorize the Chicago and Aurora Railroad Company to construct their road across Fox River, at a point not further south than within one-half of a mile of the mill-dam mentioned in the act to which this is an amendment; and said company shall furnish ample facilities for doing business upon the west side of the river, at Aurora, by constructing side-tracks, freight, car and passenger buildings of sufficient capacity to accommodate whatever amount of business may be offered. Amendment.

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

APPROVED January 26, 1853.

AN ACT to amend an act entitled "An act to exempt Walnut Hill Cemetery from taxation." In force Jan. 26, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section second of an act entitled "An act to exempt Walnut Hill Cemetery from taxation and execution," be and the same is hereby so amended as to exempt from taxation and execution Thomas Harrison's cemetery, in St. Clair county. Exempt from taxation or execution.

§ 2. This act to be in force from and after its passage.

APPROVED January 26, 1853.

[E2]

In force Jan. 25, 1853. AN ACT to incorporate the Ohio River and Wabash Railroad Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Campbell, D. Watts, William Smidley, A. Rankin, L. M. Flournoy, T. W. Glenn, D. A. Given, Henry Earders, William F. Norton, James Langstorffe, John W. Jones, S. F. Singleton, Alfred Boyd, Lawrence S. Trimble, James B. Husband, Victor V. Bell, Edwin B. Webb, Wesley Sloan and William Sim, with such others as may associate with them for that purpose, are hereby created and constituted a body corporate and politic, by the name and style of "The Ohio River and Wabash Railroad Company;" and by that name to sue and be sued, plead and be impleaded, in any court of this state; to make and have a common seal, and the same to break, alter and renew at pleasure; and this company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth; and said company is hereby authorized and empowered to locate, construct and finally complete a single, double or treble railroad or road, from the town of Brooklyn, on the Illinois side of the Ohio river, in Massac county, and through the state of Illinois, to a junction with the Ohio and Mississippi Railroad, at or near the town of Vincennes, in Indiana, on such route as shall be deemed to be best, and most expedient and direct, and transport and take and carry property and persons upon said railroad or way, by the power of steam, of animals, or of any other mechanical or other power, or any combination of them which said company may choose to apply; and for the purpose of constructing said railroad or way, the said company is hereby authorized to lay out the road not exceeding one hundred feet wide through the whole length; and for the purpose of depots, cuttings and embankments, and for the purpose of necessary turnouts, and for obtaining stone, gravel and dirt, may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other railroad corporation in relation to the business of said company, and also to make joint stock with any other railroad corporation: *Provided*, that all damages that may be occasioned by any person or corporation by taking of any such land or materials as aforesaid, for the purpose aforesaid, shall be paid for by said company in manner hereinafter provided.

§ 2. That the capital stock of said company shall not exceed four millions of dollars, and be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company

shall direct: *Provided*, that said company may commence the construction of said road, with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed five hundred thousand dollars.

§ 3. That the persons named in the first section of this act, or a majority of them, shall open books to receive subscriptions to the capital stock of said company, at such times and places as they, or a majority of them, may appoint, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive said subscription under such regulations as they may adopt for the purpose, and if more than four millions of dollars shall be subscribed they shall have power to make other shares, as subscribed, the capital stock: *Provided*, they shall not exceed forty thousand shares; and in case the subscription should exceed forty thousand shares, the same may be reduced and apportioned in such manner as may be deemed most beneficial to the corporation: *Provided*, when the books shall be opened for subscription of stock, the said commissioners shall require not less than five dollars to be paid upon each share at the time of subscribing the same.

§ 4. That the immediate government and direction of the affairs of the company shall be vested in a board of directors, to consist of twelve persons, who shall be shareholders, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their offices until others are duly elected and qualified to take their places as directors; and six of said directors and the president shall be a quorum for the transaction of business; shall elect one of their number to be president of the company. They shall also choose a secretary and such other officers as they may deem necessary, and a treasurer, who shall give bond with security to said company in such sum as the president and directors may require for the faithful performance of his trust and duties, as may be prescribed by this act and the by-laws of said corporation. In the absence of the president, seven of the directors, one of whom shall be appointed vice president, shall be a quorum to transact business.

§ 5. That the persons authorized by this act to open books for subscription to the capital stock, are hereby authorized, after the books for subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed five thousand shares, to call the first meeting of the stockholders of said company in such way and at such time, in the town of Paducah, Kentucky, as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company each share shall entitle the holder thereof to one vote; which vote may

be given in person or by proxy; and the annual meeting of the stockholders of said company for the choice of directors, shall be holden in the town of Paducah, on the first Monday in the month of May in each year.

§ 6. That in the event an election of directors shall not be made on the day appointed, said company for that cause shall not be deemed to be dissolved, and the directors shall have power to fill any vacancy which may occur by death, resignation or otherwise.

§ 7. That the president and directors may have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter, or the laws of this state, or of the United States; the transfer of shares, the duties and conduct of their officers and servants; touching the election of, and meeting of directors, and all matters which may appertain to the concerns of said company. Said company is also hereby authorized to purchase, secure and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted; and may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out, and construct the same; and to agree and contract for the land or right of way with the owners, through which they may intend to make said road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such; or in case of the same belonging to a minor, or person *non compos mentis*, then with his or her guardian or guardians; or in case such lands be held by trustees of school sections, or other trustees of estates, then with such trustees; and the said executors, administrators, guardians and trustees are hereby declared competent, for such estate or minor, to contract with said company for the right to use, occupy and possess the lands of such estates, minors or trustees, so far as may be useful or necessary to the purpose of said railroad; and the act and deed of such executors, administrators, guardians and trustees in relation thereto shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian or trustee shall account to those interested upon their respective bonds for the amount paid him in pursuance of such agreement and compensation; and if the said company and parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire in case of disagreement, shall vest title, according to its terms.

By-laws &c.

Right of way.

In lands, &c.

§ 8. That if the said company cannot agree with the owner of the land through which they may desire the road to pass, or with the executor, administrator, guardian or trustee, it shall and may be lawful for them to proceed in the manner now provided for by the several laws of this state for the condemnation of lands by incorporated companies.

§ 9. That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence aforesaid, in which case thirty days shall be allowed him, and five days in addition are allowed him for every additional jury which he may have under said writ; and for every default therein, the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty nor more than one hundred dollars; and every juror and witness summoned shall be fined not less than ten dollars for non-attendance; of all such fines as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees to the clerk of the circuit court: for every writ of *ad quod damnum*, seventy-five cents; for securing and filing inquest, seventy-five cents; to the sheriff, for giving notice, seventy-five cents, besides printer's fees, not exceeding two dollars in each case; for holding inquest, five dollars; and for summoning witnesses, twenty-five cents, each; to jurors, seventy-five cents per diem each; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the company: *Provided, however,* before the application for such writ, the said company may make a tender to the owner or owners of any such land a sum of money by them deemed equivalent to the damage to be sustained; and upon refusal to accept the sum tendered and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land upon which inquest is held.

§ 10. That the said company is hereby authorized to construct and build and use a single, double or treble railroad or way, of suitable width and dimensions, to be determined by the directors of said company, on the line or course by them designated; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll-houses and other buildings, for the accommodation of their concerns, as they may deem suitable for their interests.

§ 11. That it shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the toll and charges by them to be received for transportation of persons and property on their railroad or way afore-

said hereby authorized to be constructed, erected, built or used, or upon any part thereof.

Penalty for injury to road.

§ 12. That if any person or persons will or shall wilfully do or cause to be done any act or acts whatsoever, whereby any building, construction or works of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said company double the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt.

Vested with the same power as the Wabash Valley R. R. Co.

§ 13. The said company and under their direction, their agents, servants and workmen are hereby vested with the same power and authority as are granted to the Wabash Valley Railroad Company by an act entitled "An act to incorporate the Wabash Valley Railroad Company and to regulate the capital stock of other railroads," approved June 22d, 1852, to enter into and upon the lands or grounds of or belonging to the state, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making the said railroad, and for all purposes connected with the construction thereof; and the said company is hereby authorized and empowered, from time to time, to borrow such sum or sums of money as may be necessary for completing, furnishing and operating their said railroad; and for this purpose they are authorized to issue and dispose of their bonds in denominations of not less than five hundred dollars, at such rate of interest, not exceeding ten per cent. per annum, and at such rate of discount as may be deemed necessary for the benefit of said company. The terminus of said railroad, on the Ohio river, shall be at the town of Brooklyn, in Massac county, in this state.

Requirement

§ 14. That the directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times and in such proportions, and upon such conditions as they may deem fit; and in case any stockholder shall refuse or neglect to make payment pursuant to the requisition of the board of directors, the stock of such stockholder may be sold by the directors of said corporation at public auction, after the lapse of ninety days from the time when the payment became due, and the surplus money, the avails of such sale, after deducting the payments due and interest thereupon, and the necessary expenses of sale, shall be paid over to such delinquent stockholder.

§ 15. That if the said railroad shall not be commenced within five years from the passage of this act, and shall not be finished within the state in ten years from the time of the commencement thereof, then this act shall be null and void.

§ 16. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED January 25, 1853.

AN ACT to authorize the city of Quincy to subscribe to the stock of the Northern Cross Railroad Company. In force Jan. 26, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city of Quincy is hereby authorized to subscribe for shares of stock in the Northern Cross Railroad Company, in any sum not exceeding one hundred thousand dollars, in addition to the subscription made by the city to the stock of said company under the provisions of an act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,'" approved November sixth, eighteen hundred and forty-nine; and which stock so subscribed for shall be under the control of the common council of said city, in all respects, as stock subscribed by individuals. Subscription.

§ 2. That for the payment of the stock so subscribed the common council of the city is hereby authorized to issue to said company the bonds of said city at par, bearing interest not exceeding eight per cent. per annum, payable semi-annually, with interest coupons annexed, and executed by the mayor of the city, under the seal thereof, and countersigned by the city clerk, to an amount equal to the par value of the shares of stock subscribed, and to pledge the faith of the city for the semi-annual payment of the interest and the ultimate redemption of the principal. Issue bonds.

§ 3. That before the additional stock aforesaid shall be subscribed an election shall be held to ascertain whether the citizens of said city are desirous that such subscription be made; and which said election shall be called by the common council of the city, and held and conducted and returns thereof made in the manner required by the fourth section of the act mentioned in the first section of this act. In case a majority of the voters voting at said election shall be in favor of the subscription, such authorized subscription shall then be made by the common council of said city. The bonds which shall be issued under the provisions Election.

of this act shall be issued for the amount of, and at the time the assessments upon the other stockholders of said company shall be regularly assessed and made payable: *Provided*, that the common council of the city may at any time issue to the said company the full amount of the bonds to be issued in payment of such subscription whenever in their discretion they may deem it advisable.

§ 4. That the city council of said city is hereby authorized to levy and collect a special annual tax on all real and personal property situated in said city, for the payment of the interest on said bonds, in the same manner as is provided by an act entitled "An act to authorize the city of Quincy to collect a special tax for the purposes therein named," approved February the seventeenth, eighteen hundred and fifty-one; and the provisions of the act aforesaid in relation to the levy, collection and appropriation of the tax therein mentioned shall in every respect apply to the tax to be levied by virtue of this act. This act to take effect and be in force from and after its passage.

APPROVED January 26, 1853.

Special tax.

In force Jan. 26,
1853.

AN ACT for the relief of Noah Minnieks.

Preamble.

Whereas at the September term, 1847, of the circuit court of Crawford county, Illinois, Noah Minnieks was convicted of the crime of larceny, which has deprived him of the right of citizenship; therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the said Noah Minnieks is hereby restored to the full rights and privileges of citizenship.

Restored to citizenship.

§ 2. That this act be in force from and after its passage.
APPROVED January 26, 1853.

In force Jan. 26,
1853.

AN ACT to vacate parts of certain streets in the town of Robinson.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That so much of Franklin street as passes over or lies between Main street and Locust street and adjoining lots No. eighty (80,) seventy-nine (79) and eighty-one (81,) together with so much of Lincoln and Chesnut streets as lies adjoining lots number one hundred and four (104,) one hun-

Vacated.

dred and five (105,) one hundred and six (106,) one hundred and seven (107) and one hundred and eight (108,) situate in the town of Robinson, Crawford county, and state of Illinois, be and the same is hereby vacated; and the parts of said streets vacated shall belong to and the title is hereby vested in the owners of the adjoining lots.

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

APPROVED January 26, 1853.

AN ACT granting further time to the Sangamon and Morgan Railroad Company to repair a portion of the Northern Cross Railroad. In force Jan. 24, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the time allowed the Sangamon and Morgan Railroad Company in the first section of an act approved January 23, 1851, entitled "An act to incorporate the Sangamon and Morgan Railroad Company," approved March the first, A. D. 1845, be and the same is hereby extended so as to allow the said company until the first day of July, A. D. 1853, to repair that part of the Northern Cross Railroad leading to the town of Meredosia, from the point where the said road is intersected by a lateral road to the town of Naples; and that the said company, on repairing the said part of the said road in the manner provided for in the first section of said act, by or before the said first day of July, A. D. 1853, and keeping the same in repair as hereinafter provided, shall be entitled to the release and discharge of forfeitures, and the confirmation of their rights, privileges and franchises, in all respects, to which they would have been entitled if they had repaired the said part of the said road within the time provided for in the said first section of the said act, and kept the same in repair and use as therein provided: *Provided, nevertheless,* that the foregoing time for the repairing of said road to Meredosia, and the release of forfeitures aforesaid, and the confirmation of rights aforesaid, are granted to the said company upon the following express conditions, to wit:--

1st. That so much of said Northern Cross Railroad as lies between the town of Meredosia and a point where said road is intersected by a lateral road to the town of Naples, shall, prior to the first day of July next, be put in the same state of repair and with the same kind of material which are used upon the road from the said intersection to Springfield, and shall, for and during the corporate existence of

said company, be kept in the same state of repair, using the same kind of materials, and shall be kept in use for the transportation of persons, property, &c., and operated with the same power as the residue of said road from said intersection to Springfield.

File acceptance
with secretary
of state.

2d. That said company shall, within (60) sixty days from the passage of this act, accept of the same and its provisions as obligatory upon them, by a resolution of their directory, certified by the president and secretary of said company, under the seal of said company, and filed in the office of the secretary of state.

Penalty for fail-
ure.

3d. And if said company, after said acceptance, shall fail to comply with the provisions of this bill, they shall forfeit all right, title and interest and claim which they have in and to said Northern Cross Railroad and lateral road, and the property thereon and connected therewith, and the whole property, as it may be situated, shall revert to and belong to the state of Illinois, and all the rights of the corporation shall vest in the governor for the use of the state.

APPROVED January 24, 1853.

In force Jan. 26, 1853. AN ACT to authorize the board of supervisors of La Salle county to borrow money and levy a tax to pay the same.

Borrow money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of La Salle county be authorized to borrow a sum of money, not exceeding six thousand dollars, as in the discretion of said board may be necessary; at a rate of interest not exceeding eight per centum per annum, for the purpose of enabling said board of supervisors to purchase a farm and erect suitable buildings on the same, so as to accommodate the county paupers.

Levy and collect
tax.

§ 2. The money borrowed by said board of supervisors of La Salle county, under this act, shall not be borrowed for a longer time than ten years, from the first day of February next; and for the purpose of paying the interest which may accrue and become due thereon, which interest shall be paid annually, and for the purpose of enabling said county to pay the amount of the principal which is authorized to be borrowed by this act within the time specified, the board of supervisors is hereby authorized to levy and collect a tax, not to exceed the sum of twenty cents on the hundred dollars worth of taxable property, in addition to the amount now assessed for county purposes, which shall be assessed and collected in the same manner as other county taxes are now assessed and collected, and

which shall be designated as the "county loan tax," and shall cease to be levied so soon as the clerk of said board of supervisors shall certify that the principal and interest of said loan is liquidated.

APPROVED January 26, 1853.

AN ACT to amend the city charter of Galena.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the fifth ^{Elect officers.} section of an act passed and approved on the fifteenth day of February, A. D. one thousand eight hundred and thirty-nine, entitled "An act to amend the several acts incorporating the town of Galena," be so amended that at all subsequent elections the white male citizens of Galena shall, in their respective wards, in such manner as is now provided by law, or as the city council may hereafter ordain, proceed to elect a mayor, two aldermen from each ward, a city clerk, treasurer, city attorney, harbor and lumber master, health officer, inspector, market and weigh master, superintendent of ways and bridges, city surveyor, city marshal, and two city constables, who shall hold their respective offices as now provided by law. This act shall take effect and be in force from and after the same shall be accepted by the qualified voters of the city of Galena, at the election to be held for that purpose.

APPROVED January 26, 1853.

AN ACT to incorporate the Union Cemetery Association.

In force Jan. 26.
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Peter B. Johnson, John Phelps and James Richards, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "The ^{Style.} Union Cemetery Association," located in the town of Butler, Winnebago county, and by that name and style to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

§ 2. The officers of said association shall be three ^{Directors.} directors and such other officers as by this act may be authorized or created, each of whom shall be the owner of one or more lots in the cemetery of said association. Said

directors, or a majority of them, in all cases, shall constitute a board for the transaction of business and the management of all the property of said association, and shall be elected by ballot on the first Monday of February, biennially, and shall hold their offices until their successors are elected.

President.

§ 3. Said board of directors shall choose from their own number a president and treasurer, and shall appoint from the members of said association a secretary, sexton, and such other officers as the interest of said association may require. Said treasurer shall give a bond, with security for the faithful discharge of his duty, if required by said board.

Elections.

§ 4. At all elections of said association two of said directors shall act as judges, and the secretary as clerk thereof, if present. In case of absence of the directors and secretary, the members of the association may elect the judges and clerk from their own numbers. Said board may, by giving ten days' notice, hold a special election to fill vacancies occasioned by the death, resignation or removal of any of said directors.

Members.

§ 5. Every person having title to one or more lots in said cemetery shall be a member of said association, and entitled to one vote only.

Power to purchase.

§ 6. Said board of directors shall have power to purchase, receive by grant or otherwise, and hold lands, not exceeding ten acres, for a cemetery, and to lay out the same into lots suitable for the burial of the dead, and also to sell and convey the same, by certificate of purchase, signed by the president and attested by the secretary; and the purchasers thereof, their heirs and assigns, shall use their said lots for burial purposes only.

Application of proceeds.

§ 7. The proceeds arising from the sale of said lots shall be applied by said directors in making such improvements upon said cemetery as they shall think necessary or appropriate; and said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association, and the general supervision and control of its property. Said board may, for cause, remove any of the officers of its appointment.

Deeds.

§ 8. All deeds and other writings, made or issued by said association, shall be signed by the president and attested by the secretary.

§ 9. Said directors shall cause to be kept and preserved in a book or books provided by them for the purpose, a full and complete record of all their meetings, orders, purchases and sales of property, with the names of parties thereto, also a complete register of the burials in said cemetery;

which book of record shall at all times be open for the inspection of the members of the association, and under the control of said board of directors.

§ 10. The right of property to any lot or lots in said cemetery shall be vested [in] the purchaser, by certificate of purchase signed by the president and attested by the secretary; which certificate shall be recorded by the secretary; and every transfer of such certificate shall be made by surrendering the same to the secretary, who shall thereupon issue a new certificate to the assignee and cancel the former. No person shall hold title to more than two lots. Right of property

APPROVED January 26, 1853.

AN ACT to amend the charter of the Illinois Liberal Institute.

In force Jan. 26,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the third section of the charter of the Illinois Liberal Institute, approved February fifteenth, A. D. one thousand eight hundred and fifty-one, be and the same is hereby repealed. Repealed.

§ 2. That the following shall be the third section in said charter, to wit: the said institution shall be located in the town of Galesburg, in the county of Knox; and the persons named in the first section of said charter, and their successors, shall be trustees thereof. Said trustees shall have power to locate and erect the necessary buildings, to elect a president of said institute, to appoint professors, and such teachers, either male or female, and employ all such agents as may be requisite to the purpose of the corporation; to dismiss or remove any or all of them at their pleasure, and to appoint others in their stead. The trustees shall also have power to prescribe the course of study, fix the price of tuition, and determine the compensation of the president and all other persons employed in the institution. Substitute.

§ 3. That the proviso in the fourth section of said charter shall be amended so that the whole amount of property so held by said trustees, exclusive of legacies and donations, shall not amount at any time to more than fifty thousand dollars.

§ 4. That the proviso in the fourteenth section of said charter, be and the same is hereby repealed, and the following shall be the proviso to said section, to wit: *Provided*, that the president, professors and teachers in said institute may be stockholders therein, but in no case shall Repealed.
Provided.

such persons be trustees thereof, while he or they are acting as such president, professors or teachers.

Faculty.

§ 5. That the president, and as many of said professors and teachers as the trustees shall at any regular meeting select, shall compose the faculty of said institute, and shall have full power to confer degrees upon and grant diplomas to such students as shall be deemed qualified; and all such diplomas shall be signed by said faculty, the president and secretary of the board of trustees, and shall have affixed thereto the seal of the said institute.

§ 6. This act shall be deemed a public act, and may be used as evidence without being specially pleaded, and shall be in force from and after its passage.

APPROVED January 26, 1853.

In force Jan. 26, 1853. AN ACT to amend an act entitled "An act to authorize Thomas H. Owen to keep a ferry across the Mississippi river, at Nauvoo."

Amendment.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That section "3" of an act entitled "An act to authorize Thomas H. Owen to keep a ferry across the Mississippi river, at Nauvoo," approved February 8th, 1849, be and the same is hereby amended by adding the following words to said section: that the management and regulation of the said ferry, and the rights and privileges of the owners thereof, shall be governed and secured by chapter forty-two of the Revised Statutes, entitled ferries and toll-bridges; and so much of the said act as conflicts with the above provisions is hereby repealed.*

APPROVED January 26, 1853.

In force Jan. 26, 1853. AN ACT to authorize William H. Allen and his associates to establish and keep a ferry across the Mississippi river, at the town of Grafton, Jersey county, Illinois.

Establish ferry.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William H. Allen and his associates, and his or their heirs and assigns, be and they are hereby authorized to establish and keep in operation a ferry across the Mississippi river, at the town of Grafton, in Jersey county, to the opposite shore, on the Missouri side.*

§ 2. The said William H. Allen, his heirs and assigns, ^{Toll.} shall be allowed such rates of ferriage, and be entitled to the same privileges, and subject to all of the duties contained in chapter forty-two of the Revised Statutes of this state, entitled "ferries and toll-bridges."

This act to take effect from and after its passage.

APPROVED January 26, 1853.

AN ACT entitled an act to change the name of Mary Ann Burns.

In force Jan. 26,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the ^{Name changed.} name of Mary Ann Burns be and the same is hereby changed, for all purposes whatever, to the name of Mary Ann Merril.

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

APPROVED January 26, 1853.

AN ACT to change the name of the town of Centreville, in Fulton county, ^{In force Jan. 26,} to Cuba. ^{1853.}

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the ^{Name changed.} name of the town of Centreville, in Fulton county, be and it is hereby changed to that of Cuba: *Providing, however,* that the change of name shall in nowise affect contracts or conveyances heretofore made.

APPROVED January 26, 1853.

AN ACT to change the name of the town of Pleasantville, in Fulton ^{In force Jan. 26,} county, to Ipava. ^{1853.}

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the ^{Change of name.} name of the town of Pleasantville, in Fulton county, be and it is hereby changed to that of "Ipava:" *Provided, however,* that the change of name shall in nowise affect contracts or conveyances heretofore made.

APPROVED January 26, 1853.

In force Jan. 26,
1853.

AN ACT to change the name of Thomas P. Blair.

Name changed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Thomas P. Blair, of Pope county, Illinois, be and the same is hereby changed, for all purposes whatsoever, to the name of Thomas P. Warwick.

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

APPROVED January 26, 1853.

In force Jan. 24, 1853, AN ACT vacating a part of the town of Sterling, in the county of Whiteside.

Vacated.

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 Sterling, west of Broadway, and lying west of Locust street, together with block forty-two, and so much of the Front street lying and being between said block forty-two and the river, be and the same is hereby vacated; the title thereto to vest and remain in the owners and proprietors of the lots in said part of the town and block hereby vacated.

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

APPROVED January 24, 1853.

In force Jan. 24, 1853, AN ACT authorizing George W. Renwick to erect a building in Fox river at the town of Elgin, Kane county, Illinois.

Erect building.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George W. Renwick, of Elgin, Kane county, and state of Illinois, be and he is hereby authorized and empowered to erect and maintain, for the purpose of carrying on the blacksmith or other business therein, a building in Fox river, at or near the east end of the bridge across said river, at said Elgin: *Provided,* the same shall not obstruct the water-power of any person on said river, nor the current of said river.

APPROVED January 24, 1853.

AN ACT to tax the inhabitants of school district No. 5, in the township of Aurora, Kane county, Illinois, for school purposes. In force Jan. 24, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act that the schools in district number five, in the township of Aurora, in the county of Kane, shall be supported by taxation, to be assessed and levied by the school directors of said school district, upon the real and personal property and estate within the said school district. Said tax to be collected by the collector of said school district in the same manner teachers' wages are collected by said district collector under the school law as amended February, 1851. Taxation.

APPROVED January 24, 1853.

AN ACT to increase the number of directors of the Warsaw and Rockford Railroad Company. In force Jan. 24, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That at the first election of directors for said company, which may be held after the passage of this act, it shall be lawful for the stockholders thereof to elect seven directors of said company, and that the directors of said company may at any time, by resolution of the board, increase the same to any number not exceeding thirteen, to be elected by the stockholders in the same manner that other directors are elected. Number of directors.

§ 2. This act to be in force from and after its passage.

APPROVED January 24, 1853.

AN ACT for the relief of A. S. Jeffries, one of the securities of William J. Arnold, late collector of Jasper county. In force Jan. 22, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That A. S. Jeffries be and he is hereby released and discharged from all liability to the state, by reason of his having been one of the securities on the collector's bond of William J. Arnold, late collector of taxes of Jasper county for the year 1847. Released.

APPROVED January 22, 1853.

In force Jan. 24, 1852. AN ACT authorizing certain persons holding property in trust for the use of the Protestant Episcopal church in the state of Illinois to convey the same.

Preamble.

Whereas certain lands, tenements and other property in this state have been heretofore conveyed to the Right Reverend Philander Chase, bishop of the Protestant Episcopal church in the diocese of Illinois, or bishop of Illinois, and to other persons, upon the trust, expressed or implied, to hold and transmit the same to the successors of said bishop in the state of Illinois, for the use and benefit of various religious congregations of the Protestant Episcopal church, and for the religious, charitable and literary purposes of said church; and whereas certain land in the city of Chicago has been conveyed to the Right Reverend Henry John Whitehouse, the present bishop of the Protestant Episcopal church in Illinois, for the purpose of erecting thereon a cathedral, church, dwelling house, schools and other buildings, on the same trust, expressed or implied, to hold and transmit the same to his successors; and whereas doubts may arise whether the said bishop and other persons before mentioned can well and sufficiently hold and convey said lands, tenements and other property, and also whether the successors of the Right Reverend Henry John Whitehouse can take and hold the legal title of and to the same; and whereas there is danger of loss to said church and societies unless the said bishop of Illinois and his successors are legally authorized to take, hold and convey real estate for such religious and charitable uses; therefore—

Conveyances.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all gifts, grants, deeds, wills and other conveyances wherein or whereby any lands, tenements or other property within this state have been given, devised or granted, or in any manner conveyed, by any person or persons whatever, unto any person, by the name, style or title of bishop of the Protestant Episcopal church, in the state or diocese of Illinois, or bishop of Illinois, and his successors, or to any other person upon the trust, expressed or implied, to take, hold and receive the same, for the use and benefit of any religious congregation of Protestant Episcopalians, or for the support, aid or maintenance of the cathedral church, of any hospital, almshouse, seminary, church, parsonage, or for burial grounds or other religious or charitable purposes, within this state; and all such gifts, grants, deeds, wills and other conveyances which may hereafter be made, are hereby confirmed and declared to be good, sufficient and effectual in law, to vest the legal title and estate in fee simple of, in and to the said lands and tenements and other property in such grantee or devisee, and in such persons

as shall be in future the successors of the said bishop of Illinois, forever, and in no other person or persons whatsoever: *Provided, however*, that it shall be necessary, in relation to all gifts, grants, deeds, wills and other conveyances heretofore made as aforesaid, that the persons to whom the same were made, or such persons as they may have conveyed to, if living, shall release their interest and estate therein to the said bishop of Illinois: *And provided further*, that nothing in this act shall be taken or construed to give or grant to the said bishop of Illinois, or his successors, the right to hold real estate in trust for any religious society, except for charitable, religious and literary purposes, or for burial grounds, as provided for in this act.

APPROVED January 24, 1853.

AN ACT to amend an act entitled "An act to incorporate the Shawnee Coal Company," approved February 12, 1851. In force Jan. 18, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That said company may acquire and hold, in addition to that named in the act to which this is an amendment, other real estate and mining rights, in the counties of Gallatin and Hardin; to buy, build and own boats for the carrying on their business, and to dispose of their property or any of it by sale or otherwise; to engage in the mining of coal, iron, salt and other minerals, and in the manufacture and sale of salt, lime, iron and products of their lands and other articles and commodities, and in the transportation of same or any of them to home or foreign markets; to hold their meetings within or without the state, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted. Power to hold property.

§ 2. Said company may lay out, construct, own and maintain a railroad or railroads, and wagon roads, with their appurtenances, from any point or points on their lands, or on lands which they may lease, to such point or points on the Ohio or Saline rivers, as they may deem expedient or proper for the successful prosecution of their said business; and should the lands across which such road or roads be located belong to any *femme covert*, infant or insane person, the husband of such *femme covert*, or guardian of such infant, or conservators of such insane person, may release all damages for and in said lands, and adjust same, and convey the right of way to said company as fully as Railroad. Infants, &c.

Right of way. might be done by the party if free from such disability. And in event of non-agreement with the owners of lands that may be required by said company for the location and construction of said road or roads, or with any of them, or with such husband, guardian or conservators, said company may acquire the right of way and occupancy, and adjust the damages in the manner provided by the law of this state, now in force, concerning the right of way; and when the damages are assessed and paid, or tendered according to the provisions of said law, the lands so acquired shall be vested in said company for the use of said road or roads; and when such right of way shall have been awarded under said law, a copy of the report may be filed and recorded in the county where such lands are situate, and a due certified copy of such record shall be taken and received as evidence in all trials relating to same.

Debts. § 3. Said company may contract debts not exceeding at any one time in amount one-third the amount of the capital stock actually paid in, and provided it has within this state, at all times, property equal in value to the amount of its indebtedness; and said company may receive real estate in payment of such part of the subscription as they may deem desirable.

Acts repealed. § 4. All acts or parts of acts inconsistent with the foregoing provisions and amendments be and the same are hereby repealed, and this act shall take effect from and after its passage.

APPROVED January 18, 1853.

In force Jan. 20, 1853. AN ACT to amend an act entitled "An act to incorporate the Chicago South Western Plank Road Company," approved 10th February, 1849.

Construct rail- road. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the said Chicago South Western Plank Road Company are hereby authorized, in place of its plank road, to construct and maintain a railroad over the route mentioned in its charter, and for that purpose shall have all such additional powers as are necessary for the constructing and operating a railroad for the transportation of persons and property for hire. The capital stock of said company may be increased to three million of dollars. The route of said road from Chicago to Aurora shall be by way of Naperville. Upon the acceptance of this amendment, the name of said corporation shall be changed to that of "Chicago Western Railroad Company."

Capital stock in- creased.

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

APPROVED January 20, 1853.

AN ACT to change the name of Marshall Myrick to that of Marshall Myrick Cooper. In force Jan. 22, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of Marshall Myrick, of the county of Jersey, the adopted son of Jonathan E. Cooper of said county, be changed to that of Marshall Myrick Cooper. Name changed.

§ 2. That the said Marshall Myrick Cooper shall be and he is hereby declared to be entitled to all the rights that would belong or pertain to him were he the natural son of the said Jonathan E. Cooper. Rights.

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

APPROVED January 22, 1853.

AN ACT to authorize James Gray to establish a ferry across the Mississippi river. In force Jan. 15, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Gray, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river between the town of Appanoose, in the county of Hancock, and state of Illinois, and Fort Madison, in the county of Lee, and state of Iowa, for the term of eleven years from the passage of this act, during which time no license shall be granted to any other person or persons, nor shall any other person or persons, or body corporate, establish, keep or run a ferry, and land within two and a half miles of said town of Appanoose, under the forfeitures and penalties hereinafter referred to. Establish ferry.

§ 2. The said James Gray, his heirs and assigns, shall keep a good and sufficient steam or horse ferry boat, together with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall also furnish said boats with men of sufficient skill to manage the same, and may Ferry boats.

receive such rates of ferriage therefor as may be allowed by the county court of said county of Hancock.

Tax.

§ 3. The said James Gray, his heirs or assigns, shall pay into the county treasury of said county of Hancock, such amount of tax as may be assessed upon said ferry by the said county court, not exceeding thirty dollars per annum, and the management and regulation of the said ferry shall be governed by the act to establish ferries and toll-bridges, approved March the third, one thousand eight hundred and forty-five; and the said James Gray, his heirs and assigns, shall be entitled to the benefits and forfeitures, and may recover and receive the penalties of any and all persons infringing or disturbing the rights hereinbefore granted, in the same manner as is now provided in chapter forty-two of the Revised Statutes, entitled "ferries and toll-bridges."

Toll.

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

APPROVED January 15, 1853.

In force Jan. 20, 1853. AN ACT to authorize the voters of the county of Hancock to vote upon the question of township organization.

Vote.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That on the first Monday in the month of March next the question of township organization be and the same is hereby submitted to the legal voters of the county of Hancock to be voted for or against, and the election shall be conducted, the votes canvassed and the returns made in like manner as votes for state and county officers, and the abstract of said votes shall be made out and certified to in the manner provided for by an act entitled "An act to provide for township organization," approved February the 17th, 1851.

Returns.

Organization.

§ 2. If it shall appear by the returns of said election that a majority of the legal voters voting at such election are in favor of township organization, then said county of Hancock shall be governed by and subject to the provisions of said act entitled "An act to provide for township organization," approved February the 17th, 1851; and the said towns or townships in the said county, as heretofore divided and established by the commissioners appointed by the county court of said county for that purpose, shall, without the appointment of any new commissioners, or the making of any other division thereof, be deemed and held a sufficient division of said county in towns, according to the provisions of the act before mentioned, and shall, in all

courts and for all purposes, be considered the legal towns of said county until otherwise altered.

§ 3. It shall be the duty of the secretary of state, immediately after the passage of this act, to cause a copy thereof to be forwarded to the clerk of said county of Hancock, who shall forthwith cause notices to be posted up in three of the most public places in each of the precincts of said county, giving notice of said election or vote to be taken twenty days previous to the holding thereof.

Secretary of state
for copy.

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

APPROVED January 20, 1853.

AN ACT in addition to an act entitled "An act to authorize the construction of a bridge across the Illinois river," approved January 26th, 1847, and to an act entitled "An act in addition to said act," approved June 19, 1852.

In force Jan. 17,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Peoria Bridge Association shall have full power and authority, whenever the bridge of said Peoria Bridge Association shall be out of repair and unfit for the safe and convenient passage of persons and property across said bridge, to run a sufficient number of ferry-boats, at or near the outlet of Lake Peoria, where said bridge is erected, to accommodate all persons and their property in crossing said river; and the said Peoria Bridge Association shall have full power and authority to demand and receive the same tolls for crossing said river as the said Peoria Bridge Association is now entitled to receive for crossing said bridge by virtue of the said acts of incorporation.

Power to run
ferry boats.

Tolls.

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

APPROVED January 17, 1853.

AN ACT to vacate the town plat of the town of Hartford, in the county of Adams.

In force Feb. 3,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the town of Hartford, situate on the northwest half of section six, in township one north, of range eight, west of the fourth principal meridian, in the county of Adams, be and the same is hereby vacated.

Town plat vacated.

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

APPROVED Feb. 3, 1853.

In force Feb. 11, 1853. AN ACT entitled "An act to change the name of the Genessee Manual Labor High School."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the institution in Henry county heretofore known by the name of the Genessee Manual Labor High School, shall in future be called "The Genessee Seminary."

§ 2. This act shall take effect immediately after its passage.

APPROVED February 11, 1853.

In force Feb. 11, 1853.

AN ACT to release a certain judgment therein named.

Preamble.

Whereas on the 25th day of April, A. D. 1843, in the circuit court of Adams county, on an indictment therein pending against one Richard Eells, for secreting a certain negro slave owing labor to the state of Missouri, and belonging to one Chauncey Durkee, the said Richard Eells was duly convicted as charged, and by the judgment of said court sentenced to pay a fine of four hundred dollars; which said judgment was afterwards affirmed by the supreme court of the state of Illinois and of the United States; and whereas since the rendition of said judgment the said Eells has departed this life, leaving an amount of property sufficient only for the support of his surviving widow, and the ends of justice having been answered by the vindication of the law; therefore—

Judgment released.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the judgment aforesaid rendered against the said Eells in the said Adams circuit court, on the 25th day of April, A. D. 1843, be and the same is hereby released; and the clerk of the said Adams circuit court is hereby authorized and directed to enter full satisfaction of said judgment on the records of his said court: *Provided,* that nothing in this act contained shall be so construed as to release said Rich-

Clerk to satisfy judgment.

ard Eells, his heirs or executors, from the costs of said proceeding.

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

APPROVED February 11, 1853.

AN ACT to restore Reuben Eastwood to citizenship.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Reuben Eastwood, of Lee county, be and he is hereby restored to all the rights, privileges and franchises to which he became ineligible by reason of a sentence by the circuit court of Lee county. Citizenship re-
stored.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to vacate a certain alley in the town of Bloomington.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of a certain alley running east and west between lots 19, 20, 21, on one side, and lots 22, 23 and 24, on the other side, in the original town of Bloomington, McLean county, be and the same is hereby vacated. Alley vacated.

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

APPROVED February 12, 1853.

AN ACT to vacate a part of Morgan street, in Jacksonville.

In force Feb. 12,
1853.

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 Jacksonville, Morgan county, Illinois, as lies west of Prairie street, in said town, is hereby vacated. Street vacated.

§ 2. This act is declared to be a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb.
1853.

AN ACT to change the names of certain persons therein named.

Names changed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of John A. Smith be changed to that of John A. Rhone, and that his children, to wit: Weston Smith, Roy W. Smith and Mary M. Smith, be respectively changed to that of Weston Rhone, Roy W. Rhone and Mary M. Rhone.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 8, 1853.

In force Feb. 10,
1853.

AN ACT for the relief of Sarah B. Prentice.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized and required to issue his warrant in favor of Sarah B. Prentice, for the sum of four hundred dollars, in full payment of a sum awarded to Cephas Robbins for damages sustained by him in consequence of the Northern Cross Railroad passing over certain land owned by said Robbins.

§ 2. This act to be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 11,
1853.

AN ACT to amend an act, in force February 14, 1851, entitled "An act to extend the time for the payment of certain judgments against the securities of Thomas M. White.

Time of payment
extended.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the time for the payment of the said sums of money recited in the act to which this is an amendment, be and is hereby extended until the first day of January, eighteen hundred and fifty-five.

Redemption ex-
tended.

§ 2. *And be it further enacted,* that in all cases where lands have been sold by virtue of judgments in favor of the state, against any of the persons named in the act to which this is an amendment, the equity of redemption shall be extended until the first day of January, eighteen hundred and fifty-five.

To pay in state in-
debtedness.

§ 3. The persons named in the act to which this is an amendment may, at any time previous to the said first day

of January, eighteen hundred and fifty-five, pay the several sums of money therein named in evidence of state indebtedness, which payment so made shall satisfy all judgments obtained by this state against said persons, and shall operate as a release of all lands sold by virtue of executions issued upon said judgments.

APPROVED February 14, 1853.

AN ACT to provide for the settlement of a certain claim of Hart L. Stewart In force Feb. 4, 1853.
against the state.

Whereas by an act of the legislature, passed at the session Preamble.
of 1847-'48, providing for the funding of certain scrip and indebtedness of the state, in which no provision was made for paying the expenses necessarily involved in funding the same, now therefore—

Be it enacted by the people of the state of Illinois represented in the General Assembly, That the auditor of public accounts be and he is hereby required to draw his Auditor to draw
warrant upon the treasurer for the sum of seven hundred warrant.
and sixty-eight dollars, in favor of Hart L. Stewart, in full Amount.
satisfaction and final discharge of all claims, dues or demands against the state for cash, services and expenditures incurred under the provisions of said act, and necessarily involved in funding said scrip and state indebtedness; and that the same be paid out of any money in the treasury not otherwise appropriated.

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

APPROVED February 4, 1853.

AN ACT to change the name of the town of New Lexington, in Morgan In force Feb. 12, 1853.
county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the name of the town of New Lexington, in Morgan county, be changed to that of Arcadia, and that said town shall henceforth be named and called by the name of Arcadia.

§ 2. This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to authorize Will county to pay Alonzo Leach.

County judge to
audit and pay.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county judge of Will county is authorized to audit and order to be paid to Alonzo Leach, late sheriff of said county, the sum of three hundred and fifty dollars, or such other sum as shall appear to be just, at any regular term of said court; and the county clerk of said county shall draw an order on the treasurer therefor whenever the same shall be ordered, which shall be paid as other orders are paid.

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

APPROVED February 12, 1853.

In force Jan. 31,
1853.

AN ACT to vacate the town of Oporto, in the county of Lee.

Plat vacated.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the town of Oporto, in the county of Lee, be and the same is hereby vacated, and that the title thereof remain and vest in the owners and proprietors thereof. This act to take effect and be in force from and after its passage.

APPROVED Jan. 31, 1853.

In force Feb. 10,
1853.

AN ACT for the relief of the securities of Elisha W. Dutcher, late sheriff of Ogle county.

Pro rata pay-
ment to be made.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the securities of Elisha W. Dutcher, late sheriff and collector of revenue for the county of Ogle, upon the payment of their respective *pro ratas* to the auditor of public accounts of a judgment obtained against them in the Sangamon circuit court, at the August term thereof, in the year eighteen hundred and fifty-one, for the balance of revenue due the state for the year eighteen hundred and forty-nine, for the sum of twenty-two hundred and twenty-four dollars, be and they are hereby forever released from all liabilities on account of said bond and judgment thereon. Said *pro rata* payments shall be made on or before the first day of December, A. D. eighteen hundred and fifty-four, by the payment of the sums for which the lands of the several securities were sold, with six per cent. per annum thereon from

the date of sale until paid: *Provided*, that nothing herein contained shall be so construed as to release the said sheriff from the debt, or any portion thereof. Proviso.

§ 2. Upon the payment of the *pro rata* portions aforesaid, all sales of land heretofore made by virtue of any execution issued upon said judgment, are hereby set aside and for nothing esteemed, and the auditor of public accounts is hereby required to cancel said sales. Sales to be cancelled upon payment of *pro rata* shares.

§ 3. Should said securities, or any of them, fail to comply with the provisions of this act, they shall not be entitled to the benefits thereof; but those who shall comply and pay their proportions, as provided in this act, shall receive from the auditor of public accounts a full acquittal from all liabilities as aforesaid: *Provided*, that nothing herein contained shall be so construed as to affect the lien of the state upon the land sold until they shall be released as herein provided. Securities failing to comply not entitled to benefits. Proviso.

§ 4. This act shall be in force from and after its passage. APPROVED February 10, 1853.

AN ACT to vacate a certain alley in the town of Morris, in Grundy county. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the alley extending from east to west, through the centre of block number twenty-three, in Chapin's addition to the town of Morris, be and the same is hereby vacated. Alley vacated.

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

APPROVED February 12, 1853.

AN ACT for the relief of John Brink, late sheriff of McHenry county. In force Feb. 12, 1853.

Whereas John Brink, then sheriff of McHenry county, state of Illinois, on the seventh day of October, eighteen hundred and fifty-two, started from the said county of McHenry to convey to the penitentiary at Alton two persons who had been duly convicted of crime in said county of McHenry, and sentenced to imprisonment in the said penitentiary, to wit: Chester Burns and William Esterly; and whereas the said William Esterly, while on a steambat upon the Illinois river, while being conveyed by said sheriff to Alton, at a place near Chilli- Preamble.

cothe, the said prisoner threw himself into the river, while heavily ironed, and was drowned, without fault on the part of said sheriff; and whereas said John Brink was at considerable expense to recover the body of his said prisoner, and having received no remuneration for any of his services, therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the* auditor of public accounts be and is hereby directed to issue his warrant upon the treasurer in favor of John Brink, late sheriff of McHenry county, in the sum of one hundred and six dollars.

§ 2. This act to take effect from and after its passage.
APPROVED February 12, 1853.

Auditor draw
warrant on trea-
sury.

Amount.

In force Feb. 12,
1853.

AN ACT for the relief of Henry C. Dickerson.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Henry C. Dickerson, of McLean county, be and he is hereby reinstated and fully restored to all his original rights, privileges and immunities, notwithstanding any conviction or proceeding in any court or place of judicature against or concerning him. This act and all its provisions shall apply to Conrad Madler, of St. Clair county, Illinois.

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

APPROVED February 12, 1853.

Restored to his
rights.

In force Feb. 3,
1853.

AN ACT for the relief of John M. Cunningham.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the* auditor shall draw his warrant upon the treasury in favor of John M. Cunningham, who was marshal of the district court of Massac county, for one hundred dollars, for his services and expenses in performing his duties in connection with said district court of Massac county, under the proclamation of the governor.

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

APPROVED February 3, 1853.

Auditor to draw
warrant.

AN ACT to incorporate the Scott County Canal Company.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That David Rankin, William Pegram, James Chiseldine, Ormsbe Haynie, Abner McWilliams, Jacob Bruce, Campbell Young, Irwin Young, David Smith, John Cumby, and their associates, assigns and successors, are hereby made and constituted a body corporate, having succession, under the name of "The Scott County Canal Company," and by that name shall be capable of suing and being sued, in all courts of law and equity, and of contracting and being contracted with, with power to make all needful rules and by-laws, and to exercise all necessary powers to carry into effect the objects of the company as hereinafter defined.

Corporators.

Style.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of one hundred dollars each; and the company shall have power to commence operations upon the work hereafter named, whenever the amount subscribed shall, in the opinion of commissioners, hereinafter mentioned, be sufficient for the completion of the work, or its successful prosecution; and the company, when organized, may choose five directors, to hold their offices one year, and until their successors are elected, who shall prescribe the assessment and time of collection of the stock.

Capital stock.

§ 3. This company, when organized, shall have power to cut and to construct a canal from Plumb Point, in Scott county, Illinois, across the bottom to the Illinois river, to a point at or near Pegram's ferry landing, of sufficient width and depth for flat and keel-boats, and to obtain right of way for said canal, and thirty feet on each side of the same for a road and tow-path, in pursuance of the statutes of this state; to build all necessary locks and appendages of whatever kind, and to own all necessary boats and other property, to accomplish the objects of the company, to wit: the transportation of goods, and other property, from the Illinois river to the bluffs.

Location.

§ 4. Said company shall be permitted to charge tolls on all goods or property transported through said canal, not exceeding three cents per hundred pounds, and shall always keep said canal supplied with sufficient boats and men, and other means of transportation, except when the navigation is stopped or suspended from unavoidable causes.

Tolls.

§ 5. William Pegram, Irwin Young and David Rankin, shall be commissioners, together with any other persons a majority of them may select, who shall proceed, after twenty days' notice by publication in the nearest newspaper, naming the time and places to open books for sub-

Commissioners.

scription to their stock, and when sufficient stock is subscribed the stockholders shall be called together by said commissioners by personal notice served on each, and they shall proceed to elect directors, each share having one vote, and when elected they shall elect one of their number president, appoint a secretary and treasurer, who may also be members of the board, and the stockholders may, from time to time, increase the number of directors, if deemed expedient.

§ 6. When directors are thus chosen, and officers appointed, the company shall be considered organized, and when ten per cent. of the stock subscribed is paid in, may proceed with their work.

Period of force of charter.

§ 7. This charter shall be in force for the period of thirty years from the passage of this act: *Provided*, that the same shall be forfeited for *non user* in five years.

Notice.

§ 8. Thirty days' notice shall be given to all the stockholders of each and every assessment, and the amount of the same, (after the first,) before the same shall be collectable.

Damages.

§ 9. If any person or persons shall be guilty of doing any wilful damage to the said canal, property or appurtenances, the person so offending shall be liable to indictment, and on conviction may be fined in any sum not exceeding five hundred dollars; and the circuit court of Scott county shall have jurisdiction in the premises, and the parties so offending may be committed by any justice of the peace of said county, as in case of malicious mischief.

Dividends.

§ 10. Dividends of the net proceeds of said canal shall be made at such periods as the directors shall by their by-laws provide.

Warehouses.

§ 11. The company shall provide good safe warehouses at each end of said canal, and afford every necessary facility for the storage and protection of goods and property, unless one of said houses shall be dispensed with by a majority of the company.

Circuit court declare null and void.

§ 12. If the company shall fail to comply substantially with the provisions of this charter the circuit court of Scott county may, after full investigation, upon complaint made in the name of the people, declare the same null and void.

Capital stock.

§ 13. The capital stock may be increased to any sum not exceeding twenty thousand dollars, if found necessary.

§ 14. This charter shall be construed liberally for the benefit of the company, shall be deemed and taken as a public act, and this act shall be in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to incorporate the Oregon Union Institute.

In force Feb. 12.
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James V. Gale, Edward F. Dutcher, Isaac S. Woolley, Henry A. Mix, Charles F. Emerson, Robert B. Light, Bowman W. Bacon, Daniel Etnyre, Pyam Jacobs, Joseph Wagner, Thomas H. Potwine, Philip R. Bennett, jr., Thomas Stinson, Hiram Read, John James, Williard P. Flagg, E. Payson Snow, Jehill Day, William J. Mix, Leonard Andrews and Solon Cuniens, and their successors, be and they are hereby created a body politic and corporate, to be styled "The Oregon Union Institute," and by that name to remain in perpetual succession, with power to contract and be contracted with, to sue and be sued, to acquire, hold and convey property, real, personal and mixed; to have and use a common seal, and alter the same at pleasure; to make and alter by-laws for the government of the corporation, its officers, agents and servants: *Provided*, such by-laws be not inconsistent with the constitution and laws of the United States or of this state.

§ 2. The object of the corporation shall be the establishment and support of education.

§ 3. The said institution shall be located in the town of Oregon, in the county of Ogle, and the persons named in the first section of this act, and their successors, shall be trustees thereof. Said trustees shall have power to locate and erect the necessary buildings; to appoint a principal and all such instructors and instructresses, and employ all such agents as may be requisite to the purposes of the corporation; to dismiss or remove any or all of them at their pleasure, and to appoint or employ others in their stead. The trustees shall also have power to prescribe the course of study, fix the prices of tuition and determine the compensation of the principal and all other persons employed in the institution; and it is especially provided that the institution shall be forever free from all sectarian control, influence or bias whatever.

§ 4. The said corporation shall have power to receive, by gift, grant, devise or bequest, property, real, personal, or mixed, and to hold and use the same, with the issues, rents and proceeds thereof, for the purposes of the institution: *Provided*, that the whole amount of property so held by said trustees, exclusive of legacies and donations, shall not amount, at any one time, to more than twenty thousand dollars.

§ 5. All money, property, rents, choses in action, and other valuables so received by said trustees, shall be faithfully applied to the erection of buildings, the purchase of furniture, books, maps, charts, globes, philosophical, astronom-

ical, chemical and other apparatus necessary to the success of the institution, and to the payment of the principal and others employed by the trustees: *Provided*, that when the funds of said institution shall exceed the sum of five thousand dollars then said excess may be appropriated as hereinafter provided.

Subscriptions.

§ 6. The trustees shall have power to receive subscriptions from all persons, and to collect the same, for the purpose of advancing and supporting said institution; and when any person shall subscribe the sum of twenty-five dollars he shall be entitled to one share and one vote as a stockholder in said institution, and shall be entitled to a receipt therefor from the treasurer of said institution; and when any person shall subscribe three shares he shall be entitled to two votes, and the subscriber to seven shares shall be entitled to three votes, and so on in that proportion.

Trustees.

§ 7. That on the first Wednesday of May next, or on some Wednesday within two months thereafter, the time to be designated by a majority of said trustees herein named, and not until three thousand dollars are subscribed, said stockholders shall meet at the said town of Oregon and organize said institution by electing from their body not less than nine nor more than twenty-one trustees, the exact number to be determined by said stockholders so met: Said stockholders to elect said trustees in three classes—the first class, one-third of said number, to be elected for the term of three years, and the second class, also one-third of said number, for the term of two years, and the third class for the term of one year; and each class to hold their office until their successors are elected, and ever afterwards each class to be elected for three years.

Deliver
&c. books,

§ 8. That the said James V. Gale, Edward F. Dutcher, Isaac S. Woolley, Henry A. Mix, Charles F. Emerson, Robert B. Light, Bowman W. Bacon, Daniel Etnyre, Pyam Jacobs, Joseph Wagner, Thomas H. Potwing, Philip R. Bennett, jr., Thomas Stinson, Hiram Read, John James, Willard P. Flagg, E. Payson Snow, Jehiel Day, William J. Mix, Leonard Andrews and Solon Cuniens, the original trustees named herein, shall, upon the election of said trustees by said stockholders as herein provided, immediately turn over to the trustees so elected, as their legal successors, all of the books, papers, property, implements, materials and all other things belonging and appertaining to said institution; and said trustees so elected shall have as free and as ample power in all things as is herein given to the trustees named herein.

President.

§ 9. The trustees so elected by said stockholders shall elect from their own body one president, to hold his office during the time for which he was elected a trustee, and

one treasurer, who shall hold his office at the will of said trustees; and said trustees shall also elect from among said stockholders, whether he is a trustee or not, one secretary, who shall hold his office for the term of five years, unless removed by a vote of at least two-thirds of said trustees. The separate duties of said officers, besides what are herein provided for, to be prescribed by the by-laws of said institution.

§ 10. The treasurer, before entering upon his duties, shall give a bond for the faithful performance of his duty in such a sum and upon such conditions as said trustees shall direct; and all forfeitures upon said bond shall be collected in the name of said institution, for its use and benefit; the treasurer shall also provide himself with books in which the names of all the subscribers and the amount by each subscribed shall be entered, as well as all payments made upon such subscription, and he shall also enter in said books an exact description of all property received by gift, grant or by purchase, and if real estate, it shall be described in said books as described in the title papers, and the entries of each kind of property shall be kept by themselves; he shall also give receipts for money paid in on subscription to the person paying the same, and shall annually, and oftener if required by the trustees, report to them all matters in the line of his duties, and shall exhibit his books for the inspection of the trustees whenever by them required.

§ 11. The secretary shall keep a correct record of the proceedings of the stockholders, and also be the secretary of the board of trustees.

§ 12. A majority of the trustees shall constitute a quorum, and may do the business of the board.

§ 13. The annual meetings of the trustees shall be on the day of the annual meeting of the stockholders, and their annual meeting shall be held at a time and place designated by themselves at a previous annual meeting each year: *Provided*, the secretary shall be authorized to call special meetings, by giving public notice thereof, whenever requested so to do by the president and two other trustees.

§ 14. The stockholders shall meet annually, on the same day of the annual meetings of the trustees and elect one-third of the number of trustees to fill the vacancies of those whose term of office shall then expire: *Provided*, that the principal or any teacher in said institution may be a stockholder in said institution, but in no case shall such principal or teacher be a trustee while he is so acting as principal or teacher.

§ 15. The said trustees are hereby required first, to appropriate a sufficient amount of the funds of this institution to the permanent organization and support of the

Treasurer.

Secretary.

Annual meetings.

Elect trustees.

Application of moneys.

same; and, second, the balance, if any, may be invested in a permanent fund, and the profits thereof be applied, by the board, for the establishment of professorships, or the education of orphans, or in any other manner consistent with the best interest of the institute hereby incorporated.

Exempt from taxation.

§ 16. The tract of land on which the buildings of the institute may be erected, together with all the furniture, books and apparatus belonging to said institute, shall be exempt from all taxes.

Collect subscriptions.

§ 17. The trustees are hereby fully authorized and empowered to collect, in the name of said institute, all subscriptions which may have been made for the purpose of founding and establishing the same prior to the passage of this act.

§ 18. This act shall be deemed a public act, and may be used as evidence without being specially pleaded.

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to amend an act to incorporate the colleges therein named, and the acts amendatory thereto.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the act entitled "An act to incorporate the colleges therein named," approved February 9th, 1835, and the several acts amendatory thereto, be and the same are hereby so amended that the board of trustees shall be authorized to distribute, by lot or otherwise, said trustees into three several classes, so that the term of office of one of those several classes, alternately, shall expire annually, at such time as the trustees shall determine, and a new election shall be held at such time by the trustees for the time being, to fill the vacancy so created: Provided, however if the said board of trustees shall fail so to elect when the term of office of any one class shall expire, such class shall be entitled to hold their seats till the said trustees shall enter upon an election to fill such vacancy.*

Trustees distributed into classes.

Proviso.

Shurtleff College

§ 2. So much of the said act as requires the trustees of Shurtleff College to fill all vacancies occurring in their board from persons resident in the state of Illinois, is hereby repealed.

Interest.

§ 3. The trustees of Shurtleff College are hereby authorized to contract for and receive, on all sums due or hereafter to become due to said college, interest at such rate as are specified in such agreement, not exceeding ten per cent. per annum.

APPROVED February 11, 1853.

AN ACT to vacate a part of the town plat of the town of Burton.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the public square, and that part of Broadway street that runs between blocks five and six, in the original town plat of the town of Burton, in the county of Adams, shall be and is hereby vacated: *Provided,* the same shall be reserved for the exclusive use of schools, and in no case be sold or conveyed for any other purpose.

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

APPROVED February 12, 1853.

AN ACT to vacate a certain street in the town of Hennepin.

In force Feb. 12,
1853.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all of Water street, in "West Addition to Hennepin," be and the same is hereby declared vacated. Said street hereby vacated is hereby attached to and declared to belong to the lots fronting the same on the east side thereof.

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

APPROVED February 12, 1853.

AN ACT to vacate a part of Front street, in the town of Menard, in Randolph county.

In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That forty feet on the south side of Front street, and running the whole length of the Mill square of H. C. Cole, in the town of Menard, in the county of Randolph, be and the same is hereby vacated.

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

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to vacate a certain alley in the city of Bloomington.

Vacated.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the alley dividing lots forty-one, forty-two, forty-three and forty-four, in Morton's addition to the city of Bloomington, be and the same is hereby vacated.

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

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to vacate a part of Squaw Lane, in Martin's addition to Naperville, Du Page county.

Vacated.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a certain lane in Martin's addition to Naperville, known and designated upon a plat of said addition, recorded in the recorder's office of Du Page county as "Squaw Lane," as is located through block No. 5, and running from Main to Washington streets, be and the same is hereby vacated. And that so much of said lane as is hereby vacated shall belong to and the title thereto is hereby vested in the owners of the adjoining lot.

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

APPROVED February 12, 1853.

In force Feb. 10,
1853.

AN ACT to vacate the town plat of the town of Pittsburgh, in the county of Jersey.

Vacated.

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 Pittsburgh, in the county of Jersey, be and the same is hereby vacated.

§ 2. This act to be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to vacate the plat of the town of Allenton.

In force Feb. 10,
1853.

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 Allenton, in the county of Christian, be and the same is hereby vacated.

§ 2. This act to be in force from and after its passage.
APPROVED February 10, 1853.

AN ACT to vacate a part of the town plat of Rapids City, in Whiteside county.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the southwest quarter of section number twenty-eight (28,) in township No. twenty-one (21) north, range No. seven (7,) east of the fourth principal meridian, in Whiteside county, as is laid out into town lots, known as a part of Rapids City, be and the same is hereby vacated.

APPROVED February 11, 1853.

AN ACT vacating certain alleys in the town of Oswego, in the county of Kendall.

In force Feb. 11,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the alley in block number one in Louck's and Stafford's addition to the town of Oswego, in the county of Kendall, and the alley in block one in Judson's addition to said town, according to the recorded plat thereof, in the recorder's office of said county, be and the same are hereby vacated.

APPROVED February 11, 1853.

AN ACT to vacate an alley in the town of Ottawa.

In force Feb. 12,
1853.

Whereas by agreement between the corporate authorities of the town of Ottawa and the owners of block 63 in the state's addition to said town, the alley running through the centre of said block and the small square in the cen-

tre thereof have been abandoned for any public use, and an alley thirty feet in width has been opened to the public use on the eastern end of said block, on the bank of Fox river; therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the alley and square in block No. 63, in the state's addition to the town of Ottawa, in the county of La Salle, be and the same are hereby vacated and attached to lots adjoining said alley and square, and that an alley be opened on the eastern end of said block, thirty feet wide: *Provided,* the owners of said lot shall, within six months from the passage of this act, execute, acknowledge and record an instrument which shall dedicate to the public use the said thirty feet in width on the eastern end of said block.

§ 2. This act to be in force from and after its passage.
APPROVED February 12, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the Rockton Water Power Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Talcott, Thomas B. Talcott, John R. Peterson, Philander Bird, Wait Talcott, Sylv. Talcott, A. H. Merrill, F. W. Merrill, F. L. Wright, S. F. Merrill, Henry W. Talcott, W. H. McLean and Benjamin Durham, of Winnebago county, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name and style of "The Rockton Water Power Company."

§ 2. Said company shall be competent to contract and be contracted with, and be capable, in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered unto, to defend and be defended, in all courts and places, and in all matters whatsoever. Said corporation may have and use a common seal, which they may alter or change at pleasure; and may also make and put in execution such by-laws, ordinances and regulations as may be necessary for the good government of said corporation, and the prudent and efficient management of its affairs: *Provided,* the same be not inconsistent with the spirit of this act, the constitution of this state, and the constitution of the United States.

§ 3. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, and the said corporation may have power to increase their capital stock to any amount not exceeding two hundred and fifty thousand dollars, if such amount shall be deemed

Corporators.

Style.

Powers.

Capital stock.

necessary to be by them expended in the erection of mills, machine works, boats, wagons, necessary buildings, digging such runs and canals as may be necessary to carry on their business, and also to be expended in other materials.

§ 4. In order to facilitate the business operations of ^{Issue bonds.} said company or corporation, they shall be authorized to obtain any sum or sums of money on the issue of their bonds or other evidence of debt; also to negotiate a loan or loans of money to the amount of its capital stock, and to pledge all its property, real and personal, and all its rights, credits and franchises for the payment thereof: *Provided*, that the evidence of debt authorized by this section shall not be issued for the purpose of circulating as money.

§ 5. Said corporation shall have the right to erect a ^{Erect dam.} dam across the Rock river on the southwest quarter of section number thirteen, in township number forty-six north, and range one, east of the third principal meridian, in the county of Winnebago, to the height of not exceeding five feet above low water mark: *Provided*, that said grant shall not be construed so as to prevent the state from improving said Rock river at the place, by dams, locks, or in any other mode, at any time hereafter, for the purpose of slack water navigation, or otherwise.

§ 6. That said corporation may purchase and hold such ^{Real estate.} real estate as may be deemed necessary for the transaction of its business: *Provided*, the same shall not exceed six hundred and forty acres; and said corporation may hold as securities any real estate mortgaged or pledged to secure the payment of debts due, or that may become due to said corporation; and also, may purchase on sales made by virtue of any judgment at law, or any decree of a court of equity in favor of said corporation, to take and receive real estate in payment, or towards the satisfaction of any debt previously contracted or due said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or personal property, and to sell and convey said real estate or any part thereof: *Provided*, all real estate purchased under judgment of any court of law or decree of any court of equity, or taken in payment of debts as aforesaid, shall be sold within five years from the date of purchase as aforesaid, otherwise the same shall be forfeited to the state of Illinois.

§ 7. This act is hereby declared a public act and shall take effect from and after its passage, and remain in full force for sixty years.

APPROVED February 10, 1853.

In force Feb. 11,
1853.

AN ACT to incorporate the Peoria Female Academy.

Corporators. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Hamlin, Amos P. Bartlett, Washington Cockle, John L. Griswold, Jacob Gale, and the other stockholders of a joint stock company, in the city of Peoria, called "The Peoria Female School Association," and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Peoria Female Academy," and by that name and style to have perpetual succession, for the purpose of establishing and maintaining, in the town of Peoria, an institution for the education of females.

Style.

Powers. § 2. The corporation hereby created shall have power, by their corporate name, to contract, to sue and be sued, to acquire, receive and hold, by purchase or otherwise, property, real, personal or mixed, and to use, manage and employ, or sell and dispose of all such property or money belonging to said incorporation, in such manner as to them shall seem proper for the promotion of the objects and interest of said corporation, and to make and establish all such rules, by-laws and regulations for the management of said institution and corporation as they may deem proper, not inconsistent with the laws of this state.

Officers. § 3. The officers of said corporation shall be a president, secretary, treasurer, and board of directors, to be elected annually by the majority of the vote of the stockholders present and voting at the meeting held for such election. There shall be three directors besides the president and secretary, who shall also be directors.

By-laws. § 4. The articles of association of the said Peoria Female School Association, and the by-laws, rules and regulations of said association, not inconsistent with this act of incorporation, shall be and remain the rules, regulations and by-laws of this corporation until the same shall be repealed or changed by the corporation; and all the property, rights and credits of said Peoria Female School Association shall be and are hereby vested in this association; and the officers of said association shall be and remain the officers of this corporation until their successors are elected at the next annual meeting of the stockholders.

Annual meetings. § 5. The annual meeting of the stockholders for the election of officers, &c., shall be on the fourth Saturday of the month of January of each year; and in case it should so happen that an election of officers should not be made at said annual meeting, or such annual meeting should not be held, this corporation shall not for that cause be deemed dissolved, but it shall be lawful on some other day to call a meeting of stockholders and elect officers in such manner

as is or shall be prescribed by the by-laws and regulations of this corporation, and the old officers shall act until their successors are elected.

§ 6. The land, lots, buildings, library, furniture, philosophical or other apparatus is hereby and the same shall be forever exempt from taxation for state, county, town and city corporation purposes, and also exempt from execution for other than debts or demands against the corporation in its corporate capacity, except for debts of the stockholders due the corporation. This act to be deemed and taken to be a public act, to be amended by the legislature, and in force from and after its passage.

APPROVED February 11, 1853.

AN ACT to amend an act entitled "An act to incorporate the Rock River Seminary, in Ogle county, Illinois, by incorporating in connection therewith a university by the name and title of Rock River University." In force Feb. 14, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Daniel J. Pinckney, Frederick B. Brayton, Frederick J. Petrie, Jacob Coffman, Enoch Wood, Andrew Newcorns, Henry Waggoner, Hooper Crews, Leander S. Walker, Henry Green, Luke Hitchcock and Samuel M. Hitt, and their successors in office, be and they are hereby created a body politic and corporate, under the name and style of "The Rock River University," and henceforth shall be styled and known by that name, and by that name and style to remain and have perpetual succession: *Provided,* that the Rock River Conference of the M. E. Church may, upon the recommendation of said board of trustees, enlarge said board to a number not exceeding twenty. Seven members shall constitute a quorum for the transaction of business, except at the annual meeting, when a majority of the whole board must be present.

§ 2. The corporate powers hereby bestowed shall be the following, to wit: to make contracts, to sue and be sued, to plead and be impleaded, and to grant and receive by their corporate name; to accept, acquire by purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all moneys belonging or that may belong to said corporation, in such way as to them shall seem best calculated to promote the objects of the institution; to have a common seal, and to alter the same at pleasure; to make such by-laws for the management of said university and

seminary as shall not conflict with the laws of this state or of the United States.

Power of trustees.

§ 3. The trustees shall have power to establish departments for the study of any and all the learned and liberal professions, and to prescribe and regulate the course of study in the departments of said university and seminary; to confer degrees in the learned arts and sciences, and such other degrees and honors as are usually conferred by the most learned institutions. They shall also have power to prescribe and regulate a course of study in said seminary for females, and to confer upon them such certificates of scholarship and diplomas as is usual in the highest institutions for females.

President and professors.

§ 4. The trustees may employ and appoint a president and professors and all such officers as may be necessary, and shall have power to displace any or such of them as the interests of the institution may require, and to fill vacancies which may happen by death, resignation or otherwise among said officers.

Appointment.

§ 5. It shall be lawful for the corporation to designate and appoint five persons who, together with the visiting committee authorized in section nine of the act of which this is an amendment, and the faculty, shall, at the annual examination, examine the under graduates with reference to their collegiate standing in said university.

Rock River Seminary.

§ 6. All the provisions of the charter of the Rock River Seminary as heretofore amended, in nowise conflicting with this present amendment, shall remain in full force and apply to the corporate body herein established, under the name and style of "Rock River University."

APPROVED February 14, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Batavia Institute.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Stephen Peet, Elijah S. Town, Nathaniel C. Clark, John C. Williams, Joel McKee, John Van Nortrick, Lewis Benedict, G. S. F. Savage, Dennison K. Town, Benj. F. Hackey, Henry W. Williams, Isaac G. Wilson, L. D. Omsted, and their successors, be and they are hereby created a body politic and corporate, to be styled "The Board of Trustees of Batavia Institute," and by that name to remain in perpetual succession, with full power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real and personal; to have and use a common seal,

Style.

Powers.

to alter and renew the same at pleasure; to make and alter from time to time such lawful regulations as they may deem necessary for the government of said institution, its officers and servants; and to have power to confer on those whom they may deem worthy all such honors and degrees as are usually conferred in like institutions.

§ 2. That the said institution shall be located in the township of Batavia, Kane county, upon such grounds as the trustees shall select, not to exceed three hundred and twenty acres, forty acres of which, upon which the necessary buildings of the institution may be erected, together with the necessary personal property belonging to said corporation, shall be exempt from taxation. The object of the institution shall be to afford instruction in English literature, in ancient and modern languages, in mathematics, and the natural sciences, and in the application of science to agriculture and mechanical arts. Location.

§ 3. That the board of trustees shall have power to appoint a president, secretary and treasurer, and such agents as they may deem necessary, and shall fill all vacancies that may occur in their own board, by resignation, death, or neglect for more than one year to attend to the duties of the trustees; also to appoint such officers, professors and teachers as the instruction and government of the institution shall require, and prescribe their duties, and to remove any of them for sufficient reasons; also to prescribe and direct the course of studies to be pursued in the institution and its departments. Officers.

§ 4. The board of trustees shall consist of thirteen members, with power to increase their number to eighteen, seven of whom shall constitute a quorum for the transaction of business. Said board of trustees shall hold their first annual meeting in the township of Batavia, on the first day of March, 1853, and afterwards they shall meet on their own adjournments; but in case of emergency, the president, with the concurrence of two trustees, may call a special meeting, or any five members may call such meeting, by giving notice to each member, at least ten days before the time of such meeting. Trustees.

§ 5. That said board of trustees shall faithfully apply all funds by them collected or received, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors and servants, and in procuring the books and apparatus necessary to the success of the institution: *Provided, nevertheless,* that in case any donation or bequest be made for particular purposes, which accord with the designs of the institution, and the corporation shall receive and accept the same, every donation and bequest thus made shall be applied in conformity to the condition or designs expressed by the donor. Application of funds.

Treasurer.

§ 6. That the treasurer of the institution shall always, and all other agents when required, before entering upon the duties of their appointment, give bond for the security of the corporation, and of the public, in such penal sums and with such securities as the board of trustees shall approve.

§ 7. That the said institute shall be opened to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students; any person, however, may be suspended or expelled from said institution, whose habits are idle or vicious, or whose moral character is bad.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Quincy Gas Light and Coke Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Wood, Lucius Kingman and Samuel Holmes, Samuel W. Rogers, Thomas Redmond, James D. Morgan, Thomas C. King, Robert Benneson and William H. Carlin, and their associates, successors, heirs and assigns, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Quincy Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same, and they may have a common seal, and the same may alter, break and renew at pleasure.

Style.

Gas.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Quincy, or the streets thereof, and any buildings, manufactories, public place or houses thereon contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets or avenues of said city: *Provided,* that no permanent injury or damage shall be done to any street, lane or highway in said city. The real estate which this corporation is entitled to

hold shall not exceed in value seventy-five thousand dollars.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed for and paid in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and election of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the city of Quincy and its inhabitants with gas, for the purpose of affording light, for twenty-five years.

§ 4. This act to be in force from and after its passage.
APPROVED February 12, 1853.

AN ACT to incorporate the St. Aloysius Orphan Society of Quincy. In force Feb. 9, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That J. Kunster, John B. Vonderhide, Flavier Flavis, Antony J. Lable, Joseph Aschemen and Joseph Trimmer, their associates and successors, be and they are hereby declared and constituted a body corporate and politic, by the name of "The St. Aloysius Orphan Society of the St. Bonifacius Congregation of Quincy," and by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and to use a common seal, and alter the same at pleasure; to make, alter and amend 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, agents and servants.

§ 2. All contracts which may be made or entered into by said society shall be subscribed by the president, secretary and treasurer thereof, who shall be deemed and considered as the agents of said society for that purpose; which contracts, when authorized by the president and committee of administration, shall be binding in law upon said society, and not otherwise, and to the end that said authority may more effectually appear, the said president and committee of administration shall keep a separate record of their doings in relation to all contracts made and

entered into; which record shall be deemed and taken as evidence in all courts of justice of such authority.

Personal property.

§ 3. The personal property and effects belonging to said society shall not be appropriated otherwise than to the improvement of the real estate hereby authorized to be held, and to such benevolent purposes as are contemplated in its constitution, adopted by said society on the 15th day of January, A. D. 1853; which appropriations shall be made under the directions of the president and committee of administration; and the proceedings and action of said society shall be in accordance with the provisions of said constitution, which is hereby declared to be in full force and effect for the regulation of the affairs of said society and the conduct of its officers and members, as therein contemplated and intended.

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

APPROVED February 9, 1853.

In force Feb. 10, 1853. AN ACT to amend an act entitled "An act to incorporate the Saline Coal and Manufacturing Company."

Preamble.

Whereas by an act entitled "An act to incorporate the Saline Coal and Manufacturing Company," approved the twenty-eighth day of January, 1851, Albert G. Caldwell and Joseph Bowles, and their associates and successors, and assigns, were created a body politic for mining coal, digging salt wells, and other purposes therein mentioned; and whereas the said Albert G. Caldwell and Joseph Bowles, have assigned all their interest as corporators in the said act to Hibbard Jewett, but without having first organized said company as directed and empowered by said act; and whereas the said Hibbard Jewett has associated with him Joseph J. Castles; in the said Saline Coal and Manufacturing Company; therefore—

Re-enactment.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the act entitled "An act to incorporate the Saline Coal and Manufacturing Company," approved twenty-eighth of January, in the year eighteen hundred and fifty-one, be and the same is hereby re-enacted, renewed, reviewed and extended, for the use and benefit of Hibbard Jewett and Joseph J. Castles, and their associates, successors and as-

signs, with full power to organize and act under the provisions of said act as therein provided for the original corporators; and that this act shall be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to amend the charter of the Peoria and Oquawka Railroad. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the ninth section of the act approved June 22d, 1852, entitled "An act to amend an act entitled an act to amend an act to incorporate the Peoria and Oquawka Railroad Company," approved February 10th, 1851, to be and the same is hereby so far amended as to allow the said Peoria and Oquawka Railroad Company the right of terminating their road forty miles north of a due east and west line that would run through Lafayette, Indiana, instead of twenty miles, as is provided in said ninth section of said former act. Amendment.

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

APPROVED February 8, 1853.

AN ACT for the relief of R. P. Breckenridge, collector of Livingston county, for the year 1846. In force Feb. 12, 1853.

Whereas the auditor of public accounts, in behalf of the people of the state of Illinois, purchased at a sale, under execution against R. P. Breckenridge, collector of Livingston county, for the year 1846, certain real estate, on the eighth day of September, A. D. 1851; and whereas the time of redemption of said lands having expired; therefore— Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That R. P. Breckenridge be and he is hereby allowed until the first day of August next to make payment and redeem the lands purchased by the state on an execution against the said Breckenridge. Time extended.

APPROVED February 12, 1853.

In force Feb. 10,
1853. AN ACT to incorporate the Industrial League of the State of Illinois.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That J. B. Turner, John Gage, Bronson Murry, L. S. Pennington, J. T. Little and W. A. Pennell, the present officers of the Industrial League of the state of Illinois, and their successors, be and they are hereby declared to be a body politic and corporate, by the name and style of "The Industrial League of the State of Illinois," and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and to retain, to them and to their successors, property, real and personal, also devises or bequests of any person or persons, or bodies corporate capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper: *Provided, always,* that the said corporation shall not at any time hold or possess property, real, personal or mixed, exclusive of legacies and donations, exceeding in annual value the sum of twenty thousand dollars.

§ 2. The said corporation, by the name, style and title aforesaid, shall be forever hereafter capable, both in law and equity, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended, in all courts of justice, and before any judge, officer or person whatsoever, in all actions, suits, or demands whatsoever.

§ 3. The objects of said corporation shall be to disseminate knowledge, written and printed, employ lecturers, and perform all other acts and things necessary or essential for concert of action among the friends of industrial science.

§ 4. It shall and may be lawful for the said corporation to have and use a common seal, and the same at their pleasure to change, alter and make anew, and in general have and exercise all such rights, privileges and immunities as by law are incident to or necessary to the corporation herein constituted.

This act to take effect from and after its passage.

APPROVED February 10, 1853.

In force Feb. 11,
1853.

AN ACT to incorporate the Effingham Steam Mill Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Presley Funkhouser, William J. Hankins, Daniel Rhenehart, Jame

Corporators.

M. Long, Thomas J. Gillinwaters, their associates, successors, heirs and assigns, are hereby created a body politic and corporate, by the name and style of "The Ewington Steam Mill Company," with power to build, maintain and use a steam mill, at or near the town of Ewington, in the county of Effingham, and by that name aforesaid they shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered, in all courts and places whatsoever; may have a common seal, may alter the same at pleasure, and shall be capable in law of holding and purchasing real and personal estate, and convey away the same for the purposes and objects of said corporation.

§ 2. The said company are hereby authorized to carry on the business of manufacturing meal and flour from the various kinds of grain, and of carrying on the business of manufacturing lumber and building materials, in as many ways and branches as they may see fit; and to use all such powers and privileges, to select such officers, agents, managers and servants, as may be necessary to carry on the said business and manufacture, according to the objects of this act, as herein expressed; and may increase the corporation to such number, and their capital stock to such sum as may be necessary for their objects from time to time.

§ 3. Said company shall have power to make and establish all such by-laws, rules and regulations as they shall deem necessary for the management and direction of the affairs of the company, the same being consistent with the constitution and laws of this state, or of the United States.

§ 4. Said company shall annually elect a president, treasurer and secretary, to conduct the affairs of said company. The treasurer shall give bond in such amount and in such manner as the company shall direct.

§ 5. The shares in said company shall be fifty dollars each, and each share shall be entitled to one vote.

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

APPROVED February 11, 1853.

AN ACT to incorporate Charleston Lodge, number thirty-five, of Free and Accepted Masons. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all persons as are or may hereafter become and shall so remain members of Charleston Lodge, No. thirty-five, of Free and Accepted Masons, at Charleston, Coles county, Illi-*

nois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Charleston Lodge, No. thirty-five, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, pleading and being inpleaded, answering and being answered unto, in all courts of law and equity whatever, and by that name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying real estate for the benefit of said lodge: *Provided*, that said corporation shall not, at any one time, hold property to an amount exceeding ten thousand dollars.

Trustees. § 2. For the purpose of carrying into effect the objects of this act the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge as appointed by said lodge and qualified from time to time.

By-laws. § 3. That said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

Evidence of existence. § 4. A certificate under the seal of said corporation that the said lodge has been duly organized, recorded in the office of the clerk of the circuit court, shall be evidence of the existence and organization of said lodge.

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

APPROVED February 12, 1853.

In force Feb. 11, 1853. AN ACT to vacate the town of Lower Guilford, in Calhoun county.

Plat vacated. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the entire town plat of Lower Guilford, in the county of Calhoun, as laid out and recorded, is hereby declared vacated.

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

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to incorporate the Peoria Gas Light and Coke Company.

Corporators. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Peter Sweat, Hugh J. Sweeney, George C. Bestor, William S.

Moss and Henry Grove, their associates, successors, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Peoria Gas Light and Coke Company," ^{Style.} and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

§ 2. The corporation hereby created shall have full ^{Gas.} power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Peoria, or the streets thereof, and any buildings, manufactory and public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets or avenues of said city: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed in value seventy-five thousand dollars.

§ 3. The capital stock of said company shall not exceed ^{Capital.} three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the city of Peoria and its inhabitants with gas, for the purpose of affording light, for twenty-five years. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to vacate a part of the town of Lytleville, in McLean county.

Vacated.

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 Lytleville, in the county of McLean, lying west of State street, except lot No. one, in block number three, be and is hereby vacated.

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

APPROVED February 12, 1853.

In force Feb. 10, 1853.

AN ACT to incorporate the Alton Hibernian Benevolent Society.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Michael Carroll, Thomas Kesly, Peter Diamond, Joseph Crane, James M. Ardle, John Magher, Patrick McGuire, James Bayeds, Patrick McClane, William Young, Christy Coyne, Thomas Rayne, Barney Moran, Edward Coppinger and Patrick Farly, their associates and successors, be declared and constituted a body corporate and politic, by the name of "The Alton Hibernian Benevolent Society," and by that name they and their successors shall have succession, and in such corporate name shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of justice whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and have a corporate seal, and alter or change the same at pleasure; and they and their successors shall be capable of purchasing, holding and improving any estate, real or personal, not exceeding the value of fifty thousand dollars, for the use of and for the objects contemplated by said society.

Styic.

Powers.

Contracts.

§ 2. All contracts which may be made or entered into by said association shall be subscribed by the president, treasurer and secretary thereof, who shall be deemed and considered as the agents of said association for that purpose; which contracts, when authorized by the president and standing finance committee of said association, shall be good and binding in law upon said society, and not otherwise; and to the end that said authority may more effectually appear, the said president and standing committee shall keep a separate record of their doings in relation to all contracts made and entered into; which record

shall be deemed and taken as evidence, in all courts and places of such authority.

§ 3. The personal effects and property belonging to said association shall not be appropriated otherwise than to the improvement of the real estate hereby authorized to be held, and to such benevolent purposes as are or shall be contemplated by the constitution of said association; which appropriations shall be made under the direction of the president and standing finance committee of said society.

§ 4. This act shall be declared to be a public act, and be in force and take effect from and after its passage.

APPROVED February 10, 1853.

AN ACT to incorporate the Green Bush Union Academy.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Alfred Osborn, Baily Ragon, William H. Pierce, Franklin G. Snapp, John Butler, John C. Bond, James D. Smith, Frederick H. Murrill and Stephen Leinrand and their successors, be and they are hereby created a body politic and corporate, by the name and style of "The Green Bush Union Academy," and by that name and style to have perpetual succession. Said academy to be located in the town of Green Bush, in the county of Warren.

§ 2. Said corporators above named are hereby authorized to receive, by gift, grant or otherwise, real estate, money, and other valuables, on subscription or otherwise, for the purpose of erecting the necessary buildings and providing the necessary means for the opening and furnishing said academy, and for that purpose shall have full power to sue and be sued, implead and do all other things in courts of law and otherwise that are usually given to such institutions, and shall have a common seal, and may make such constitution and by-laws as they deem necessary, not inconsistent with the constitution and laws of the United States and of this state.

§ 3. Said corporation shall have power to raise any sum, not exceeding eight thousand dollars, in shares of twenty-five dollars each, exclusive of sums received by donation, bequest or otherwise.

§ 4. The corporators herein named shall notify the stockholders as soon as one thousand dollars is subscribed, to meet on the first Monday of March or on some Monday within two months therefrom, and elect from said stockholders nine trustees, as follows: three for the term of one

In force Feb. 12-1853.

Corporators.

Receive property.

Capital stock.

Election.

year, three for the term of two years, and three for the term of three years; and annually thereafter there shall be elected three trustees, for the term of three years each, to hold office until their successors are elected and qualified; and at all of said elections each share shall entitle the stockholder to one vote. As soon as said trustees are elected the corporators herein named shall turn over all books, papers, subscriptions, property of every description belonging to said corporation, to said trustees, and said trustees shall have as full and ample powers as are herein given to the original corporators.

Trustees.

§ 5. Said trustees shall have full power to employ teachers, determine the amount of salaries, fix the price of tuition, and do all other things necessary for the successful prosecution of said academy.

§ 6. There shall be no benefits or privileges allowed to one religious denomination over others.

§ 7. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to incorporate Rushville Lodge, No. 9, of Free and Accepted Masons.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all such persons as are or may hereafter become members of Rushville Lodge, No. 9, of Free and Accepted Masons, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name of "Rushville Lodge, No. 9, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever; and by that name and style be capable in law of purchasing or receiving by gift, or otherwise, holding and conveying real estate, for the benefit of, said corporation: Provided, that said corporation shall not at any time hold property to an amount exceeding twenty thousand dollars.*

Trustees.

Trustees.

§ 2. For the purpose of carrying into effect the object, the members of the above incorporation shall have power and are hereby authorized to appoint out of their number three trustees, to hold their office two years, and until their successors are appointed.

§ 3. They shall have power to make such laws and regulations as they shall think necessary for the government of their concerns: *Provided*, such by-laws are not inconsistent with the constitution of the United States or of this state. By-laws.

§ 4. The capital stock of said corporation shall not exceed one thousand dollars. Capital stock.

APPROVED February 12, 1853.

AN ACT to incorporate the Walnut Grove Literary Association.

In force Feb. 10-1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That S. B. Mason, Ira T. Wooly, John W. Carter, S. H. Vanosdle and G. A. Secor, of the county of Greene, and their associates and successors, are hereby created a body politic and corporate, by the name and description of "The Walnut Grove Literary Association;" and by that name shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity in this state; and they shall have a common seal, which they may alter and break at pleasure. Corporators.

§ 2. The said association hereby created shall have power to take and hold real estate to the value of one thousand dollars.

§ 3. The said association shall have power to elect such officers as may be necessary to the well ordering of the same, and for the furtherance of the objects of the association; which objects are the collection and maintaining of a library in said county of Greene, and the collection of books, maps, charts, globes, cabinets, manuscripts, and the advancement and cultivation of science and useful knowledge. Officers.

§ 4. The said association shall have power to pass such by-laws as will, in its judgment, best promote the objects aforesaid, not inconsistent with the laws or constitution of this state; and shall have existence for the period of fifty years. By-laws.

APPROVED February 10, 1853.

AN ACT to incorporate Central Lodge, No. 71, of Free and Accepted Masons. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That all such persons as are or may hereafter become and shall so Body politic.

remain members of Central Lodge, No. 71, of Free and Accepted Masons, at Springfield, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Central Lodge, No. Seventy-one, of Free and Accepted Masons;" and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever; and by name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying real estate for the benefit of said lodge: *Provided*, that said corporation shall not at any one time hold property to an amount exceeding twenty thousand dollars.

Powers.

Trustees.

§ 2. For the purpose of carrying into effect the objects of this act, the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge, as appointed by said lodge and qualified from time to time.

By-laws.

§ 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of their concerns and for the purchase and transfer of real estate, not inconsistent with the constitution or laws of this state.

Evidence of existence.

§ 4. A certificate, under the seal of said corporation that the said lodge has been duly organized, recorded in the office of the clerk of the circuit court, shall be evidence of the existence and organization of said lodge.

Monmouth Lodge

§ 5. That all such persons as are or may hereafter become and shall so remain members of Monmouth Lodge, No. Thirty-seven, of Free and Accepted Masons, at Monmouth, Illinois, shall hereby become a body corporate and politic, and shall have all of the privileges, powers and franchises which this act confers upon said Central Lodge above mentioned.

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

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to pay certain persons therein named for printing notices to canal claimants, and all publishers of papers for printing the notices to canal claimants, under the direction of the commissioners.

Wm. & M. Os-
man.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the auditor of public accounts be authorized to issue his warrants in favor of William and M. Osman for the sum of*

two dollars, and to Scripps and Bross for the sum of five dollars, for printing notices to canal claimants, and to all publishers of newspapers who have published the notices to canal claimants under the direction of the commissioners appointed to investigate canal claims—to the weekly papers not exceeding two dollars, and to the daily papers not exceeding five dollars: *Provided*, the bill of such publisher shall be certified by one or more of said commissioners. Scripps & Bross. Proviso.

§ 2. This act to take effect from and after its passage.
APPROVED February 12, 1853.

AN ACT to vacate the town plat of Randolph, in Jersey county.

In force Feb. 10,
1853.

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 Randolph, in the county of Jersey, is hereby vacated, and the proprietors of said town authorized to list the same for taxation as land and not as town lots.

APPROVED February 10, 1853.

AN ACT to authorize Washington Wren and Harvey Ballard to keep a ferry across the Mississippi river, in Adams county. In force Feb. 12,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That Washington Wren and Harvey Ballard, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry for ten years across the Mississippi river, between the mouth of Lima Lake slough, on the fractional north-west quarter, section thirty-one, township two north, range nine, west of fourth principal meridian, in Adams county, and state of Illinois, and the town of Canton, in the county of Lewis, and state of Missouri, during which time the supervisors' court of said Adams county shall not grant a license to any person or persons to establish or keep a ferry within two miles above and below the mouth of said Lima Lake slough. Establish ferry.

§ 2. That said Washington Wren and Harvey Ballard shall keep at all times a good and sufficient steam or other ferry boat necessary for the speedy transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall fur- Ferry boat.

nish said boats with men with strength and skill to manage them, and shall charge and receive such rates of ferriage as may be fixed by authority of said county of Adams.

License.

§ 3. The said Washington Wren and Harvey Ballard, shall pay into the treasury of said Adams county such annual tax as may be imposed upon said ferry by said county, not exceeding ten dollars; and in the management and regulation of said ferry shall be governed by the laws now in force regulating ferries.

Privilege.

§ 4. The said Washington Wren and Harvey Ballard shall have the exclusive ferry privilege from the said mouth of Lima Lake slough to the town of Canton, for the term of ten years from the passage of this act, for two miles above and below the mouth of said slough, and should any person or persons establish, keep or run a ferry and land within two miles as aforesad, such person or persons shall forfeit and pay to the said Washington Wren and Harvey Ballard, their heirs and assigns, ten dollars for every such offence, to be sued for and recovered in an action of debt before any justice of the peace of said county of Adams.

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

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to authorize John A. Holland and others to form a corporation for the purposes herein mentioned.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John A. Holland, John L. Coleman, Charles J. Horseman, Thomas D. Robinson, Melancthon Starr, Charles Williams, and George Haskill, or any of them, and their associates, are authorized and empowered to form a body politic and corporate, under such name as they may adopt, for the purpose of erecting buildings, and owning a hotel, in the town of Rockford, in the county of Winnebago, by complying with the provisions and requisitions of "An act to authorize the formation of corporations for manufacturing, agricultural and mechanical purposes," passed February 10, 1849, so far as the same may be applicable and necessary for the formation of corporations under said act; and such corporation so formed shall be subject to all the liability, restriction and limitations of said act, so far as the same may be consistent with the purposes and objects of the corporation to be created under this act.*

Corporators.

Name.

§ 2. This act shall take effect from and after the passage thereof.

APPROVED February 12, 1853.

AN ACT to authorize the building of a bridge across the Illinois river, at In force Jan. 27, 1853.
Ottawa.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George Corporators.
R. Walker, John V. A. Hoes, Bronson Murray, Joel W. Armstrong and Joseph O. Glover, or either of them, and their or his associates, are hereby created a body politic and corporate, by the name and style of the "Illinois River Name.
Bridge Company of Ottawa," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts in this state, contract and be contracted with, may make all needful by-laws and rules for the government of said company, fix the amount of the capital stock thereof at any amount necessary to carry into effect the provisions of this act, provide for the management of the affairs of the company, and appoint all officers and agents deemed necessary for that purpose.

§ 2. The said company, after its organization, shall Election.
consist of all persons who shall become stockholders therein; and in managing all the affairs of said company each stockholder shall be entitled to one vote for each share of stock held by him; and in case any town or city shall become the holder of any of said stock as hereinafter provided, said stock shall be represented by the supervisor of such town, except as to stock held by the town of Ottawa, which shall be represented by the president of the board of trustees, or in case the said town shall become incorporated as a city, then said stock shall be represented by the mayor of said city.

§ 3. The said company when organized may construct Bridge.
and maintain a bridge over the Illinois river, at Ottawa, in La Salle county, at the point where La Salle street extended south will intersect said river; and for the purpose of erecting and maintaining such bridge and all such embankments, toll-houses and dwelling houses for toll collectors, and such other works as may be necessary for said bridge, the said company may use so much of said La Salle street and of South Water street, or the south side of the river and of the bed and shores of said river as may be necessary.

§ 4. The said company shall, at all times after the completion of said bridge, keep the same in good Repair.
repair, and allow a speedy passage to all comers, with their animals and vehicles; and if at any time said bridge shall be out of repair so that the same shall be impassable for the space of three months at any one time, the same shall become the property of the town of Ottawa: *Provided*, that if said bridge shall be destroyed by fire or flood, said company shall be allowed time necessary to rebuild the same.

Toll-gate.

§ 5. The said company are hereby authorized, after the completion of said bridge, to place a toll-gate at either end of said bridge, where they may charge and receive the following rates of toll for crossing said bridge, viz: for each vehicle drawn by two horses, mules, asses or oxen, twenty cents; for each additional horse, mule, ass or ox, attached to such vehicle, five cents; for each one-horse wagon, carriage or cart, ten cents; for each man and horse, five cents; for each hog or sheep, one cent; for each footman, three cents: *Provided*, that said company may double the above rates after nine o'clock in the evening, and before day-light in the morning.

Public highway.

§ 6. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner.

Mortgage.

§ 7. The said company may, if deemed necessary, mortgage the said bridge for such amount and upon such terms, and in such manner as they may agree upon in their articles of association.

§ 8. Every person crossing said bridge with any beast faster than upon a walk, shall forfeit five dollars to the proprietors of said bridge, to be recovered before any justice of the peace, or other court having jurisdiction of the same.

§ 9. The said company shall build said bridge in such a manner that it shall not obstruct navigation on said river; they shall keep open at least sixty feet at all times when steamboats or other craft navigating said river may wish to pass said bridge.

Ottawa to subscribe to capital stock.

§ 10. That the town of Ottawa, in La Salle county, or the city of Ottawa, in case the same shall become incorporated as a city, is hereby authorized to subscribe to the capital stock of said bridge company any sum not exceeding ten thousand dollars, or to loan the credit of said town or city, in case the same shall become incorporated as aforesaid, to said company for the same sum; and for the purpose of carrying the provisions of this section into effect, said town of Ottawa, through its president and board of trustees, or said city of Ottawa, in case the same shall become incorporated as a city, through its common council, are hereby authorized to make and issue the bonds of said town or city, as the case may be, bearing interest at a rate not exceeding ten per centum per annum, payable to said company or to any other person or persons, or body corporate: *Provided, however*, that whenever such subscription or loaning of credit is proposed to be made, it shall be the duty of the president and board of trustees of said town, or the common council of said city, in case the same shall become incorporated as aforesaid, to order a vote of the taxable in-

Proviso.

habitants of said town or city, as the case may be, who are entitled to vote in said town or city, as the case may be, by publication in all the public newspapers published in said town, stating that on a certain day, not less than thirty days from such publication, a vote of the taxable inhabitants of said town or city, as the case may be, who are entitled to vote therein, will be had to decide whether said town or city, as the case may be, shall subscribe or loan its credit as proposed by the president and board of trustees, or common council, as the case may be; said publication stating the amount proposed to be subscribed, for which the credit of the town or city is proposed to be loaned the company, and the amount and terms of the loan proposed to be issued. Said vote shall be taken by ballot at the place of holding the election; and if a majority of the votes cast shall be in favor of the proposition of the president and board of trustees of said town, or the common council of said city, then such subscription shall be made, otherwise not: *Provided*, that in case such proposition be not adopted upon the first vote, it shall be lawful to submit the proposition, or any other proposition in relation to the same subject, in the same manner, to a vote of the people, whenever said board of trustees or common council shall deem it for the public interest to do so.

§ 11. Any township in La Salle county, under the township organization law, may take stock in said bridge: *Provided*, that at the annual town meeting in such town, a majority of the legal voters voting at such town meeting shall vote to take stock in said bridge, shall determine the amount of stock to be taken by said township, and shall be required by said company. The supervisor and town clerk of any such town shall execute all bonds or other obligations on behalf of said town, which shall be directed to be executed by the vote of said town, at such annual town meeting, to secure the payment of the stock so taken by such town: *Provided*, that the amount of stock to be taken by any one town shall not exceed one thousand dollars.

§ 12. The said bridge company shall have the same power in relation to procuring materials for the construction of said bridge as are now conferred by law upon the Chicago and Rock Island Railroad Company in relation to procuring materials for said road.

§ 13. No other bridge shall be built across said Illinois within two miles of the above named bridge for the space of ten years: *Provided*, that said company shall comply with the provisions of this act in relation to the erection and keeping in repair of the bridge herein provided for.

§ 14. Said company shall commence the erection of said bridge within one year and complete the same within two years, or the rights conferred by this act shall be at an end.

§ 15. This act shall be deemed and taken as a public act in all courts of this state, and shall be in force from and after its passage.

APPROVED January 27, 1853.

In force Feb. 11, 1853. AN ACT defining the width of River street, in the city of Rockford, in the county of Winnebago, on the west side of Rock river, and vacating the northerly end thereof.

Street.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That River street, in the city of Rockford, in the county of Winnebago, on the west side of Rock river, on the recorded plat of Ephraim Wyman, in the recorder's office of said county, is hereby established and declared to be four rods wide in its widest parts, from the southerly side of North street, and that where the land between the eastern tier of blocks and the river is less than four rods wide, said River street shall include all of said land between said blocks and the river; and that the part of said River street lying north of North street is hereby vacated.

§ 2. The lands and premises lying east of said River street as hereby established, together with that part of River street hereby vacated, shall revert to Ephraim Wyman, the original proprietor, his heirs and assigns.

§ 3. This act shall be deemed and construed to be a public act.

APPROVED February 11, 1853.

In force Feb. 9, 1853. AN ACT to enable Samuel Smith to maintain and keep a ferry over the Mississippi river, at or near the mouth of Fevre river, in Jo Daviess county.

Ferry.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel Smith, his heirs and assigns, is hereby authorized to maintain and keep a ferry over the Mississippi river, at or near the mouth of Fevre river, in Jo Daviess county, it being the same place where said Smith now keeps a ferry; which ferry, when established, shall continue for the period of twenty years from the passage of this act.

§ 2. This act to be in force from and after its passage.

APPROVED February 9, 1853.

AN ACT to amend an act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes," approved February 27th, 1847, and in relation to wharves and docks in said city. In force Feb. 11. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the common council of the city of Chicago shall have full power and authority to discontinue and vacate the whole or any part or portion of North Water, East Water and West Water streets, and so much of any other street in said city as immediately fronts Chicago river or either of its branches, and to compromise, adjust and determine all conflicting rights or claims arising between the city and any or all persons and corporations who are or may be claimants of the fee of any part or portion of said streets, or of any right or interest therein; and upon such compromise and adjustments said city may convey, by deed or otherwise, the fee in such parts or portions of said streets as may be thus vacated or discontinued to such person or persons as said council may deem entitled to the same under the provisions of this act or the act to which this is an amendment; and all deeds or other conveyances which have been made and delivered, or which may hereafter be made and delivered by said city under the provisions of this act or the act to which this is an amendment, shall be deemed valid and effectual to the conveying the title in fee of the premises therein described to the person or persons to whom the same are or shall be respectively made, their heirs and assigns: *Provided,* that before any such deeds or conveyances shall bar or preclude the rights of any other person or persons claiming an estate in such portions of said streets thus vacated or discontinued, such deeds or conveyances shall be approved by the court under the provisions of this act or the act to which this is an amendment; or an order of the circuit court shall be made upon petition filed by said city or any person or party claiming title under such deeds or conveyances respectively, approving and confirming such deeds or conveyances, upon notice given by publication in at least three of the daily papers published in said city of Chicago, for the space of time required in said act to which this is an amendment, directed to all persons claiming any right or interest in the premises described in said deeds or conveyances, to appear and show cause, if any they have, why such deeds or conveyances should not be approved and confirmed. The provisions of said act to which this is an amendment shall apply to such parts or portions of the above named streets as may be discontinued by virtue of this act, as far as the same may be applicable.

Powers of city council.

§ 2. Appeals from any order of approval or confirmation under this act may be taken within the time and in

Appeals.

the manner and as is provided in said act to which this is an amendment, and not otherwise.

Wharves.

§ 3. The city of Chicago may authorize and empower any person or persons to whom any portion of said streets thus discontinued or vacated has been or may be conveyed under the provisions of this act or the one to which this is an amendment, to erect wharves or docks, extending into the Chicago river in front of the premises thus conveyed, for the purpose of facilitating the trade and commerce of said river, and to receive and collect reasonable wharfage or dockage for the use of the same; and no person, except the owner of the same or the person entitled under such owner, shall use or occupy any wharf or dock erected in said city under the permission of the common council thereof, without making reasonable compensation for such use to the owner thereof or the party entitled to the use thereof under such owner.

Docks, &c.

§ 4. Every wharf or dock which shall be extended or erected in any portion of the Chicago river or either of its branches, without the express permission or authority of said city, shall be forthwith removed; and if any person or persons shall continue or occupy any such wharf or dock, not authorized by said city, after having been notified in writing to remove the same, such person or persons shall forfeit and pay to said city twenty dollars for each day they shall thus occupy such wharf or dock, or suffer the same to remain in said river after the expiration of ten days from the date of said notice, to be recovered by action of debt as other penalties under the charter or ordinances of said city may be recovered.

§ 5. Neither this act nor the act to which this is an amendment shall be so construed as to make it necessary to make any other person or corporation a party to any bill authorized to be filed by the last named act, except such persons or corporations as shall have an interest in the fee or private use of so much of the premises, lot or wharfing privilege or street, to settle the title of which such bill may be filed; and the bills which have been or may be filed under said acts may include such parts and so much of the streets, wharfing lots or wharfing privileges as the complainants may see fit to include therein: *Provided*, that the court may require such other premises to be included therein as may be deemed necessary by said court.

Su.

§ 6. The court in which any suit may be pending under the provisions of the act to which this is an amendment, or of this act, is hereby authorized and empowered from time to time, to adjudicate and determine the rights of the respective parties to any wharfing lot or wharfing privilege, or part thereof, and to enter a final decree

touching such lot or part of lot without deferring such final decree until the rights to other lots or premises shall be determined, so that the title to each wharfing lot or part of lot may be adjusted at the earliest possible day, and not be delayed on account of any conflicting claims or litigation respecting other lots or premises.

§ 7. The circuit court or the judges thereof may hear ^{Motions.} and determine all matters arising under this act or the one to which it is an amendment, in vacation, but all final decrees or final orders made therein shall be considered as made and entered at the next succeeding term of said court, in case such final order or decree shall be made in vacation so far as the right to except to or appeal from the same, and the computation of time in which such appeal must be taken is concerned.

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

APPROVED February 11, 1853.

AN ACT to authorize the building of a bridge across the Vermilion river, ^{In force Feb. 12,} in Livingston county. ^{1853.}

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joseph Reynolds and his associates and assigns be and the same ^{Build bridge.} are hereby authorized to build a bridge across Vermilion river, in Livingston county, from the south side of said river, in section 22, in township 29, range 4, east of the third principal meridian, to the north side of said river, on the same section or on section 15, in the same township and range, at or near where the section line between said sections 22 and 15 crosses said Vermilion river.

§ 2. The said Joseph Reynolds and his associates shall build said bridge of good material, and in a substantial manner, so as to admit the safe passage of persons, wagons, teams, cattle, &c., and shall commence the building of the same within five years from the passage of this act.

§ 3. At each end of said bridge the said Joseph Rey- ^{Toll gate.} nolds and his associates, heirs and assigns, are hereby authorized to place a toll-gate, where tolls may be asked, demanded and received by said Reynolds and his heirs and assigns, at the following rates, to wit: for each head of hogs or sheep crossing said bridge, one cent; for each cattle, three cents; for each one horse wagon or carriage, ten cents; for each two horse wagon, drawn by two animals, fifteen cents; for each three horse wagon, drawn by three animals, twenty cents; for each four horse wagon,

drawn by four animals, twenty-five cents; for each wagon drawn by six animals, thirty cents; for each lead horse and rider, five cents; for each foot passenger, three cents.

List of rates of
toll.

§ 4. The said Joseph Reynolds and his associates, their heirs and assigns, shall cause to be kept up in some conspicuous place, near the extreme of said bridge, lists of the rates of toll herein enumerated; and if they or any person under them, or by their authority, shall demand and receive more toll than is allowed by this act, or shall unreasonably hinder or delay any person wishing to cross said bridge, they shall on conviction, forfeit and pay the sum of _____, to be recovered by action of debt before any justice of the peace in the county.

Injury.

§ 5. If any person shall willfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the said Joseph Reynolds and his associates and their heirs and assigns double the amount of such injury or damage, to be recovered before any court having jurisdiction of the same.

Repair.

§ 6. The said Joseph Reynolds and his associates, and their heirs and assigns, shall at all times after the completion thereof keep said bridge in good repair, and allow a speedy passage to all persons and their property over it, upon the reception of the tolls allowed as herein provided; and if at any time their said bridge shall be impassible for one year, unless the same shall be burned or destroyed by floods, the privileges herein granted, shall be considered as null and void.

Right of way.

§ 7. If it shall be necessary, in constructing said bridge or in making roads to lead to the same, to take any real estate belonging to others, or if real estate of any person in constructing said bridge, said damage may be claimed, assessed and collected in the same manner as is provided for the assessment and collection of damages under the general road laws of this state.

Associates.

§ 8. If at any time before building said bridge, the said Joseph Reynolds shall be desirous of associating any person or persons with him for the purposes expressed in this act, it shall be lawful for him and his associates to form themselves into a joint stock company, by the name and style of "The Vermilion Bridge Company," with a capital not exceeding five thousand dollars; to appoint officers to conduct the affairs of the same; to issue stock certificates for the respective amounts each individual may be entitled; to divide the stock or shares of twenty-five dollars each, and to pass all necessary by-laws for regulating the operations of said joint stock company, in prosecuting and completing the objects herein expressed, and in the the above name, to sue and be sued, answer, prosecute and

defend, in all courts of justice in this state of competent jurisdiction.

§ 9. And the said Joseph Reynolds and his associates, and their heirs and assigns, shall have the exclusive privilege of bridging said Vermilion river for five miles above and five miles below the south and north termination of said bridge for the space of time that the privileges and powers herein contained are granted by this act.

§ 10. This act to take effect from and after its passage, and to be in force for twenty years.

APPROVED Feb. 12, 1853.

AN ACT to legalize the proceedings of the board of trustees of the town of Morris, in Grundy county, in the purchase of a certain tract of land. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the purchase of any tract of land heretofore made of the trustees of the Illinois and Michigan Canal, consisting of eighty acres, near the town of Morris, in Grundy county, by the board of trustees of said town, for the purpose of making use of a portion of such tract of land for the burial of the dead, be and the same is hereby legalized and declared to be effectual in law for the conveyance of title to said land. Legalized.
And any deed hereafter made by said board of trustees of the Illinois and Michigan Canal to the president and trustees of the town of Morris is hereby declared effectual in law for the conveyance of a perfect title in fee simple in such tract of land to the said town of Morris; and the said town of Morris, by its corporate name, or the board of trustees thereof, or any corporation hereafter organized for the government of said town to take the place of that now in existence, shall have full power to convey the same in fee simple to any individual or corporation, for the purpose aforesaid; and the title thereto shall in nowise be affected by reason of a want of power in any such corporation to purchase and hold real estate.

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

APPROVED February 11, 1853.

In force Feb. 8, 1853. AN ACT to authorize Daniel Horrom to establish a ferry across the Illinois river.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Daniel Horrom, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Illinois river, at or near the section corners of section fifteen, sixteen, twenty-one and twenty-two, in township number thirty-three, north of range number six, east of the third principal meridian, for the term of twenty years.

§ 2. The said Daniel Horrom, his heirs and assigns, are hereby authorized to charge, collect and receive such rates of ferriage as are now authorized to be charged by other ferries on said river similarly situated.

§ 3. The said Daniel Horrom, his heirs and assigns, shall comply in every respect with the provisions of chapter forty-two of the Revised Statutes, entitled "ferries," and shall be entitled to the same rights and privileges, and be subject to the same liabilities as other ferrymen on said river similarly situated.

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

APPROVED February 8, 1853.

In force Feb. 10, 1853. AN ACT to legalize the erection of a bridge across the Sangamon river.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the bridge erected at the town of Petersburg, in Menard county, by order of the county commissioners of said county, across the Sangamon river, during the year 1851, shall not be considered an obstruction to the navigation of said river, any law of this state heretofore passed to the contrary notwithstanding, and the erection of the same is hereby legalized, sanctioned and approved.

§ 2. The county court of Menard county is hereby authorized and empowered, by orders entered of record by said court, to regulate the speed of travel and the mode of transportation over said bridge, and to provide for the punishment of persons violating such orders by fine, not exceeding ten dollars for each offence, to be sued for and collected by action of debt before any justice of the peace: *Provided,* that the substance of such orders or notice of their contents be posted in conspicuous places at both ends of said bridge.

§ 3. This act shall be in force from and after its passage.
APPROVED February 10, 1853.

AN ACT supplemental to an act to amend the charter of the Central Military Tract Railroad Company. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the act entitled an act to amend an act entitled "An act to incorporate the Central Military Tract Railroad Company," Extend branch. be so amended as to authorize the said company to extend a branch of said railroad from the town of Henderson, in Knox county, to the city of Monmouth, in Warren county.

§ 2. All of the powers, privileges and franchises given and conferred upon said company in its original and amended charter, shall be and are hereby given to said company in construction of said branch road. Powers.

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

APPROVED February 11, 1853.

AN ACT granting additional powers and privileges to and legalizing the acts of Warsaw and Augusta Plank Road Company. In force Feb. 10, 1853.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the Warsaw and Augusta Plank Road Company, are hereby authorized to construct a branch of their road to and through the town of Chili, in Hancock county.

The said company are authorized to issue bonds Issue bonds. bearing an interest, not exceeding ten per cent., and to an amount not exceeding the capital stock then subscribed, for the purpose of borrowing money in aid of the construction of said road, and by their president, upon an order of the directors, to mortgage said road or any portion thereof, as security for said bonds. The said company may, upon agreement with the owner thereof, receive real estate in payment of stock in said company, and the same sell and convey by deed of the president, upon the order of the directors.

The said company may, at any time, change or alter Right of way. the location of any portions of their road, by agreement with the owner or owners of the land, or in case of disagreement, may take as much land as may be convenient for its purposes, the damage in such case, as well as in any case of land already taken, or to be taken by the company, may be estimated and paid in manner provided by law for the assessment and recovery of damages happening by the laying out of public highways, or they may be estimated and paid under the act entitled an act to provide for the construction of plank roads by a general law,

and any amendment now or hereafter made thereto : *Provided*, that the county court consisting of the county judge alone, may in all cases, under section fifteen and the subsequent sections of said act, perform the duties of the county court referred to in said act; and in case the owner or owners of any lands set forth in the petition referred to in section fourteen of said act fail to appear before said judge at the time set for the hearing thereof, the said judge shall enter an order confirming the report of the commissioners in regard to so much of said lands, and their assessment shall be final in the premises.

All the acts and doings of the Warsaw and Augusta Plank Road Company organized, or so intended to be, under the general plank road law of the state, are hereby legalized; and the said company may proceed in the same manner as if all things had been done in strict conformity with the provisions of the general plank road law of the state.

The said company may construct any bridges along the line of said road, and charge and receive such toll for crossing the same as may be prescribed by the county court.

The company may at any time construct a branch from any point on their road to any point in McDonough county, with an additional branch to La Harpe, if the directors deem it advisable.

This act to be taken and deemed a public act, and to be in force from and after its passage.

APPROVED February 10, 1853.

In force Feb. 10, 1853. AN ACT supplemental to an act concerning the Mount Carbon Coal Company, approved February 1st, 1851.

Time extended : SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the said Mount Carbon Coal Company, of the county of Jackson, and state of Illinois, shall be and they are hereby allowed the further time of two years to complete the railroad authorized to be made by the aforesaid act, approved February 1st, 1851.

BE TROW HONOR. : § 2. The said Mount Carbon Coal Company are hereby authorized to borrow money, from time to time, on the credit of the company, at any rate of interest not exceeding seven per cent. per annum, as may be agreed on between the parties, for the sole purpose of constructing said road and furnishing the same with cars, locomotives and

other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor in denominations of not less than five hundred dollars, and to secure the payment thereof, with the interest that may accrue thereon, may mortgage their corporate property or franchises, or convey the same by deed of trust for said purposes; and they may, by their president or other officers or agents, sell, dispose of or negotiate such bonds or stocks of said company, at such times and places, either within or without the state, and at such rates, and for such prices as in their opinion will best advance the interest of the said company; and if such bonds or stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value.

§ 3. The certificate of the secretary of said company, ^{Evidence.} under the corporate seal thereof, shall be received in all courts of justice and elsewhere as evidence of the regular organization of said company under its charter, or of any act or order of the board of directors of said company; and the corporate rights, privileges and franchises of said company, as granted, are hereby declared to be in full force and effect, and all causes, if any exist, of forfeiture waived.

§ 4. Nothing in this act contained shall authorize any railroad to be constructed to any point north of a line running due east from the town of Kaskaskia, in the county of Randolph.

§ 5. This act shall [be] deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to change the location of the Western Mail route at Big Silver In force Jan 31, creek, in St. Clair county, and for other purposes. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the Ohio and Mississippi Railroad Company, incorporated by this state, shall be and they are hereby permitted to make such change in the location of the Great Western Mail Route, west of and over the bottom of Big Silver creek, and in the road from Lebanon to Nashville, and near the town of Lebanon, passing over Little Silver creek, and such change in the channel of said creek, the same being in the county of St. Clair, as may best facilitate the construction of their railroad over the same and over the said roads there being: Provided, however, that the said company shall, at their own expense and without delay, make the said mail route and the levees and embankments*

^{Change.}
^{Proviso.}

at Big Silver creek, and the said road from Lebanon to Nashville as passable, for all purposes of travel, as they now are, and shall reconstruct the bridge over Little Silver creek as substantial and passable as it now is; and shall make the new channel of Little Silver creek as wide and deep as the same now is; and in using private property for such purposes, the said company may proceed to condemn the same under the act to amend the law condemning the right of way for purposes of internal improvement, approved June 22, 1852.

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

APPROVED Jan. 31, 1853.

In force Feb. 12, 1853. AN ACT to authorize Ira Y. Munn and George L. Scott to keep a ferry across the Illinois river, at Spring Bay.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Ira Y. Munn and George L. Scott, their associates, assigns and successors, shall be and they are hereby chartered and constituted a body corporate, by the name of the "Spring Bay Ferry and Dyke Company," with succession for fifty years; be capable of suing and being sued in all courts; be capable of contracting and being contracted with; of purchasing, selling and holding real estate, both real and personal, as necessary and convenient to enable them to establish a ferry across the Illinois river at Spring Bay, in this state; and to build dykes, bridges and plank roads across the overflowed bottoms of the Illinois river at and opposite said place; and to carry out the privileges and franchises granted, with power to make by-laws, rules and regulations for the management of its property, the stock of said company, and to regulate its affairs.*

Name.

Stock.

§ 2. The stock of said company shall not exceed twenty-five thousand dollars, in shares of twenty-five dollars each, which is declared to be personal property, transferable by assignment.

Governed.

§ 3. The said corporation shall, as soon as their embankments and dykes are completed, run a good and substantial ferry boat across the river at said place, giving safe and speedy passage to all persons wishing to cross, and be governed in the management of said ferry by the provisions of the act entitled "An act to provide for the establishment of ferries," approved February 12th, 1827; and said company shall have the right to make all the ne-

cessary dykes, embankments and other improvements that may be deemed necessary to carry into successful operation said ferry, upon any public road or street leading to said river, or upon land over which no road or street may pass, by obtaining the consent of the owner thereto.

§ 4. Said company shall have the exclusive privilege of ferrying at the town of Spring Bay, across the Illinois river, and for three miles each way from the landing of the said ferry; said ferry to be taxed annually by the counties of Peoria and Woodford in any sum not exceeding ten dollars.

APPROVED February 12, 1853.

AN ACT to consolidate Clark's Exchange Banks.

In force Feb. 8,
1853.

Preamble.

Whereas, under the provisions of the sixth and seventh sections of an act of the general assembly of Illinois, entitled "An act to establish a general system of banking," passed on the 15th day of February, A. D. 1851, Luther C. Clark, Edward Dodge and Nicholas H. Ridgley, did, on the twenty-sixth day of April, A. D. 1852, file in the office of secretary of state, and also in the office of the auditor of state, a copy of a certificate, made, executed, acknowledged and recorded in accordance with the provisions of said sections, whereby they become a body politic and corporate, by the name of "Clark's Exchange Banks;" and whereas under the same provisions of the said act, the said Luther C. Clark, Edward Dodge and Nicholas H. Ridgley, did, on the fifteenth day of June, A. D. 1852, file in the office of the auditor of state, a copy of another certificate, made, executed, acknowledged and recorded according to law, under which they again became incorporated under the name of "Clark's Exchange Bank," the said partners owning each the same proportional amount of the stock of both corporations at the time of filing the said certificates, and having made no change since in the amount and proportion of said stock held by them respectively; and whereas both corporations have fully complied with all the requirements of the law necessary to entitle them to do banking business, and have been doing banking business ever since the filing of the copies of the certificates as herein set forth, keeping separate books and accounts, and making separate reports and returns to the auditor for such incorporations, under the provisions of said act; and whereas unnecessary labor and

expense are incurred in the auditor's office, and by the banks in keeping separate accounts for the two banks, which will be saved by uniting and consolidating them; therefore—

Auditor unite.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be authorized to unite and blend together the accounts of the said corporations under the name and style of "Clark's Exchange Bank," and keep but one account with the said banks, embracing and uniting in his books the accounts and business of the two incorporations; and that the said banks in making their returns and reports to the auditor may unite and consolidate them, in accordance with the provisions of this section, which reports so made shall be a full compliance with the provisions of the law requiring them to be made to the auditor.

Duty of corporations.

§ 2. Before the business and accounts of said corporations shall be thus united and blended, it shall be the duty of said corporation last created, by a resolution to be entered on the books of said last named corporation, a copy of which certificate under the hands of the president and cashier of the said corporation, shall be filed with the auditor, to assume all the debts and liabilities of said first named corporation, and thereafter all the business and transactions of said corporations shall be transacted and carried on by said last named corporation; and the auditor shall charge all the circulating notes heretofore delivered to said first named corporation to the said last named corporation, which shall receipt for the same; and the auditor shall hold the bonds deposited by said first named corporation as security, in the same manner as if the same had been originally deposited by said last named corporation.

§ 3. The provisions of this act shall apply to the associations or corporations known as the "Marine Bank of Chicago," and they may avail themselves of the same by complying therewith, in the manner required of Clark's Exchange Banks, so far as the same are applicable, under the direction of the auditor.

This act to take effect from and after its passage.

APPROVED February 8, 1853.

In force Feb. 12, 1853. AN ACT to authorize Narcisse Pensoneau and others to establish a ferry and build a bridge across the Kaskaskia river, and to build a plank road on both sides of said river, opposite section twenty-two, in township one south, of range six west, of the third principal meridian, in St. Clair county.

Build bridge.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Narcisse Pensoneau, and his associates and assigns, be and the

same are hereby authorized to build a toll bridge across the Kaskaskia river, in the county of St. Clair, from or near section twenty-second, T. 1 S., R. 6 west, on lands of said Pensoneau, at a place known on said river as "The High Banks:" *Provided*, that said bridge shall be constructed across the main channel of said river at as great an elevation above the bed of the river as not to obstruct, in ordinary stages of water, the navigating said river; and if at any time hereafter the navigation of said Kaskaskia river shall be improved, by slack water or otherwise, said bridge shall be so changed in its construction as not to interfere with said improved navigation.

§ 2. Said Narcisse Pensoneau, and his associates, heirs and assigns, shall build said bridge of good materials, and in a substantial manner, so as to admit the safe passage of persons, wagons, teams, cattle, &c., and shall commence the building of the same within two years, and have the same completed within five years from the passage of this act. Manner of constructing.

§ 3. At each end of said bridge the said Pensoneau, and his associates, heirs and assigns, are hereby authorized to place a toll-gate where toll may be asked, demanded and received by said Pensoneau and his heirs and assigns, at the rate allowed at the passage of this act to ferries on said river Kaskaskia by the county commissioners' court of St. Clair county. Toll-gates.

§ 4. The said Narcisse Pensoneau and his associates, and their heirs and assigns, shall procure from the clerk of the county commissioners' court of St. Clair county a certified copy of rates allowed to ferries, as stated in the preceding section, and shall cause a printed copy of the same to be kept up in some conspicuous place near the two extremes of said bridge; and if they, or any person acting under them, or by their authority, shall demand and receive more toll than is allowed by this act, or shall unreasonably hinder or detain any person wishing to cross said bridge, they shall forfeit and pay the sum of five dollars, to be recovered by any person suing for the same, by action of debt, before any justice of the peace of the county of St. Clair. Rates of toll.

§ 5. Until the said Narcisse Pensoneau and his associates, and their heirs and assigns, shall have the said bridge ready for use, he or they shall be by this act authorized to establish a ferry across said river at or near the place designated herein for the building of said bridge, and shall be permitted to charge for ferrying across said river the same rate of toll as hereinbefore referred to and expressed for crossing over said bridge when the same shall be completed, and shall be held under the same restrictions, regulations and forfeitures as expressed in the fourth section. Ferry.

Plank road.

§ 6. The said Narcisse Pensoneau and his associates, their heirs and assigns, are further authorized by this act, in addition to establishing said ferry, to build bridges and plank roads across the overflowed land in the bottom of said river Kaskaskia, at or near the section designated in said township, and to continue the same as far as he or they may deem practicable and to their interest, on an eastern course to Elkton, in Washington county, and northwest course to the town Mascoutah, in St. Clair county, on both sides of said river Kaskaskia.

Use county road.

§ 7. Whenever said Narcisse Pensoneau, his associates, their heirs and assigns, shall commence in the construction of their ferry, bridge or plank road, he or they shall and may have and use so much of the state or county roads, crossing at said point, and county or state lands on said location, in said township, as he or they wish to appropriate to their use, free of charge for the same, as may be necessary for the construction of the same. And whenever one half mile of said plank road shall be by him or them constructed on both or either side of said river, from or to said ferry, so as to make the traveling thereon safe, easy and permanent, he or they may establish a toll-gate thereon, and take such toll from person or persons, and from all teams, carriages and stock passing thereon, in accordance with the provisions of an act entitled "An act to provide for the construction of plank roads by a general law," approved February 12, 1849, as to the rate per mile.

Toll.

Unite.

§ 8. It shall be lawful for said Narcisse Pensoneau to unite his said road with any other plank road company which may be hereafter incorporated by any law in this state, and to grant to any such company any right of way, and to authorize them to use any road hereby authorized to be used by him for the construction of his said road, upon such terms as he or they may mutually agree upon, without violating any of the privileges therein granted.

Associating.

§ 9. If at any time before the building of said bridge or plank road the said Narcisse Pensoneau shall be desirous of associating any person or persons with him, for the purpose expressed in this act, it shall be lawful for him and his associates to form themselves into a joint stock company, by the name and style of "The Mascoutah and Elkton Plank Road and Bridge Company," with a capital not to exceed fifty thousand dollars; to appoint officers to conduct the affairs of the same; to issue stock certificates for the respective amounts each individual may be entitled to, and to divide the stock into shares of one hundred dollars each, and to pass all necessary by-laws for transferring stock and regulating the operations of said joint stock company, in prosecuting and completing the object herein expressed, which may be in accordance to the laws and

constitution of this state; and in the above name and style to sue and be sued to final judgment, answer and be answered, prosecute and defend in all courts of justice; to purchase, sell and hold real and personal estate in any amount, not to exceed the capital stock hereinbefore stated; and to have and use a common seal in the transactions of the business of said joint stock company.

§ 10. Said Narcisse Pensoneau, his associates, their heirs and assigns, are hereby authorized and empowered to acquire and appropriate to their use, to carry out the object of this act, any land, timber, stone, gravel, which may be deemed necessary for the use and construction of the said road, bridge and ferry, and when the same cannot be obtained by consent of the owner or owners, upon reasonable terms, the same shall be valued and estimated in manner provided by law for the recovery of damages happening by the laying out of highways; but in no case shall the appeal cause suspension of laying out or appropriating the same when the law referred to has been complied to.

§ 11. And the said Narcisse Pensoneau, his associates, their heirs and assigns, shall have the exclusive privilege of bridging or ferrying said river Kaskaskia for the distance of three miles up and three miles down, from the point where said bridge or ferry may be located, on or near section 22, town. 1 S., R. 6 west, of the third principal meridian, in St. Clair county, for the space of fifty years from the passage of this act. If any person shall willfully do or cause to be done, any injury to said ferry, bridge or plank road, the person so offending shall forfeit and pay to the said Narcisse Pensoneau, his associates, their heirs and assigns, double the amount of such injury or damages, to be recovered before any court having jurisdiction of the same; and on the hearing and the rendition of judgment, execution shall issue forthwith against said offender or offenders. And if any team or teams that may travel on said plank road, otherwise than to cross the same at the regular laid outs, or where the termini of said junction of any such road shall be on different sides of any toll-gate, and shall travel on and not pay the regular tolls for the use of said road so traveled upon, when demanded, or shall leave the road and refuse to pay the toll, when demanded, all such person or persons shall be liable to a fine of five dollars, to be collected in an action of trespass before any court in the state having jurisdiction of the same; and on the rendition of said judgment, execution shall issue forthwith against said trespassers. All fines for trespass under this act shall go to the benefit of the poor of St. Clair county.

Borrow money.

§ 12. And the said Narcisse Pensoneau, his associates, their heirs or assigns, are hereby empowered and authorized to borrow, from time to time, such sums of money, not exceeding the capital stock, as in his or their discretion, may be deemed necessary to aid in the construction of said work, and to pay any rate of interest not exceeding ten per cent. per annum, and to pledge and mortgage or hypothecate the said ferry and bridge and land on which the same is situated, together with said plank road or any part thereof, or any other property, both real and personal, effects, rights, credits, or the franchise hereby granted or stock of same, and to dispose of the bonds issued for such loan, at such rates and on such terms as the board of directors may deem advisable, for the interest of said company, on condition that each stockholder shall be personally liable for the amount of his stock in final redemption of the same.

§ 13. If the aforesaid Narcisse Pensoneau shall refuse to avail himself of the privileges and powers herein conferred by this act, by declining the association herein provided for, the said refusal shall not in any manner work a forfeiture, or by any reason impair the right and privileges herein granted to the fullest extent, but in the event of such refusal by the said Pensoneau, the party choosing to do so may as fully enjoy and execute the functions of this act as if no such refusal had taken place.

§ 14. This act to take effect from and after its passage, and be in force for the space of fifty years.

APPROVED February 12, 1853.

In force Feb. 3,
1853.

AN ACT to incorpora'e the Cairo Cemetery Association.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel Staats Taylor, Henry Clay Long, George D. Gordon, Patrick Corcoran, Thomas S. Taylor and Charles Davis, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Cairo Cemetery Association," and by that name shall have perpetual succession, and shall have all the powers, rights and privileges, liabilities and immunities incident to a corporate body.

Real estate.

§ 2. Said association shall have power to own real estate not exceeding fifteen acres, and personal property not exceeding at one time five hundred dollars, which shall be exempt from taxation and from attachment and execution.

§ 3. The object of said association shall be exclusively Objects. to lay out, enclose and ornament a plat of ground to be used as a burial place for the dead.

§ 4. Said association shall have power to lay out the burial place into lots of suitable size, and sell the same, purchasers of which shall use the same as herein contemplated, and for no other purpose.

§ 5. The officers of this association shall be a president, a secretary and treasurer, a superintendent and three directors, who shall be chosen annually by ballot, by the members of the association, and shall hold their office until their successors are chosen; any neglect to choose officers on the day fixed upon by said officers, shall not operate as a forfeiture of this act of incorporation. Officers.

§ 6. Every person holding one or more lots shall be a member, and entitled to one vote only; absent members shall have power to vote by proxy. Member.

§ 7. It shall be the duty of the secretary, on the order of the president, or any two directors, to call a meeting of the members for the choice of officers, or for the transaction of any other kind of business which this act authorizes, by giving five days' notice. Call meetings.

§ 8. The said corporation shall have power to establish and change by-laws, and prescribe rules and regulations for their government and the direction of their officers, prescribe their duties, and management of its property and affairs. By-laws.

§ 9. This act shall be in force from and after its passage.
APPROVED February 3, 1853.

AN ACT to incorporate the Green Mound Cemetery.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* John M. H. Wilson, George W. Rodecker and John C. Pepper, Corporators. of the town of Keithsburg and vicinity, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Green Mound Cemetery Association," Style. and by that name shall have perpetual succession, and shall have all the powers, rights and privileges, liabilities and immunities incident to a corporate body.

§ 2. Said association shall have power to own real estate not exceeding ten acres, and personal property not exceeding, at any one time, five hundred dollars; which shall be exempt from taxation, and from attachment and execution. Real estate.

Objects.

§ 3. The object of said association shall be exclusively to lay out, enclose and ornament a plat of ground, to be used as a burial place for the dead, and are empowered to lay the same out into lots and to sell the same, purchasers of which shall use the same as herein contemplated, and for no other purpose.

Application
funds.

of § 4. The proceeds of such sales and other funds which may come into the possession of the association, shall be appropriated and used in enclosing the grounds and in improving and ornamenting the same, or in other objects connected with the incorporation. The owners of lots in the cemetery shall, on the first Saturday in June next, elect three trustees, who shall be owners of lots in the cemetery, one of whom shall continue in office for one year, one for two years, and one for three years, and until their successors are elected; and annually thereafter, on the first Saturday of April, they shall elect one trustee, who shall continue in office for three years or until his successor is elected; any neglect to elect officers on said day shall not act as a forfeiture of this act of incorporation.

§ 5. Every owner of one or more lots shall be a member, and shall be entitled to one vote; absent members may vote by proxy.

By-laws.

§ 6. The trustees may make all necessary by-laws and regulations for laying out, ornamenting and keeping in repair said cemetery, and for preserving other property of the association; they shall appoint a treasurer, secretary and sexton, and shall define their duties and affix their compensation.

Certificate.

§ 7. The right of property to any lot or lots which may be purchased shall be vested by certificate of stock, signed by the secretary and recorded in a book kept for that purpose by the secretary; and every transfer of such lots shall be made by surrendering such certificate to the secretary, who shall destroy it and issue a new one, and make an entry thereof.

§ 8. It shall be the duty of said association to keep a register in a well bound book, of all interments made in said cemetery, with all the particulars connected therewith, such as name of deceased, date of interment, age, place of nativity, &c., so far as can be ascertained; which book shall be open and free for the inspection of any one interested therewith. This act to take effect and be in force from and after its passage.

APPROVED February 10, 1853.

AN ACT to incorporate Le Roy Seminary, in McLean county, Illinois. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Archibald Johnson, R. F. Patton, Cyrus Haynes, Levi Dan-* Corporators.
ley, John W. Baddley, James Van Deventer, Daniel Hart-
sock, Thomas Buckles and J. J. Kennedy, and their suc-
cessors in office, be and are hereby created a body politic
and corporate, by the name of "Le Roy Seminary," and Style.
by that name to remain and have perpetual succession,
with power to contract and be contracted with, sue and
be sued, plead and be impleaded, to receive, acquire, hold,
transfer and convey property, real, personal and mixed,
to have and use the same, together with the issues, rents
and profits thereof, for the use of the institution: Pro-
vided, however, that money or property donated for a spe-
cial purpose shall, if accepted, be applied faithfully to such
purpose.

§ 2. The trustees shall have power to have, use, alter Powers,
 and change a common seal, at pleasure; to adopt by-laws
 regulating the operations of the corporation, its officers
 and agents, and specifying the duties of the students:
Provided, however, said by-laws be not inconsistent with Proviso.
 the constitution and laws of the United States, or of this
 state.

§ 3. The object of this corporation shall be to promote Objects.
 the cause of education generally, and to extend the influ-
 ence of science, morality and religion in the community.

§ 4. Said board of trustees shall have power to collect Collect moneys.
 all moneys or property, which have or may be subscribed
 for the benefit of said seminary; to obtain a title to the
 block or lots of land on which buildings may be erected;
 to provide that buildings be erected, to purchase furniture,
 books, maps, charts, globes, philosophical and chemical
 apparatus.

§ 5. The trustees shall have power to select and em- Officers.
 ploy a principal or president, professors and tutors, as
 they may judge necessary; to fix their compensation; to
 remove or dismiss any one, or all of them, when they be-
 lieve the circumstances require it, and appoint others in
 their stead; to prescribe the course of study, fix the
 price of tuition, room rent and other accommodations
 afforded to students.

§ 6. The principal, or president, professors and tu- Faculty.
 tors, shall constitute the faculty, and shall have full power
 to enforce the laws, rules and regulations adopted by the
 trustees for the government of the students, and in the
 exercise of discipline to suspend or expel students who
 behave immorally or violate the laws, and with the consent
 of the trustees, to confer academical and honorary degrees,

similar to those conferred by other seminaries and colleges, and to grant certificates and diplomas under their common seal.

Departments.

§ 7. Said trustees shall have power to establish separate male and female departments, a common school, preparatory, scientific, classical and theological departments, and may connect manual labor with any or all these departments.

Trustees divided into classes.

§ 8. The board of trustees shall be divided by the president of the board, at a meeting to be held on the fourth Monday in next March, into three classes, and those composing the first class shall go out of office in two years; those in the second class, in four and those in the third class, in six years from said date; those whose term of service has expired will be re-eligible.

Vacancies.

§ 9. All vacancies occurring in the board to be filled by Mackinac Presbytery of the Cumberland Presbyterian Church: *Provided*, that the trustees in office may appoint persons to fill vacancies, whose term of service shall only continue until the presbytery shall take action on the case.

Board of visitors.

§ 10. The board of trustees, with the concurrence of said presbytery, may select annually a board of nine visitors, who shall be invited to attend examinations and important meetings of the board, and shall, when present, have a right to sit, deliberate and vote on all subjects under consideration by the board.

Exempt from taxation.

§ 11. The block or lots of land on which the buildings may be erected, belonging to said institution, not exceeding ten acres of land, with the improvements thereon, and all the personal property of the corporation, shall be exempt from taxation for any purpose whatever.

§ 12. This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 12, 1853.

AN ACT to incorporate the Lockport Cemetery Association.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* John Griswold, David C. Baldwin, Joel Manning, William S. Myers and John W. Paddock, and their associates and successors, in the town of Lockport, Will county, and its vicinity, be and they are hereby constituted a body corporate and politic, by the name and style of "The Lockport Cemetery Association," and by that name shall have perpetual succession, and shall have, possess and be invested

with all powers, rights, privileges and liabilities incident to a corporate body.

§ 2. Said association shall have power to own and possess ^{Real estate.} real estate not exceeding ten acres of ground, which shall be exempt from taxation.

§ 3. The object of said association shall be to receive ^{Objects.} title, to own, lay out, enclose and ornament the said ten acre lot of ground, to be used as a place of burial for the dead.

§ 4. Said association shall have power to lay out said ground into streets, alleys and lots, suitable for family burial lots, and sell the said lots; the purchasers of which shall use the said lots for the purposes herein contemplated, and for no other use whatever; and on application of said lots, or any one of them, to any other purpose, by the purchasers, shall work a forfeiture of his claim thereto.

§ 5. The ^{Proceeds.} proceeds of such sale shall be applied to the payment of the purchase money of said ground, fencing, laying out and ornamenting the same, and other expenses necessary for carrying into effect the objects of this association; and in laying out the said ground into streets, alleys and family lots, sufficient ground shall be reserved for a potter's field or common burial ground, but which shall remain under the superintendence of this association.

§ 6. The ^{Officers.} officers of this association shall be a president, a treasurer, who shall act as a secretary, and a superintendent, who shall be chosen, annually, on the first Monday of April, by ballot, and shall hold office until their successors are elected. Notice of such election shall, in the first instance, be given by the said corporators, and subsequently by the secretary, by written notice, at two public places in Lockport, specifying the time and place of holding the election; and said corporators shall superintend the first and the said officers all subsequent elections; and every neglect to elect officers on the specified day shall not work a forfeiture of this act of incorporation, but subsequently an election may be held by giving ten days' notice. The president, treasurer and superintendent shall constitute a board for the transaction of business and the appointment of agents for the accomplishment of the objects this association.

§ 7. Every person who at the passage of this act shall ^{Members.} have subscribed and paid any sum of money for the purchase and fencing said ground, and every person who is an owner of a family lot therein, shall be a member of this association and entitled to one vote in the elections under this act; absent members may vote by proxy.

§ 8. The right of property to any lot which may be ^{Certificate.} purchased as a family lot, shall be vested in the purchaser, by a certificate of purchase describing the lot, by number

or otherwise, signed by the president and countersigned by the secretary; and every certificate of sale or transfer shall be recorded by the secretary, in a book to be kept for that purpose; and the manner of transfer from one individual to another shall be by surrendering the former certificate to be cancelled, and the issuing of a second: *Provided*, that no one individual shall own more than two lots, and also that whatever sum any person may have subscribed and paid for purchasing and fencing said ground shall be allowed him in payment of the purchase money of any family lot.

Call meeting.

§ 9. It shall be the duty of the secretary, on the request of the president or superintendent or of four members of the association, to call a meeting of the association for the election of officers or for the transaction of any business which this act authorizes, and which does not properly come under the control of the officers, by giving five days' public notice.

By-laws.

§ 10. The said corporation shall have power to establish or make and change by-laws and regulations for their government, the direction of their officers and the management of its property and affairs, not inconsistent with the laws of this state or of the United States.

Lease ground.

§ 11. This association shall have power to lease, for any limited time, a portion of said ground, not exceeding two acres, on which to erect a school house or any public building or buildings for school purposes, or for the public use of the village of Lockport; and they may lease for ordinary use, from time to time, any unoccupied portion of said ground not required for the objects of this association. And this act shall be in force from and after its passage.

APPROVED February 12, 1853.

in force Feb. 12,
1853.

AN ACT to incorporate the Oak Woods Cemetery Association.

Incorporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joseph B. Wells, William B. Herrick, John Evins, Norman B. Judd, Wm. B. Egan, Ebenezer Peck, J. Young Scammon, R. K. Swift and Charles N. McKubbin, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "The Oak Woods Cemetery Association," near the city of Chicago, in the county of Cook, and by that name and style to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

§ 2. The officers of said association shall be nine directors and such other officers as by this act may be authorized or created, each of whom shall be the owner of one or more lots in the cemetery of said association. Said directors, or a majority of them, in all cases shall constitute a board for the transaction of all business, and the management of all property of said association, and shall be elected by ballot, on the first Monday in March, in each year, and shall hold their offices until their successors are elected. Officers.

§ 3. Said board of directors shall choose, from their own number, a president and treasurer, and shall appoint, from the members of said association, a secretary, sexton and such other officers as the interest of said association may require. A bond with security shall be taken by said board from said treasurer, for the faithful discharge of the duties of his office. President.

§ 4. At all elections of said association, two of said directors shall act as judges, and the secretary of the board as chief clerk thereof; and said clerk shall, within ten days after each election, give to the persons chosen a certificate of their election. Said board may, on giving ten days' public notice thereof, hold a special election for filling the vacancy or vacancies occasioned by the death, resignation or removal of any of said directors. Electors.

§ 5. Every person having a title of one or more lots in said cemetery, shall be a member of said association, and entitled to one vote only; absent members shall have power to vote by proxy, authorized by writing, first filed with the secretary of said board. Members.

§ 6. Said board of directors shall have power to purchase, receive, by grant or otherwise, and hold lands not exceeding one hundred and sixty acres, for a cemetery, and to survey and lay out the same into lots suitable for the burial of the dead; also, to sell and convey the same, by certificates of purchase, signed and acknowledged by the president, and attested by the secretary, as hereinafter provided, and the purchasers thereof, their heirs and assigns, shall use their said lots for burial purposes only. Real estate.

§ 7. The proceeds arising from the sale of said lots, shall be applied by said directors in enclosing, protecting and ornamenting said cemetery, and in making such other improvements thereon, and for such other purpose for the interest and objects of said association as the said directors may deem necessary or appropriate, and said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association and the general supervision and Proceeds applied.

control of its property. Said board may for cause remove any of the officers of its appointment.

§ 8. Said association shall have a corporate seal, with such device and inscription thereon, as may be determined by said board of directors. All deeds and other writings, made or issued by said association, shall be signed by the president, attested by the secretary and sealed with said corporate seal.

§ 9. Said board of directors shall cause to be kept and preserved in a book or books provided by them for that purpose, a full and complete record of all their meetings, proceedings, orders, purchases and sales of property, with the names of parties thereto, also a complete register of the burials in said cemetery, with the names and ages of the dead; which book of record, as well as all other books kept by the board of directors or their secretary, shall at all times be open for the inspection of the members of said association.

§ 10. The right of property to any lot or lots in said cemetery shall be vested in the purchaser by certificate of purchase, signed by the president and attested by the secretary, and sealed as hereinbefore provided; which certificate shall be recorded by the secretary; every transfer of such certificate shall be made by surrendering the same to the secretary, who shall issue a new certificate to the assignee and cancel the former. Lots owned by individuals in said cemetery shall not be subject to be sold on execution for debt.

§ 11. A plat of said cemetery shall be made by some competent surveyor under the direction of said board of directors, attested by the said surveyor and acknowledged by the president of said association before any officer authorized to take acknowledgment of deeds, and when so attested and acknowledged, shall be recorded in the recorder's office of said county of Cook, and state of Illinois, and such recording shall give to the record all the force, effect and virtue that is by law given to records of town plats.

§ 12. All the property and effects of this association shall be exempted from taxation.

§ 13. This shall be considered a public act, and shall be construed beneficially for all purposes herein specified or intended, to be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Burlington Bridge Company.

In force Feb. 12.
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Julius Manning, James W. Grimes, Abner C. Harding, Peter Sweat, Eleazer A. Paine, Rudolphus Rouse, John S. Pollock and Harman G. Reynolds, and their associates, are hereby created a body corporate and politic, by the name and style of "The Peoria and Burlington Railroad Bridge Company," with power to build, maintain and use a railroad bridge over the Mississippi river, or that portion of said river within the jurisdiction of the state of Illinois, at or near the city of Burlington, and in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect by railroad or otherwise such bridge with any railroad, either in the state of Illinois or Iowa, terminating at or near such point; to unite and consolidate their privileges and franchises with any and all bridge or railroad companies in either of said states; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money, and pledge or mortgage its property and franchises; to condemn according to law property for the uses and purposes of said company; to contract, bargain and agree with any such railroad company or companies for and in the construction and maintenance of such bridge; to sell or lease said bridge or the use of the same, or the privileges of said company, to any company or corporation, on such terms as they may agree upon.

Corporators.

Name.

Powers.

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

APPROVED February 12, 1853.

AN ACT to incorporate Knoxville College.

In force Feb. 11.
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there be and hereby is created and established at Knoxville, in the county of Knox, in this state, a collegiate seminary of learning for the instruction of youth in the various branches of science and literature, the useful arts, and the learned and foreign languages.

§ 2. That the said institution shall be called and known by the name and style of "Knoxville College."

Style.

§ 3. Jackson Dunlap, James W. Knox, Jason Duncan, Eldred Runkle, George M. Ewing, William H. Whitton, Rufus Miles, Miles Smith, Harman G. Reynolds, James

Corporators.

General powers.^v Knox Taylor, Julius Manning, William McMurtry and Cephus Arms, are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Knoxville College," and by that name shall have perpetual succession, and a common seal, which seal they may alter at pleasure; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased by, or may be devised, or given to them for the use of the said college, and to lease, sell, rent, or otherwise dispose of the same, in such manner as shall seem most conducive to the advantage of said college; to elect and employ such president, professors, instructors and tutors, for the benefit of said college, as they may deem necessary; to select and employ a treasurer, and such other officers, agents and servants as they may see proper; to make, ordain, establish and execute, or cause to be executed, all such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States, or of this state, as they may think necessary for the welfare of said college, the good government of the professors, instructors, tutors agents and students of the same, and generally to do all acts necessary and proper to promote the welfare and prosperity of said college.

Power of trustees.^v § 4. The president of said college, by and with the advice of said trustees, shall have power from time to time to ordain, regulate and establish the course and mode of instruction and education to be pursued in said college, and together with such professors, instructors and tutors, as the corporation may designate, shall be styled "The Faculty of Knoxville College," and shall have power to adopt and enforce such rules as may be deemed expedient for the good government of the institution, which rules and regulations shall not be inconsistent with the constitution and laws of the United States, or of this state, nor with the by-laws and ordinances of the corporation, and shall remain in force until disapproved of by the trustees present at any meeting, or a quorum of them, and no longer.

Departments of study.^v § 5. The said trustees shall have power to establish departments for the study of any and all the learned and liberal professions in the same, to confer such degrees as are usually conferred in similar institutions in the United States, in the learned arts and sciences. The said trustees may also attach to said college an academical or preparatory department, a female department, and a common school department; and when said common school department shall be in operation agreeably to the common school laws of this state, the trustees shall be entitled to draw

their proportion of the township school, college and seminary fund for such scholars as may attend the same: *Provided*, that such scholars belong in the township where said college is located.

§ 6. The trustees, or any five of them, shall have Literary degree. power and authority to meet at such times as they shall think necessary, for the examination of any candidates for literary degrees; and they are hereby authorized and empowered, upon recommendation of the faculty, to confer such degrees on such persons as in their opinion shall merit the same, in as ample a manner as any other similar institution can do, and under their common seal to grant testimonials thereof, signed by the faculty of the college. The president of said college, while in office as such president, shall be one of the trustees. The president or any five of the trustees shall, at any time, form a quorum for business, or in the absence of the president, six of the trustees, of whom one shall be elected president *pro tempore*; and should there be at any meeting less than a quorum, they shall have power of adjourning from time to time until a quorum shall be had.

§ 7. The said trustees, or a quorum of them, shall elect a treasurer (whom they may remove at pleasure,) who shall give bond with approved security, payable to the trustees by their name aforesaid, and their successors, faithfully to discharge the duties of his said office, and shall render an account of all moneys, goods and chattels received and expended by him, on account of and for the use of said college, and on failure or a refusal to do so shall be subject to the like proceedings as are prescribed by law in cases of county treasurers in this state: *Provided*, that no appropriation, payment or disbursement shall, at any time, be made by the treasurer, but such as shall be in pursuance of the directions or orders of the trustees.

§ 8. The said trustees, or a full quorum of them, shall have power to remove or suspend the president, or any of the professors, instructors or tutors, at any time; and when there shall be a vacancy in said board of trustees, occasioned by death, removal, resignation, or refusal to act, the remaining trustees, or a quorum of them, shall supply the vacancy. Six shall constitute a quorum. The president with the concurrence of two of the trustees, or any three of the trustees, shall have power to call special meetings of the board. Remove president.

§ 9. Whenever any trustee shall absent himself for Seat vacated. three successive annual meetings of the board of trustees, without assigning a sufficient reason at the fourth, the trustees of the said college, or a quorum of them, shall have power by entry on their minutes, to declare his seat

vacant, and may elect a new trustee to supply such vacancy.

Annual meet-
ings.

§ 10. There shall be annual stated meetings of the said trustees, to be held at such times as the trustees may appoint: *Provided*, that they shall have power to alter such day as to them shall seem expedient from time to time.

§ 11. That the said board of trustees shall never be less than eleven, nor more than twenty in number; and the said board of trustees from time to time, at any regular meeting, may by appointment create additional trustees, not exceeding in all the greater number specified in this section.

APPROVED February 12, 1853.

in force Feb. 12,
1853.

AN ACT to incorporate the Kaskaskia River Navigation Company.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That for the improvement of the Kaskaskia river, as also for the certain navigation thereof, Smith Moore, Benjamin Bond, Elias S. Dennis and Thomas Keys, of Clinton county; Benjamin W. Thompson and William Farmer, of Fayette county; Louis Winter, Charles Dunbach and Aaron Land, of St. Clair county; E. P. Rogers, C. H. Rittler and John Brickey, of Monroe county; James Ralls, S. B. Adams and Joseph Mattingly, of Randolph county, and Andrew Herryman, of Washington county, and such other persons as they may associate with them, be and they are hereby constituted a body corporate, by the name and style of "The Kaskaskia River Navigation Company," to have succession for the period of twenty years from the first day of April, in the year of our Lord one thousand eight hundred and fifty-three.

Navigation.

§ 2. The said company or corporators, and such persons as they may associate with them, and their successors or assigns, shall have and enjoy the full and exclusive right to the navigation of the Kaskaskia river, by crafts to be propelled by steam or other power, for the period of twenty years as aforesaid: *Provided*, said corporation shall, at their corporate expense, cause the said Kaskaskia river to be improved, either by dams and locks or otherwise, and by taking from the bed of said river all drift wood and other obstructions to the safe navigation thereof, and by removing from the banks and the short elbows or bends in said river the leaning and standing trees which hinder and obstruct navigation: *Provided, also*, that noth-

ing herein contained shall be so construed as to prevent the use of said river to any person or dealer in produce living adjacent thereto, who may desire the use of the waters thereof to float his surplus produce to market by means of flat boats; but the same shall remain free to be used by such farmer or farmers in the manner in this proviso indicated.

§ 3. Said corporators shall have the power to employ Capital. all the capital or funds required to build, equip, furnish with hands and otherwise, as many water crafts, of such size, form, make and character as they may find suited to the carrying trade on said river, to be propelled by steam or other power, and shall have power to make contracts in their corporate name, to carry the surplus products of the country, and all kinds and varieties of goods, wares and merchandise, and shall have power to sue for and recover in any court in the state of Illinois having jurisdiction of the amount of debt or damage claimed, and they may also be sued in like manner in said courts by all persons having claims against or being aggrieved by said corporation.

§ 4. Said corporators, and their successors or assigns, Maintain actions. may also have a right of action or actions against all persons attempting or that may attempt to navigate said Kaskaskia river with any craft or crafts propelled by steam or other power after the first day of April next, which action shall be by suit or special action on the case, in which such damages may be recovered by said incorporation as may be just and reasonable for any infringement of their corporate rights aforesaid.

§ 5. Said corporation shall have a common seal of such Common seal. device as they may deem proper; shall have the right to alter or change the same at pleasure. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of seven in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of G. W. First board of directors. Billings, Joseph B. Holmes, G. W. Staley, Samuel B. Adams, Jacob Knoeble, P. P. Hamilton and William C. Kinney, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining—such appointees to continue in office until the next regular election of directors is held, and which said election shall be held on the first Monday of April, one thousand eight hundred and fifty-five, and biennially thereafter, at the office of the company, due notice thereof being given by publication in a newspaper published in Chester, Belleville or Sparta. Said board of directors shall have the management of the affairs of said corporation, and are hereby vested with power to make all by-laws necessary for the man-

agement of the affairs of the company not inconsistent with the constitution or laws of this state or of the United States. The board of directors shall also have power to appoint such under agents at such times and in such manner as the by-laws to be adopted by them may provide.

Keep
crafts.

water

§ 6. The corporation hereby created shall be and they are hereby bound by their corporate name at all times to keep on hand and in use, whenever there is water to be found sufficient for that purpose, a sufficient number of light and substantial water crafts, provided with all the machinery necessary to their being propelled by steam, and such other craft as may be necessary to carry off to market the surplus products of the country seeking a market through said channel, on pain of forfeiture of all corporate rights hereby granted, to be determined by writ of *quo warranto*, to be issued in the name of the people of the state of Illinois, on the relation of any citizen of the state, from the clerk's office of the circuit court of either of the counties of Randolph, Monroe, St. Clair, Washington, Clinton or Fayette.

Reserve of state.

§ 7. The state of Illinois hereby reserves to itself the right to purchase from the said company all and singular the said works and improvements of said company, on the payment to them of the full amount of their expenditures, of whatever kind, with interest thereon at a rate of seven per centum per annum.

§ 8. This act shall take effect from and after its passage.
APPROVED February 8, 1853.

AN ACT to build a bridge across the Illinois river, at the town of La Salle.
in force Feb. 12, 1853.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Isaac Hardy, George Barnett, Alex. Campbell, Adam Johnston, Champlin R. Potter, Charles Todd and Andrew J. West, their heirs and assigns, be authorized to build a bridge across the Illinois river, at or near the point where the Illinois Central Railroad crosses the Illinois river, near the town of La Salle: Provided, said bridge shall in nowise interfere with the navigation of said river: And provided, further, that said company shall construct a draw in said bridge sufficient to open a space in said bridge not less than eighty feet in width.*

Time for
struction.

§ 2. The said Isaac Hardy, George Barnett, Alex. Campbell, Adam Johnston, Champlin R. Potter, Charles Todd and Andrew J. West, their heirs and assigns, shall

commence the said bridge within two years, and complete the same within four years after the passage of this act.

§ 3. The said Isaac Hardy, George Barnett, Alex. Campbell, Adam Johnston, Champlin R. Potter, Charles Todd and Andrew J. West, their heirs and assigns, are hereby authorized, after the completion of the said bridge, to place a toll-gate at either end of said bridge, when they and their heirs and assigns may demand and collect of every person passing said bridge the following rates of toll, to wit: for each two horse wagon or carriage drawn by two horses, mules, asses or oxen, twenty-five cents; for each additional horse, mule, ass or ox, attached to such wagon or carriage, five cents; for each one horse wagon, carriage or cart, fifteen cents; for each man and horse, ten cents; for each head of hogs or sheep under fifteen in number, one cent each, and for all over fifteen in number, one-half cent each; for each head of horses, mules, asses or cattle, under fifteen in number, three cents each, and for all over fifteen in number, two cents each; and for each foot passenger, three cents.

§ 4. The said Isaac Hardy, George Barnett, Alexander Campbell, Adam Johnston, Champlin R. Potter, Charles Todd and Andrew J. West, their heirs and assigns, shall at all times after the completion of said bridge keep the same in good repair, and allow a speedy passage: *Provided*, that destruction of the same by fire, or water, or other casualty, shall not work a forfeiture of this charter, but the same shall be rebuilt or repaired as soon as practicable thereafter.

§ 5. If any person shall wilfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the proprietors of the same, three times the amount of such injury, to be recovered before any justice of the peace or other court having jurisdiction of the same.

§ 6. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of persons injuring obstructing or destroying public highways or bridges, in any manner or by any means whatever.

§ 7. Every person crossing said bridge with any beast faster than a walk shall forfeit five dollars to the proprietors thereof, to be recovered before any justice of the peace, or other court having jurisdiction of the same.

§ 8. The said Isaac Hardy, George Barnett, Alexander Campbell, Adam Johnston, Champlin R. Potter, Charles Todd and Andrew J. West, their heirs and assigns, shall have the right to erect a suitable house at either end of said bridge, for the convenience of a collector of tolls or

agent: *Provided*, the same shall not interfere with the travel to and from said bridge.

§ 9. This act may be altered, amended or repealed, whenever in the opinion of the general assembly the public good may require.

APPROVED February 12, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate the Union Coal and Iron Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That S. F. J. Trabue, George H. Monsarrat and Walter W. Stapp, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of "The Union Coal and Iron Company," for the term of one hundred years, with power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal; to engage in the mining of coal, iron, salt and other minerals, and in the manufacture and sale of salt, iron, lime and other products of lands now owned or hereafter to be owned by them, and other articles and commodities, and in the transportation of the same, or any of them, to home or foreign markets; to hold their meetings within or without the state, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.*

•orporators.

Name.

Organization of
company.

[§ 2.] That said S. F. J. Trabue, George H. Monsarrat and Walter W. Stapp shall have power to organize said company, by the appointment of a president and such other officers or managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, they and their successors shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time, for the government and the management and the prosecution of the business of said company, not inconsistent with the constitution and laws of this state and the United States.

[§ 3.] The capital stock of said company shall be three hundred thousand dollars, with power to increase the same to any sum not exceeding one million of dollars.

Boats.

[§ 4.] The said company may buy, build and own boats for the carrying on their business, and may dispose of their property, or any portion of it, by sale or otherwise. They may receive real estate in payment of such part of the subscription as they may deem advisable, and shall have the

right to hold, either by purchase or otherwise, such real estate, mining rights and rights of way as may be thought necessary by them for the successful prosecution of their business, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require.

[§ 5.] That it shall be lawful for the president and managers of said company, from time to time, and at all times, to borrow and obtain, on loans, such sums of money and on such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects and assets whatsoever of the said company, for the repayment of said sums of money so borrowed, at such times as may be agreed upon. Borrow money.

[§ 6.] That said company shall have, possess and enjoy all the powers, rights, privileges and immunities heretofore conferred by law, in this state, upon any other company chartered for similar purposes. Privileges.

[§ 7.] That this act shall not be so construed as to infringe or interfere with any of the rights or privileges of any other incorporated coal company in this state. This act shall take effect from and after its passage. Not to interfere with other companies.

APPROVED February 12, 1853.

AN ACT to provide for the building of side-walks, and the levying and collecting of taxes for that purpose in the town of Wilmington, in Will county. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters residing on any street in the town of Wilmington, in Will county, to hold a meeting or meetings at such time and place as may be hereafter designated, for the purpose of voting for or against the levying a tax on the real estate adjoining such street, for the purpose of building a side-walk or walks thereon. Tax.

§ 2. Notice of such meeting shall be given at least ten days previous, by posting up written or printed notices in three public places on the street whereon side-walk or walks is or are proposed to be built, or by inserting the same two weeks successively, previous to said meeting, in some public newspaper published in said town. Said notice shall state the time and place at which said meeting will be held, and the purpose for which the same is to be held, and shall be signed by at least three of the legal voters residing on such street. Notice.

Choose officers.

§ 3. The persons attending such meeting shall choose a chairman and secretary from their number; estimates may be made of the amount necessary for the building of said proposed walk or walks, and the meeting shall determine by vote the amount of money if any that shall be raised by tax for the building of such walk or walks; the meeting shall determine that part of the street and what street, and whether on one or both sides of the same said walk shall be built, and what kind of walk or walks shall be built, and if a majority of the voters at said meeting shall vote for the levying a tax, the same shall be levied to the amount voted on each lot or width of land on such street, and if a majority shall vote against such tax, the same shall not be levied. If such tax shall be voted as aforesaid, it shall be levied on the real estate adjoining the walk proposed to be built, and on no other property. Said tax shall be levied on such lot or part of lot or tract of land along which said walk is to be built, in proportion to the whole number of feet adjoining to said walk, and a sufficient amount of tax shall be levied on each corner lot to build a walk to the centre of the street from such corner: *Provided*, that where good side-walks are now made, if any there are, of either stone, wood or brick, opposite and along any lot or part of lot, such lot or part of lot shall be exempt from taxation to the extent of such walk, until such walk shall need rebuilding or repairing.

Committee.

§ 4. Said meeting may choose a committee of three to superintend and see that said walk or walks is or are built, and said committee when chosen shall have full power to contract for the building of the same, and to keep the same in repair, and to remove or cause to be removed obstructions, to receive all moneys collected for the purpose of building such walk or walks, and to do all things necessary for the building or completion of the same. Said side-walks shall not be less than three nor more than ten feet wide.

Record of proceedings.

§ 5. A full and true record of all the proceedings of such meeting shall be kept and signed by the chairman and secretary, and filed with the clerk of the county court within twenty days after such meeting shall be held, and it shall be the duty of the clerk to keep and preserve the same with the documents and records in his office, and said clerk shall forthwith make out a list of such taxes, and shall carry out and set down the same in a separate and distinct column of the tax book for said town of Wilmington, and the same shall be collected by the collector in all respects, and in the same manner provided by law for the collection of other taxes; and in case of delinquencies, the said lots or parts of lots or tracts of land may be proceeded against and sold in the same manner as they

might be for state or county taxes, and the collector shall be responsible upon his bond as collector for such sidewalk tax, and he shall pay the said taxes over to the proper committee or other order, as the money is collected, retaining his fees for collecting the same.

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

APPROVED February 11, 1853.

AN ACT to authorize James H. Hanchett and his associates to build a toll-bridge across Rock River, in the town of Roscoe, Winnebago county, Illinois. In force Feb. 8, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James H. Hanchett and his associates, and his and their heirs and assigns, be and they are hereby authorized to build a toll-bridge across Rock River, in the town of Roscoe, on or near the line between townships forty-five and forty-six north.* Build bridge.

§ 2. The said James H. Hanchett and his associates, their heirs and assigns, shall commence the said bridge within nine months, and complete the same within twenty months after the passage of this act.

§ 3. The said James H. Hanchett and his associates, their heirs and assigns, are hereby authorized, after the completion of said bridge, to place a toll-gate at either end of said bridge, where he and they, and their heirs and assigns, may demand toll of any and every person crossing said bridge: *Provided*, that the rates of toll for crossing said bridge shall never exceed the following rates, to wit: For each head of swine or sheep, one and a half cents; for each head of neat cattle, three cents; for each head of horses, mules or asses, not in harness, four cents; for each one horse wagon or carriage, fifteen cents; and for each two horse wagon, drawn by two animals, twenty-five cents; and for each additional animal drawing such wagon, cart or sleigh, five cents; for one horse and rider, ten cents, and for each foot passenger, five cents. Toll-gate.

§ 4. After the expiration of ten years from the completion of said bridge, any person or persons, the town of Roscoe or the county of Winnebago, may purchase said bridge and its charter for the purpose of making it a free bridge, by paying in money, on appraisal by three disinterested men: each party to choose one of said appraisers, which two shall choose the third appraiser. County purchase bridge.

§ 5. The said James H. Hanchett and his associates, and their heirs and assigns, shall have the right to erect a

suitable house at either end of said bridge, for the convenience of the collector of tolls: *Provided*, the same shall not interfere with the travel to and from said road.

Keep in repair.

§ 6. The said James H. Hanchett and his associates, their heirs and assigns, shall at all times, after the completion of said bridge, keep the same in good repair, and allow a speedy passage; and if at any time the said bridge shall be out of repair so as to be impassable for the space of six months at any one time, the same shall become the property of the town of Roscoe: *Provided*, that the destruction of the same by fire or water or other casualty shall not work such forfeiture, but the same shall be rebuilt or repaired as soon as practicable thereafter: *And provided further*, that if any person, in crossing said bridge, shall sustain any injury or damage, either to himself or in his property, in consequence of said bridge not being kept in good repair, the proprietor or proprietors thereof shall be responsible for the same in their private property.

Punishment of offenders.

§ 7. Any person crossing said bridge with any beast, carriage or other vehicle in a faster gait than a walk, shall, for every such offence, be subject to a fine of five dollars, to be recovered before any justice of the peace in an action of debt: *Provided*, that notice of the same shall be put in large capitals at each end of the bridge.

§ 8. If at any time Rock River shall be made navigable by the erection of locks in the dams above and below said bridge, then shall the proprietors cause a draw to be made in said bridge, so that said bridge shall not obstruct the navigation of said river.

§ 9. No ferry or toll-bridge shall be allowed or established within two miles of the place where said bridge is authorized to be built.

APPROVED February 8, 1853.

In force Feb. 12,
1853.

AN ACT to incorporate Scott Lodge, No. 79.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That all such persons as are or may hereafter become, and shall so remain members of Scott Lodge, No. 79, of Free and Accepted Masons, at Carlyle, Clinton county, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Scott Lodge, No. 79, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and

Name and style.

being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by that name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying, real estate for the benefit of said lodge: *Provided*, that said corporation shall not at any one time hold property to an amount exceeding ten thousand dollars.

§ 2. For the purpose of carrying into effect the objects Trustees. of this act, the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge as appointed by said lodge, and qualified from time to time.

§ 3. The said corporation shall have power to make By-laws. such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

§ 4. A certificate, under the seal of said corporation, that the said lodge has been duly organized, recorded in the office of the circuit court, shall be evidence of the existence and organization of said lodge.

APPROVED February 12, 1853.

AN ACT to legalize the incorporation of the city of Rockford, and amend In force Feb. 5, 1853. the charter of said city.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the incorporation of Rockford, in Winnebago county, as a city, Legalized. on the third day of January, in the year one thousand eight hundred and fifty-two, in pursuance of the provisions of the fifth section of an act entitled "An act to incorporate towns and cities," and approved February tenth, one thousand eight hundred and forty-nine, be and the same is hereby legalized, and said city declared duly incorporated, under the provisions of the aforesaid act, by the name and style of "The City of Rockford."

§ 2. That all official acts of the city council and of the Act legalized. mayor, or either of them, of said city, done or performed since their election as such, and prior to the period this act shall take effect, and which would have been valid in case the original incorporation as a city had been legal, be and the same is hereby legalized.

§ 3. That the corporation limits of said city of Rock- Limits extended.ford be and the same are hereby extended so as to embrace all that district of country in said county of Winnebago included within the following bounds, to wit, commencing at a point one and one-fourth miles north of the

point of intersection of the middle line of Rock river, with the middle line of State street in said city, on the east side of said river, projected thereto; thence east one and one-fourth miles; thence west two and one-half miles; thence north two and one-half miles; thence east one and one-fourth miles, to the place of beginning.

Exempt. § 4. That the city council of said city shall have power and authority to exempt from taxation, for ordinary city purposes, such piece or parcels of land within the city limits exceeding in quantity ten acres each, and used exclusively for farming purposes, or unimproved, as said city council shall deem just and proper.

lection. § 5. That the city council shall have the power and authority to appoint or provide for the election, by the legal votes of said city, of one or more officers, besides the marshal of said city, who shall hold their offices for one year, and shall be authorized to serve any writ or process issued by the mayor, and shall have the same power and authority in and be entitled to the same fees for the service of process as allowed constables performing like services in this state.

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

APPROVED February 8, 1853.

In force Feb. 10,
1853.

AN ACT granting additional powers to the City of Belleville.

Issue bonds.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city council of the city of Belleville shall be and they are hereby authorized, for the purpose of grading, macadamizing and planking the streets of the city of Belleville, to issue their bonds, bearing interest at a rate not exceeding seven per cent., to any amount, the interest thereon not to exceed, in the aggregate, one-half of the city revenue arising from taxes assessed on real estate within the corporation: *Provided,* that no bond bearing interest shall be issued of a less denomination than fifty dollars, nor shall any bond be made payable at a greater distance of time than five years from the date of said bonds, and the interest thereon to be paid annually.

Poor house.

§ 2. The city council of the city of Belleville shall have power and authority to purchase, erect, maintain and regulate, and otherwise provide poor houses, and work houses,

and houses of correction, and appoint the necessary officers for the government of the same.

§ 3. That whenever a work house shall be erected and organized in accordance with the provisions of section two of this act, the city council of the city of Belleville may, by ordinance, provide that any person who shall fail or neglect to pay any fine or costs imposed on him or her by any ordinance of said city, for any violation or breach thereof, may, instead of being committed to jail, be committed to the work house until such fine and costs are fully paid; and every person so committed to the work house shall be required to work for the city at such labor as his or her health and strength will permit, within or without said work house, not exceeding ten hours each day, Sundays excepted; and for such work and labor the person so employed shall be allowed, including his or her board, seventy-five cents per day for each day's work; which amount shall go towards paying such fine and costs.

Commit offenders
to work house.

§ 4. The city marshal may serve any process issued under and by virtue of the charter and ordinances of the city of Belleville, at any place within the county of St. Clair.

§ 5. That the city of Belleville in adopting, under and by virtue of the "Act to incorporate towns and cities," approved February 10th, 1849, the charter of the city of Springfield, adopted the original charter, entitled "An act to incorporate the city of Springfield," approved February 3d, 1840; that none of the acts amendatory of the charter of the city of Springfield shall apply to or be considered as forming any part of the charter of the city of Belleville. That said city of Belleville shall have and possess all the rights and powers specified in said original charter, and such as are given by an act entitled "An act to legalize the incorporation of the city of Belleville, and the official acts of the city council of said city, and to empower said city to borrow money at a rate of interest not exceeding ten per cent. per annum," approved February 13th, 1851: *Provided*, the same do not conflict with the constitution or laws of this state now in force. This act shall be in force from and after its passage.

Law applied.

APPROVED February 10, 1853.

AN ACT to build a plank road from Centreville to Illinoistown, in St. Clair county. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a corporation shall be established by the name and style of "The Centreville and Illinoistown Plank Road Company."

- Powers. § 2. Said company shall have perpetual succession, sue and be sued, and have all the powers of a corporation under the principles of the common law.
- Stock. § 3. The stock of said company shall consist of forty thousand dollars, in shares of fifty dollars each. James Nimrick, Peter Dunn, Henry Ames, John Daum, Henry Leiber, Joseph Abend, James Glass, — Koons, Henry Hinckler and Amos Thompson, commissioners, or a majority of them, shall meet in Centreville, in said county, some convenient time after the passage of this act, and open books for the subscription of stock to said company; whenever forty shares of stock are subscribed, and five per cent. thereof paid in, the said commissioners are hereby authorized to call a meeting of the stockholders, who shall organize said company by electing a president, treasurer and other officers, who shall remain in office one year, and until said stockholders elect others, which they are hereby required to do each and every year.
- Build road. § 4. Said company are hereby authorized to build a plank road, with double or single tracks, from Centreville to Illinoisstown, and to establish a reasonable toll for the use of said road, not to exceed, for a two horse wagon, five cents per mile, and other travel in proportion. Said company may erect toll-gates at any point on said road, and collect the toll and five dollars for the non-payment thereof, before any justice of the peace of the county. Said company may charge toll on any mile or miles of said road as said road may be completed.
- Right of way. § 5. Said company shall have power to enter on and occupy for the use of said road any land on which to build said road, and use the timber and material adjoining thereto, by paying a fair price for the same, and if the parties cannot agree on the price, either party may apply to the laws of the state contained in the Revised Code on the subject of the "right of way," and such other laws as are enacted in the case of railroads and plank roads in this state, which said laws are hereby declared available under this act, when they are applicable.
- By-laws. § 6. Said company are hereby authorized to make by-laws for the transaction of the business of said company, not inconsistent with the laws of this state. Said company are hereby empowered, also, to make contracts, or the time to pay stock, purchase and hold land or lots sufficient, and no more, on which to erect toll-houses and other buildings for the accommodation of said road.
- Other roads in St. Clair county. § 7. The provisions of this act may be embraced by any plank road company which may hereafter be established in St. Clair county, under the general plank road law, which provisions may be applicable to said roads as to toll and other matters.

§ 8. After the expiration of twenty years from the passage of this act, the county of St. Clair, or the state of Illinois, shall have the privilege to purchase this said plank road at the original cost, and make it a free road. All acts and parts of acts coming within the purview and meaning of this act, are hereby repealed; and this act to take effect and be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to incorporate the Toulon Lodge, No. 93.

In force Feb. 10,
1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William W. Drummond, Thomas J. Henderson, William F. Thomas, Samuel Thomas, 2d, Owen Maxfield, William Rose, Joseph M. Halstead, Bushwell Jopp, Alexander Moncreif, and all other persons that are now and may hereafter become and remain members of Toulon Lodge, No. 93, of Free and Accepted Masons, at Toulon, Stark county, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Toulon Lodge, No. 93, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by that name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying, real estate for the benefit of said lodge: *Provided*, that said corporation shall not, at any time, hold property to an amount exceeding ten thousand dollars.

§ 2. For the purpose of carrying into effect the object of this act, the master and wardens, being the three highest officers of said lodge, shall always be and are hereby appointed trustees, to hold their offices as such in said lodge as appointed by said lodge and qualified from time to time.

§ 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

§ 4. A certificate, under the seal of the three highest officers, and attested by the secretary of said lodge, that said lodge has been duly organized, recorded in the recorder's office of said county, shall be evidence of the existence and organization of said lodge.

APPROVED February 10, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the Whitehall Lodge, No. 80.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as are or may hereafter become and shall so remain members of Whitehall Lodge, No. 80, of Free and Accepted Masons, at Whitehall, Greene county, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Whitehall Lodge, No. 80, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by that name and style be capable of purchasing and receiving, by gift or otherwise, holding or conveying, real estate, for the benefit of said lodge: *Provided,* that said corporation shall not at any one time hold property to an amount exceeding ten thousand dollars.

Name and style.

Trustees.

§ 2. For the purpose of carrying into effect the objects of this act, the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge as appointed by said lodge, and qualified from time to time.

By-laws.

§ 3. The said corporation shall have power to make such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

Proof of organization.

§ 4. A certificate, under the seal of said corporation, that the said lodge has been duly organized, recorded in the office of the clerk of the circuit court, shall be evidence of the existence and organization of said lodge.

§ 5. All the provisions of this act shall apply as well to Hardin Lodge, No. 44, of Free and Accepted Masons, as to Whitehall Lodge, No. 80.

§ 6. This act to be in force from and after its passage.
APPROVED February 10, 1853.

In force Feb. 12,
1853.

AN ACT to amend an act to amend the charter of the city of Pekin.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city of Pekin is hereby authorized to build and construct an embankment and plank road across the Illinois river bottom, opposite said city, and that the right of way over all lands belonging to the state of Illinois be and is hereby granted to said city of Pekin for the use of said road, one hundred

Build road, &c.

feet in width, on such route as shall be adopted for said road.

§ 2. That the city of Pekin is hereby authorized to apply any money or moneys which she may have at her control for the purpose of building said road; that she may contract with any person or persons to construct said road, and have the entire control of the same when completed, to make such rules and regulations for the management and preservation of the same, not contrary to the laws of Illinois, as said city shall deem best. Application of moneys.

§ 3. That the city of Pekin is hereby authorized to subscribe and take stock in any rail or plank roads leading to and from the said city, not exceeding in all the sum of one hundred thousand dollars; and that the said city be authorized to borrow such sum or sums of money as may be so subscribed, and issue her bonds for the payment of the same. Take stock.

§ 4. That said city of Pekin is hereby authorized to levy such tax on the taxable property of said city as shall be sufficient to pay all interest as it accrues on any bonds she may issue for the above purpose.

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

APPROVED February 12, 1853.

AN ACT further to amend an act entitled "An act to incorporate the city of Alton," approved July 21st, 1837. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the 8th section of the act amendatory of the act entitled "An act to amend the charter of the city of Alton," approved February 23d, 1847, which repeals so much of the third section of the act approved July 21st, 1837, which makes elective by the people one collector, three assessors and one city constable, be and the same is hereby repealed, and that the third section of the act approved July 21st, 1837, is hereby reenacted, and shall be in full force and effect. Repealed. Reenacted.

§ 2. That there shall be elected by the people annually one city attorney, one harbor master, whose duties shall be defined by the common council of said city of Alton. Officers.

§ 3. The city of Alton are hereby declared to have and possess all the powers and authority which was taken from said city by the act of the general assembly of the state of Illinois, approved February the first, 1851, entitled "An act to prohibit the retailing of intoxicating drinks:" *Provided,* Reenacted.

that no license shall be issued for a less sum than one hundred dollars.

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

APPROVED February 12, 1853.

In force Feb. 12, 1853. AN ACT to amend the act incorporating the town of Ottawa, approved July 21, 1837.

Proof.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall not be necessary, in any of the proceedings in any of the courts of this state, where the acts and doings of the corporate authorities of the town of Ottawa, or of any of its officers, may come before the court, to prove the organization or incorporation of said town, but the same shall be taken and considered as properly and legally organized and incorporated; nor shall it be necessary to prove the publication of any of the ordinances of said town, but the same shall be held valid and effectual without proof of the publication: *Provided,* this shall not dispense with the requirements to publish the same as directed by law.

Vacations.

§ 2. That when the corporate authorities of said town shall vacate any street or part of street, lane or alley, in said town, the owner or owners of the lots or land next to and adjoining the same shall have the prior right to purchase or lease the same of said town, at a price to be ascertained by three appraisers, one chosen by the said town, and one by the person or persons owning the adjoining lots or land, and the other by the two thus chosen: *Provided,* such purchase or leasing is done within six months from such vacation.

Deeds, &c.

§ 3. All deeds and leases which have been or may hereafter be made by said corporation or its officers shall be *prima facie* evidence of the regularity of all the proceedings necessary or proper to authorize the execution of such deeds or leases.

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

APPROVED February 12, 1853.

AN ACT to amend an act entitled "An act to incorporate the Mississippi and Rock River Junction Railroad Company." In force Feb. 8, 1853.

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 and the same is hereby so amended that the said company are authorized to make the eastern termination of said road on either the north or south side of Rock river, as they may deem most expedient, and connect the same with the said Illinois Central Railroad, at or near the town of Dixon. Eastern termination.

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

APPROVED February 8, 1853.

AN ACT to amend "An act to incorporate the Shawneetown and Equality Plank Road Company," approved June 21, 1852. In force Jan. 29, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the charter to incorporate the Shawneetown and Equality Plank Road Company, passed and approved June 21st, 1852, be and the same is hereby so amended as to authorize the said Shawneetown and Equality Plank Road Company to plank, gravel or macadamize, as said company may deem best, a certain road mentioned in the act to which this is an amendment. Amendment.

This act to take effect from and after its passage.

APPROVED January 27, 1853.

AN ACT to amend an act entitled "An act to incorporate the St. Clair Turnpike Road Company." In force Feb. 11 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section eight of an act passed by the general assembly of 1847, incorporating the St. Clair County Turnpike Company, be so amended and construed to authorize said company to demand and collect the same rates of toll from coal wagons, drawn by horses or mules, as they are authorized to collect from coal wagons drawn by oxen. Toll.

§ 2. That whenever any vacancy shall take place in the board of directors by resignation, death or otherwise, the remaining directors shall have power to fill said vacancy by appointing any stockholder to said company, who shall hold his office until the next regular election. Vacancy in board of directors.

Real estate.

§ 3. The St. Clair County Turnpike Company are hereby authorized and empowered to acquire by purchase and hold and again sell any quantity of land, not exceeding fifty acres, for the purpose of quarrying rock and carrying on the road.

This act to take effect from and after its passage.

APPROVED February 11, 1853.

In force Feb. 11, 1853. AN ACT to increase the capital stock and further amend the charter of the Chicago and Mississippi Railroad Company.

Increase capital stock.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Chicago and Mississippi Railroad Company, incorporated by an act entitled "An act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county, approved February 29, 1847, and the acts amendatory, approved January 29th, and February 11th, 1851, and June 19th, 1852, be and are hereby authorized to increase their capital stock to such sum, not exceeding eight millions dollars, as may be deemed necessary to carry out, maintain and execute the duties and powers contained in their original act of incorporation and the acts amendatory of the same.

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

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to amend "An act to incorporate the town of Canton," approved February 8, 1849.

Alterations.

Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the act incorporating said "town" of Canton be amended, by repealing the word "town" wherever it occurs in said "town" charter and insert the word "city" in the place thereof; also repeal the word "president" wherever it occurs in the said town charter, and substitute the word "mayor" in the place thereof. Amend the aforesaid charter by adding to the 40th section, "within two miles of the centre of the said city of Canton ;"

amend further by repealing the words "town constable" and substitute the words "city marshal" in said charter wherever it [they occur] occurs.

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

APPROVED February 12, 1853.

AN ACT to amend "An act to incorporate the colleges therein named," passed In force Feb. 12, 19th February, 1835. 1853.

Whereas the trustees of Illinois College have petitioned the general assembly to amend the act entitled "An act to incorporate the colleges therein named," so as to constitute the governor and secretary of state of this state, together with the senator who shall represent in the senate of this state the district of which Morgan county shall constitute a part, shall *ex officio* be trustees of said college; and that hereafter seven trustees shall be a quorum to transact business—therefore, Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor of the state of Illinois, the secretary of state and the senator who shall represent the district of which Morgan county shall constitute a part, shall *ex officio* be trustees of said college; and that hereafter seven trustees shall constitute a quorum to transact business. Trustees.

APPROVED February 12, 1853.

AN ACT to incorporate the Mississippi Railroad Bridge Company. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James McClay, Royal Jacobs, Allen Slacke, Abraham Benton, John Galt, Hugh Wallace and Charles Dement, their associates, successors, heirs and assigns, be and they are hereby created a body corporate, by the name and style of "The Mississippi Railroad Bridge Company," with power to build, maintain and use a railroad bridge over the Mississippi river, or that portion within the jurisdiction of the state of Illinois, at a point known as the "Narrows," on said river, and at or near Fulton city, in the county of White-side; to be built in such manner as not to obstruct or interfere with the free navigation of said river, and to con- Corporators. Style. Powers.

nect by railroad or otherwise such bridge with any railroad, either in this state or the state of Iowa, terminating at or near said point; to unite and consolidate its franchises and property with all and any bridge or railroad companies in either of said states; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money, and pledge or mortgage the property and franchises; to condemn according to law property for the use of said company; to contract, bargain and agree with any such railroad companies for and in the construction and maintenance of said bridge; to sell or lease said bridge, or the use of the same, or the franchises of said company, to any companies or corporations. The said company shall commence the construction of said bridge within two years from the passage of this act, and shall complete the same within six years thereafter. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1853.

In force Feb. 10,
1853.

AN ACT to incorporate the Quincy Bridge Company.

Corporators.

Style.
Powers.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Nehemiah Bushnell, Samuel Holmes, John Wood and James M. Pitman, their associates, successors, heirs and assigns, be and they are hereby created a body corporate, by the name and style of "The Railroad Bridge Company," with power to build, maintain and use a railroad bridge over the Mississippi river, or that portion within the jurisdiction of the state of Illinois at or near Quincy, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect by railroad or otherwise such bridge with any railroad, either in the states of Illinois or Missouri, terminating at or near said point, to unite and consolidate its franchises and property with any and all bridge or railroad companies, in either of said states; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money and pledge or mortgage its property and franchises; to condemn, according to law, property for the uses and purposes of said company; to contract, bargain and agree with any such railroad companies for and in the construction and maintenance of such bridge; to sell or lease said bridge or the use of the same, or the franchises of said company, to any companies or corporations: *Provided*, that said company shall commence said bridge within three years,*

and shall complete the same within six years from the passage of this act.

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

APPROVED February 10, 1853.

AN ACT to incorporate the Mississippi Bridge Company, at Alton. In force Feb. 1, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Samuel A. Buckmaster, William Martin, Edward Keating, O. M. Adams, Simeon Ryder, Nathaniel Hanson, Sebastian Wise, B. K. Hart and J. J. Mitchell, their associates, heirs and assigns, be and they are hereby created a body corporate, by the name and style of "Mississippi Bridge Company," with power to build, maintain and use a bridge for a railroad and other purposes over the Mississippi river, at or near the city of Alton, in the state of Illinois, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect, by railroad or otherwise, such bridge with any railroad or other public road, either in the state of Illinois or Missouri, terminating at or near said point; to unite and consolidate its franchises and property with any and all railroads so terminating in either of said states; to fix the amount of the capital stock; to divide, transfer and increase the same; to borrow money, and pledge and mortgage its property and franchises; to condemn according to law property for the uses and purposes of said company; to contract, bargain and agree with any of the aforesaid companies for aid in the construction and maintenance of such bridge; to make and establish by-laws, rules and regulations for their government and control; to sell or lease said bridge, or the use of the same, or the franchises of said company to any company or corporation: *Provided*, the said company shall commence said bridge within five years, and complete the same within ten years from and after the passage of this act. This act to be in force from and after its passage.*

Corporators.
Style.
General Assembly.

APPROVED Feb. 12, 1853.

AN ACT to amend an act entitled "An act in aid of the Spoon River Navigation Company," approved June 23d, 1852. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the Spoon River Navigation Company, by their president and*

Borrow money.

directors, in addition to the rights and privileges conferred and possessed by their present existing charter, be and they are hereby authorized to borrow money for the purpose of aiding in the prosecution of their contemplated work, and to secure the payment thereof by the bonds of the company, note, mortgage or otherwise: *Provided*, the said company shall not issue the bonds of the company for a larger amount than three-fourths of the amount of the stock subscribed, and shall not pay an interest upon such loan of over ten per cent. per annum.

§ 2. The stock, property and effects of the company shall be liable for the debts of said company, and any payment, assignment or transfer of said property by said company to any one or more of its creditors, for the purpose of preferring one or more to the whole of their creditors, shall be null and void, as against the other creditors of said company.

§ 3. All acts and parts of acts coming in conflict with this act are hereby repealed. This act to take effect and be in force from and after its passage.

APPROVED February 3, 1853.

IN FORCE FEB. 10, 1853. AN ACT to carry into effect the last will and testament of George Browse, deceased.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the last will and testament of George Browse, deceased, as proved before the county court of Grundy county, be and the same is hereby declared to be as effectual in law to all intents and purposes as if the same had been reduced to writing previous to the death of the said George Browse, deceased: *Provided*, that the legal rights of the heirs of the said George Browse, deceased, shall not be affected by this act: *And provided further*, that this act shall not be so construed as to prevent any party interested from appearing and contesting the validity of said will, as is now allowed by law.

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

APPROVED February 10, 1853.

AN ACT to authorize Stephen F. Michel to build a mill dam across the Saline creek. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Stephen F. Michel, his heirs and assigns, be and they are* Mill dam.
hereby authorized to build, construct and continue a mill dam across the big Saline creek, at the village of Independence, in Saline county: *Provided, that the said Stephen F. Michel be the owner of the real estate on both sides of the said creek at that point, and to use the water for hydraulic purposes.*

§ 2. This act to be in force from and after its passage.

APPROVED February 12, 1853.

AN ACT to alter the boundaries of the town of Mt. Carroll, in the county of Carroll. In force April 1, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the west half of section No. six (6,) and the northwest quarter of section No. seven (7,) in township No. twenty-four (24) north, of range No. five (5,) east of the fourth principal meridian, be and the same is hereby added to and made a part of the town of Mt. Carroll, in the county of Carroll.* Boundaries.

§ 2. This act to take effect and be in force from and after the first day of April, one thousand eight hundred and fifty-three.

APPROVED February 10, 1853.

AN ACT to to authorize Tristram Vincent to build and maintain a dam across the Desplaines river, in Lake county. In force Feb. 1, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Tristram Vincent, of the town of Vernon, in Lake county, his heirs and assigns, be and he is hereby authorized to build and maintain a mill dam, seven feet high, across the Desplaines river, on the south half of section twenty-three, in township forty-three north, of range eleven east of the third principal meridian, in said county.* Mill dam.

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

APPROVED February 11, 1853.

In force Feb. 12, 1853. AN ACT to amend "An act to incorporate the town of Lawrenceville," approved February 12th, 1835.

Limits altered.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the incorporated limits of the town of Lawrenceville shall be so altered as to extend no further north than the south bank of the Embarrass river, running nearly east and west the distance of one mile, being the length of said incorporated limits.

§ 2. That this act shall take effect and be in force from and after its passage.

APPROVED February 12, 1853.

In force Feb. 10, 1853. AN ACT to authorize John Marshall to keep a ferry across the Mississippi river.

Ferry.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Marshall, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry for fifteen years across the Mississippi river, between the town of Cordova, in Rock Island county, and the opposite shore, in the state of Iowa, during which time no license shall be granted to any other person or persons to establish a ferry within two miles of said town of Cordova.

Boats.

§ 2. The said Marshall shall at all times keep good and sufficient boats for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to or in the care of passengers; and shall furnish said boats with men of suitable strength and skill to manage them; and shall charge and receive such rates of ferriage as may be allowed by the county court or proper authority of said county.

Annual tax.

§ 3. The said Marshall shall pay into the treasury of Rock Island county such annual tax as may be imposed on said ferry by the county court of said county, not exceeding ten dollars; and in the management and regulation of said ferry shall be governed by the "Act to establish ferries and toll-bridges," approved March third, one thousand eight hundred and forty-five.

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

APPROVED Feb. 10, 1853.

AN ACT to authorize William H. Knight to keep a ferry across the Mississippi river. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William H. Knight is hereby authorized and licensed to continue, keep and maintain the ferry which he purchased from Augustine Phelps in his life time, since deceased, in Fulton city, Whiteside county, Illinois, across the Mississippi river, from a point on the eastern bank of said river, in the end of Ferry street, to the town of Lyons, on the opposite side thereof, in Clinton county, state of Iowa; and the said William H. Knight, his heirs and assigns, shall have the exclusive right of having, continuing and maintaining and using said ferry across said river three miles above and below said point or place in Ferry street, and to have and receive all the advantages and emoluments arising from the use of said ferry for and during the period of thirty years: *Provided,* that this act shall not be so construed to defeat any claim or demand that the heirs or legal representatives of the said Augustine Phelps, deceased, may have against said ferry for any balance being or remaining unpaid upon the purchase of the same from the said Augustine Phelps in his life time, since deceased.

§ 2. This act shall be deemed a contract between the state of Illinois and the said William H. Knight, his heirs and assigns. The said William H. Knight, his heirs and assigns, on their part, in consideration of the privileges granted in the foregoing section, shall keep and use said ferry according to the laws of the state of Illinois regulating ferries; but it is further provided, that the ferry boat to be used on said ferry shall be of good size and dimensions, substantially built, and propelled with horse or steam power.

§ 3. This act may be repealed, altered, amended or modified whenever the public good require it.

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

APPROVED February 11, 1853.

AN ACT to establish a toll-bridge on Mill Creek, in Pope county.

In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Raum, Hugh Robertson, A. J. Robertson and Thomas B. Thralekild, be and they are hereby allowed to establish and keep a toll-bridge across Mill creek, on the main road

leading from Golconda, in Pope county, to Vienna, in Johnson county, at the place where said main road crosses said Mill creek, in Pope county, with liberty to ask and demand such charges or rates of toll as may be allowed by the county court within and for said Pope county: *Provided*, that nothing herein contained shall be so construed as to extend the right of keeping said toll-bridge more than fifteen years: *And provided further*, that the construction of said bridge shall be commenced within six months, and completed within eighteen months from the passage of this act.

Damages to real estate.

§ 2. If it shall be necessary, in constructing said bridge, to take any real estate belonging to others, or if any damage shall necessarily be done to the real estate of any person in constructing said bridge, such damage may be claimed and assessed and collected in the same manner as is provided for the assessment and collection of damages under the general road laws of this state.

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

APPROVED February 12, 1853.

In force Feb. 3, 1853.

AN ACT granting a preemption right to Charles H. Babcock.

Preamble.

Whereas Charles H. Babcock, of Cook county, in the month of July, A. D. 1852, entered and settled upon the west half of the southwest quarter of section nineteen, in township forty-two north, of range ten east of the third principal meridian, supposing at the time of such settlement that said land belonged to the government of the United States, when, in fact, said land at said time was and is now owned by this state; and whereas said Babcock has erected a dwelling house and made other improvements upon said land with the intention of occupying the same as a homestead; therefore—

Preemption granted.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That a preemption right be and the same is hereby granted to said Charles H. Babcock, his heirs, representatives and assigns, to purchase said land from the state at the appraised value thereof, which said right shall extend for the period of one year from and after the time this act takes effect. And whenever said Babcock, his heirs, representatives or assigns shall, within said period of one year, pay to the auditor of this state, in internal improvement scrip, the appraised value of said lands so settled on by him, it shall be

the duty of the governor of this state, on the fact of such payment being certified to him by the auditor, to cause a patent for said land to be issued to said Babcock, his heirs or assigns.

§ 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 3, 1853.

AN ACT to authorize Samuel K. Fischer to build and maintain a dam across the Pickatonica river. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel K. Fischer, of Stephenson county, and his heirs and assigns, be and they are hereby authorized to construct, build and continue a mill dam across the Pickatonica river, on section twelve, (12,) in township twenty-eight (28) north, of range six (6) east of the fourth principal meridian. When built.

§ 2. That said mill-dam shall not exceed six feet in height above low water mark, and shall be constructed where said Samuel K. Fischer owns the land on both sides of the river. When built.

§ 3. That said Samuel K. Fischer, his heirs and assigns, be and they are hereby authorized to maintain and continue across the Pickatonica river, any mill-dam, not exceeding six feet in height above low water mark, already constructed by said Samuel K. Fischer, and abutting at each end on the land owned by said Samuel K. Fischer.

§ 4. It shall be the duty of any and all owners of any dam, built or continued under the provisions of this act, to maintain on such dam a slide sufficient for rafts and flat boats to descend said stream. Duty.

§ 5. That the state reserves the right to improve the navigation of said Pickatonica, in any way, and nothing in this act shall be construed so as to conflict with such right.

This act shall take effect from and after its passage.

APPROVED February 3, 1853.

AN ACT to incorporate the Northwestern Insurance Company.

In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be and hereby is established in the city of Galena, an

Name. insurance company, to be known by the name and style of "The Northwestern Insurance Company," with a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, which may be increased at the will of the directors to any amount not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter specified.

§ 2. Alexander C. Davis, John Lorrain, Thomas H. Griffith, John Dean and Robert J. Davis, or any three of them, are hereby authorized to open books of subscription in said city for the capital stock of said company, at such time and place as they shall think proper, after giving twenty days' notice of the same in some public newspaper published in Galena; said books to be kept open for the space of at least five days, or until at least fifty shares shall be subscribed, when the same may be closed; and said subscribers may, after six days' notice being given by said commissioners, in manner aforesaid, meet, and under the inspection of said commissioners, choose three directors, who may, at any time after ten days' public notice given, cause said books to be reopened and continue open until the whole amount of said stock shall have been taken.

Style. § 3. The subscribers of said stock, their associates, successors and assigns, shall be and are hereby declared a body politic and corporate, by the name and style of "The Northwestern Insurance Company," and shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended against in all courts and places whatsoever, in all manner of actions, suits, complaints and causes.

§ 4. The said corporation may have and use a common seal, which they may change, alter or break at pleasure; and may also make, establish and put in execution such by-laws, ordinances and regulations as shall, in their opinion, be necessary for the good government and management of the affairs of said corporation, and which are not repugnant to the constitution of this state or of the United States.

Management. § 5. That the stock and affairs of said company or corporation aforesaid shall be managed and conducted by not less than three or more than five directors, who shall be stockholders of said corporation, which number of directors shall be determined by the subscribers to said stock at the first election of directors thereof.

§ 6. That all and singular the rights, powers, objects, provisions, limitations and restrictions granted and conferred on the Galena Insurance Company by "An act to establish the Galena Insurance Company," passed and ap-

proved on the 15th day of February, A. D. 1851, not herein changed, be and the same are hereby conferred on and secured to the corporation hereby created.

APPROVED February 10, 1853.

AN ACT to incorporate the town of Havana.

In force Feb. 12.
1853.

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 Havana, 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 Havana,' 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 impleaded, 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 nature 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. General powers.

§ 2. That the corporate powers or duties of said town shall be vested in and exercised by five trustees, to be chosen and appointed as hereafter declared, who shall form a board for the transaction of business. Powers vested.

§ 3. That N. J. Rockwell, William Higbee, S. E. Rodgers, Joseph S. Banner, James Boggs, are hereby appointed trustees of said town under this act, and shall hold their offices until the first Monday in the month of April, one thousand eight hundred and fifty-four, 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. Trustees.

§ 4. That in all elections for trustees every white male resident within the incorporated limits of said town, over the age of twenty-one years, who shall have resided therein six months, or who shall be the *bona fide* owner of any freehold property therein, shall enjoy the right of election. Voters.

President.

§ 5. The board of trustees shall appoint their president and all other officers of their body, and shall be the 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 three-fifths 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.

Quorum.

P.A.S.

§ 6. That the board of trustees may have power by ordinance to levy and collect taxes upon real estate within the town and limits of the incorporation, at the discretion of the board; 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 to pass such ordinances to carry into effect the objects of the act and the powers hereby granted as the good of the citizens of said town may require.

Powers of trustees.

Fines and forfeitures.

§ 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 offence against the laws of the incorporation as it is or may be provided by law for like offences against the laws of the state: *Provided*, that no person shall be deprived of the right of trial by jury, in any case where such person would be entitled to trial by jury for like offence against the laws of this state.

Imprisonment in county jail.

§ 8. That the board of trustees shall have power to provide for the punishment of offences, 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 pass by the legislature of this state, if such person would be entitled to such discharge for like offence 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. Providio.

§ 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 worshipping congregation or deliberations and proceedings of any public meeting assembled therein; or of the board of trustees when in session. Offenders.

§ 10. In all cases arising under this act or growing out of the by-laws or ordinances made in pursuance thereof, 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.

§ 11. 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 a 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. Publication of ordinances.

§ 12. That the lot in front of which any side-walk 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 side-walk; which tax shall be assessed and collected in the same manner as other taxes are. Side-walks.

§ 13. That the board of trustees shall have power to adopt such modes and means for the assessments and collection of taxes as they may from time to time fix upon and determine, and to prescribe the manner of selling property when the tax 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 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. Sale of property for tax.

§ 14. That when any town 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 cost accrued thereon.

Cath. § 15. That the members of the board of trustees and all 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 laws of the 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.

Town constable. § 16. That the board of trustees shall have power to appoint a town constable, who shall hold his office during the pleasure of said board of trustees, and to require of him bond and security in such sum as they may think proper, 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 be issued 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.

Bond labor. § 17. 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 Havana, before any justice of the peace in the county of Mason, and said street commissioner shall be a competent witness against said delinquent.

Actions brought before justices of the peace. § 18. That all fines, forfeitures and penalties authorized to be assessed by this act may be in an action of debt, in the name of the president and trustees of the town of Havana, before 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 license 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.

§ 19. That for the purpose of carrying into effect the aforesaid powers, the said trustees and hereby authorized to defend [define] the boundaries of said incorporation: *Provided*, the same shall not exceed two miles square.

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

§ 21. That on the second Monday of March, one thousand eight hundred and fifty-three, 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 don't conflict with the provisions of this act. This act to be in force from and after its passage. Organization.

APPROVED February 12, 1853.

AN ACT to amend an act entitled "An act to incorporate the city of Peoria," in force December 3d, A. D. 1844, and to amend an act entitled "An act to amend an act entitled 'an act to incorporate the city of Peoria, approved February 13th, 1847.'" In force Feb. 12. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city council of the city of Peoria, shall have power and authority to create and establish the office of city recorder for said city, and shall have power to elect an officer, to be called city recorder, who shall hold his office until the last Monday in November after his said election, and until his successor shall be duly elected and qualified; and on the said last Monday in November, every year thereafter, the qualified voters of said city shall elect a city recorder for said city, who shall hold his office for one year from and after his election, and until his successor shall be duly qualified; and said elections of recorder by the qualified voters aforesaid, shall be held, conducted, and returns thereof made in the same manner as now is, or shall be provided City recorder.

by the ordinances of said city for the election of mayor and aldermen thereof.

re.

§ 2. When two or more persons shall have an equal number of votes for recorder, or when an election for recorder shall be contested, the same proceedings shall be had to determine the questions and rights of the parties, as are now provided by the two several acts hereby amended, and the ordinances of said city now in force, or that may hereafter be passed in reference to the election of mayor of said city, when two or more persons shall have an equal number of votes for said office of mayor, or when the election of said mayor may be contested.

Duty of clerk.

§ 3. It shall be the duty of the clerk of said city, immediately after the election of recorder shall have been had, to file a certificate of the election of the person who shall [be] declared to be duly elected to the office of recorder, with the county clerk of Peoria county, whose duty it shall be to file and preserve the same, and enter it upon the books kept by the said clerk for recording the election of justices of the peace for said county; and the said county clerk shall, when required, certify to his official character, as in cases of justices of the peace.

Eligibility.

§ 4. No person shall be eligible to the office of city recorder, who is not above the age of twenty-one years and who shall not have resided one year in said city next preceding his election.

Governor issue
commission.

§ 5. The said recorder shall be commissioned by the governor as a justice of the peace, and shall be conservator of the peace in said city; and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Jurisdiction.

§ 6. The said recorder, when duly qualified, shall have, possess and exercise exclusive jurisdiction in and over all cases arising under the ordinances of said city, and which is now exercised by the mayor thereof, under and by virtue of the provisions of the two several acts hereby amended: *Provided*, that the city marshal of said city, or any other officer authorized to execute writs or process issued by the said recorder, shall have power to execute the same anywhere within the limits of Peoria county.

Duty.

§ 7. He shall hold a recorder's court in said city for the trial of all cases arising under the ordinances of said city, as is now provided for the holding of a mayor's court therein, or as may hereafter be provided by ordinance. He shall keep a docket in which shall be entered all cases tried before him in the same manner as is required of justices of the peace by the laws of this state.

§ 8. That the eleventh section of the eighth article of the first named act hereby amended shall be so amended that all appeals from the decision of the said recorder, or from any judgment entered by him, shall be taken within five days from and after the rendition of judgment: *Provided*, that in case the city of Peoria be the appellant, the appeal shall be granted on application, and without requiring an appeal bond to be filed as in other cases of appeal.

§ 9. The said recorder shall have the same power to punish for contempt as is now conferred upon justices of the peace by the laws of this state, and for such contempts may impose a fine not exceeding fifty dollars for each offence, and on failure to pay the same, he may commit the offender forthwith to prison until the fine and costs shall be paid as may be provided by ordinance.

§ 10. In case said recorder shall remove from said city, or resign, or die, or his office shall be otherwise vacated, the city council shall by resolution declare the office vacant; and whenever a vacancy shall occur in the office of recorder, the same shall be filled by a special election, which shall be held, conducted, and returns thereof made in the same manner as is or may be provided by ordinance for the election of mayor of said city, at a special election.

§ 11. Whenever a vacancy shall occur in the office of recorder, or when said recorder, on account of temporary absence from the city, or ill health, shall be unable to perform the duties of the office, the mayor of said city shall act as recorder until an election shall be held and the recorder qualified, or until his return to the city, or the restoration of his health, and while acting as recorder the said mayor shall be vested with the same powers as are hereby conferred upon the said recorder.

§ 12. The said recorder shall, for like offences, be subject to the penalties imposed upon the mayor of said city by the eleventh section of the sixth article of the first act hereby amended.

§ 13. Before entering upon the duties of his office the said recorder shall take and subscribe the oaths prescribed by the constitution of this state, and shall file a bond as is required by law of justices of the peace.

§ 14. Said recorder shall receive for his services such salary and fees as may from time to time be fixed by resolution or ordinance of said city council.

§ 15. In case the recorder, mayor, or any aldermen of said city shall resign his office, such resignation shall be made in writing, and shall be addressed to the city council of said city.

Insurance com-
panies.

§ 16. The city council of said city shall have exclusive power, by ordinance, to license, tax and regulate within said city, all insurance companies and their agencies, agreeably to the laws of this state.

Wharves.

§ 17. The said council shall have power to establish, erect, regulate and repair public wharves, docks and landing places in said city, and to provide for the levying and collection of wharfage thereat, and shall have exclusive jurisdiction over the same: *Provided*, that the lands of no person shall be appropriated or used as a public landing, without having compensation made to him as provided by law in other cases.

Boundaries.

§ 18. That all that district of country included in the south half of section three, the south half of section four, the south-east quarter of section five, the east half of section eight, all of fractional section nine, all of fractional section ten, all of fractional section sixteen, the east half of fractional section seventeen, in township eight, north of the base line, of range eight, east of the fourth principal meridian, and to the middle of the Illinois river and Lake Peoria, as has heretofore, or may hereafter be laid out and recorded as such, are hereby declared to be within the boundaries of the said city of Peoria; and hereafter when any tract of land adjoining said city as above bounded, shall be laid off into town lots and duly recorded as required by law, the same shall be annexed to and form part of the city of Peoria; and that when any of said tracts of land thus annexed to said city shall be situated on the north-west bank of the Illinois river or Lake Peoria, and shall run to low water mark, the boundary of said city at that point shall extend in a direct line, continuing the line fixing the outside boundary of said addition to the middle of the said river or lake, or until the same shall strike another boundary line of said city.

Create wards.

§ 19. That the city council of said city shall have power to create any number of additional wards in said city, and shall provide for the election of two aldermen for each ward; and said city council shall consist of the mayor and two aldermen from each ward in said city.

Publication of or-
dinances.

§ 20. The ordinances of said city, when published in any newspaper printed in said city, shall be deemed and taken as public acts, and shall be received in evidence in all courts and places in this state without further authentication or proof.

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

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

APPROVED February 12, 1853.

AN ACT more effectually to incorporate the Hamilton Mill Company. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Artois Hamilton, Thomas McLellan, Bryant Bartlett, Henry R. Dickerson and George Edmunds, jr., who are associated under "An act to authorize the formation of corporations for manufacturing, agricultural, mining or mechanical purposes," approved February 10th, 1849, by articles of association dated the 17th day of November, A. D. 1852, and filed in the office of secretary of state the 23d day of November, A. D. 1852, together with David E. Head, Bryant T. Scofield and Crocket Wilson, who are now associated with them, and such other persons as shall hereafter associate with them, by subscribing to the stock of the company so associated and hereby extended, enlarged and incorporated, are hereby recognized as a body politic and corporate, and are hereby more effectually created a body politic and corporate, by the name and style of "The Hamilton Mill Company," and by that name shall have perpetual succession, be capable of contracting and being contracted with, of suing and being sued, of acquiring by purchase, or otherwise, and holding or conveying real and personal property, for the purposes and objects of said company; may have a common seal, which they may alter at pleasure; may make all needful by-laws for the government of the company, its officers and the management of its affairs, and alter the same at pleasure; may provide for the election of such officers and agents as may be deemed necessary, and prescribe the duties and liabilities of all the officers of said company.

§ 2. The said company are hereby authorized to build a dam across the slough between the southeast quarter of section No. 30, township No. five north, range No. eight, west of the 4th principal meridian, and island No. two, in the Mississippi river, in Hancock county, Illinois, and also to extend a dam or dyke from the head of said island No. two into said river, in such form and to such extent as said company shall deem most advantageous for the purpose of creating hydraulic power; and said company may use, lease, or otherwise dispose of the same; and may construct such other works, buildings and machinery as may be deemed

necessary or proper to use such power and prosecute the interests and objects of said company.

capital stock.

§ 3. The capital stock of said company shall be twelve thousand dollars, but said company may from time to time increase the capital stock of said company to any sum not exceeding in all two hundred thousand dollars, to be divided into shares of fifty dollars each.

§ 4. The persons named in the first section of this act, their heirs, executors, administrators or assigns, shall constitute said company until said company shall determine to increase their capital stock, when any person may become a member of said company by subscribing at least one share and paying the same, and all assessments thereon, when called for; each share shall be entitled to one vote at all elections, and may be cast in person or by proxy.

directors.

§ 5. The present trustees of said association shall be the directors of this company until the first Monday of September next, unless before that time they shall order a new election, at which time and immediately thereafter there shall be an election for directors of said company, who shall be chosen from among the stockholders, and shall hold their office for one year and until their successors are elected and qualified; there shall be three directors elected until the company by by-law shall determine to elect five, one of whom shall be chosen president. The time of holding elections may be attended by the directors. The directors shall have the management of all the concerns of said company; may appoint such subordinate officers, agents, attorneys and servants as the business of said company may require, and remove them at pleasure; control and apply the funds of said company, and the disposition of its property; make all contracts and conveyances, and do all other business of said company.

Channel of Mississippi.

§ 6. The said company shall in nowise, by any works to be erected by them, obstruct or interfere with the navigation of the channel of the Mississippi river, nor with the rights of other persons.

§ 7. The capital stock of said company shall be deemed personal property, and be transferable, but no transfer shall be made except upon the books of said company, nor until all assessments then called for or made shall be paid.

§ 8. This act shall be deemed and taken as a public act, and shall be construed liberally for the company in all courts and places.

APPROVED February 3, 1853.

AN ACT to provide for selling the land granted as a common to the inhabitants of the town of Mount Carmel, and for disposing of the proceeds thereof. In force Feb. 12, 1853.

Whereas the inhabitants of the town of Mount Carmel, in Preamble. the county of Wabash, are in common entitled to the use and benefit of certain lands adjacent and lying between said town and the Wabash river, commonly known as the "Commons of the town of Mount Carmel," by virtue of a grant from the original proprietors of said town; and whereas the right to divide, lease or grant the said lands, or any part of them, is by the constitution vested in a majority of the qualified voters therein, and they having petitioned therefor, therefore—

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 said town of Mount Carmel are Commons. authorized and empowered, by this act, to have the commons of said town, or any part thereof, surveyed and divided into such lots, streets, squares and alleys as will, in their opinion, seem best and most advantageous, and shall cause a plat or plats of the same to be made, showing the location and dimensions of each lot and square; location and width of each street and alley—each lot to be also properly numbered, and each street properly entitled; which plat or plats, when so made, shall be recorded in the recorder's office of Wabash county—a copy of which record, duly certified by the recorder of said county, shall be sufficient and competent evidence of the location of the lots, streets, squares and alleys in said survey or surveys.

§ 2. The said board of trustees may proceed to offer Sale. for sale absolutely, at public outcry, any or all of said lots, at such place, upon such terms, and at such intervals of time as by them may be deemed most advantageous, and so continue until all of said lots are disposed of; and the said trustees shall, previous to each offering as aforesaid, give notice for four consecutive weeks in a newspaper printed in said town, which notice shall specify the place where, the time when and the terms upon which the said lots will be offered for sale: *Provided*, that the said board shall have authority to reserve any portion of said commons as a public square or park.

§ 3. Each lot shall be offered separately for sale, and Mode of selling. the same shall be struck off and sold to the highest and most responsible bidder for cash, or upon such terms of credit as shall be determined upon and published by said board; and the said board of trustees, by their president, under his hand and seal, shall make and execute to each purchaser a good and sufficient deed, in fee simple, which deed shall vest in the purchaser, his or her heirs and as-

signs, a full and perfect title in and to the premises thereby conveyed.

Pub. sale.

§ 4. Nothing herein contained shall be so construed as to prohibit the said board of trustees from disposing of any of said lots at private sale after they shall have been exposed for sale at public auction.

Appropriation of proceeds.

§ 5. The proceeds of the sale of the lots of said commons, as provided for herein, after defraying the expenses attending the sale and conveyance of the same, may be appropriated towards the construction of a raceway or canal from some point above the dam across the Wabash river, at the foot of the Grand Rapids, or from some point on Crawfish creek, and to terminate in the Wabash river, near said town of Mount Carmel. The said board of trustees, if deemed more expedient, shall have power and are hereby authorized to appropriate the whole or any portion of the moneys realized from the sale of said commons to the purchase of suitable grounds, if none be donated for the purpose, and the erection of a suitable building thereon within the corporate limits of the said town of Mount Carmel, to be used as a seminary of learning.

Treasurer bonds.

§ 6. The said board of trustees shall require their treasurer to give bond in such sum as they may deem proper, payable to them and their successors in office, for the use of the inhabitants of said town of Mount Carmel, with good and sufficient personal security, and conditioned for the faithful discharge of his duties under this act, and the payment to his successors in office of all moneys that may be in his hands as treasurer.

§ 7. This act shall be taken and deemed a public act, and shall be in force from and after its passage.

APPROVED February 12, 1853.

In force Jan. 27, 1853. AN ACT to establish a ferry across the Mississippi river in Henderson county.

Ferry.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That John S. Pollock, his heirs and assigns, be and they are hereby authorized and empowered to maintain and keep a ferry for and during the term of ten years from the passage of this act, across the Mississippi river, from the point where the state road leading from Peoria, Illinois, to Burlington, Iowa, terminates on the eastern bank of the Mississippi river, in the county of Henderson, to the said city of Burlington, with the privileges to said Pollock, his heirs and*

assigns, of landing their boats and other water crafts for the transportation of persons and property across said river, at the western terminus of the said state road from Peoria to Burlington.

§ 2. That said John S. Pollock, his heirs and assigns, ^{Boats.} shall keep at all times a good and sufficient ferry boat, with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish said boats with men with suitable strength and skill to manage them, and shall charge and receive such rates of ferriage as may be allowed him by the county commissioners of said county of Henderson.

§ 3. The said John S. Pollock, his heirs or assigns, ^{Tax.} shall pay into the treasury of the said county of Henderson such amount of tax as may be imposed upon said ferry by the county commissioners of said county of Henderson, not exceeding forty dollars; and in the management and regulation of the aforesaid ferry shall be governed by the "Act to establish ferries and toll-bridges," approved March the third, one thousand eight hundred and forty-five.

§ 4. That in case of failure by the said John S. Pollock, ^{Sue for tax.} his heirs and assigns, to pay such amount of tax so assessed by the county commissioners aforesaid, the said commissioners may sue for and recover the same in an action of debt before any justice of the peace of said county of Henderson.

§ 5. *Be it further enacted*, that the said John S. Pollock, his heirs and assigns, shall have the privilege of landing the said boat or boats at the town of Schokokon, in said county of Henderson, and for one mile above and below the same, and that no license shall hereafter be granted during said term to any other person or persons or body corporate to keep or run a ferry and land at said town or within said mile. ^{Privilege of landing.}

§ 6. The said John S. Pollock shall be entitled to the benefits of the forty-second chapter of the Revised Statutes in regard to ferries and toll-bridges; and should any person or persons or body corporate, hereafter licensed or without license, run and land a ferry at said point in last section mentioned, they shall be subject to and incur the penalties and forfeitures given in said forty-second chapter, which may be recovered by said Pollock as therein provided. ^{Entitled to privileges.} ^{42d chapter Revised Statutes.}

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

APPROVED January 27, 1853.

In force Feb. 12,
1853.

AN ACT to establish a ferry across the Ohio river.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James D. Southard and Carroll N. Rawlings, and such person or persons as they may associate with them, be and they are hereby authorized to establish and keep a ferry for fifty years across the Ohio river, from the most convenient and desirable point in fractional section thirty-six, township sixteen south, range one west, in Pulaski county, Illinois, to the Kentucky shore.*

§ 2. Said Southard and Rawlings, and their associates, if they should have any, shall cause said ferry to be furnished with a good, tight boat or boats, sufficient for the safe transportation of all passengers, their teams, horses, cattle or other animals, wagons, and the goods, effects, property, freight, &c., of all persons; and said boat or boats shall be furnished with men of suitable strength to manage the same, or with horses, or with steam, or with suitable and equivalent propelling power, at the option of said Southard and Rawlings, and their associates, if any they should have.

§ 3. The said Southard and Rawlings, and their associates, if any they should have, shall be allowed to land their boat or boats at any point on said Ohio river, eligible and suitable in said fractional section thirty-six; and no other person or persons shall be allowed to establish any ferry within one mile and a half above and below said point; said Rawlings and Southard to select and locate their said point of landing, and report the same, in writing, to the county court of Pulaski county, within six months from and after the passage of this act: *Provided*, that said Southard and Rawlings, and their associates, if any they should have, shall conform to and comply with the terms and provisions contained in the second section of this act.

§ 4. Said Southard and Rawlings, and their associates, if any they should have, or their assigns or grantees, shall receive such rates of toll or freights or ferriage as the county court of said Pulaski county shall establish and ordain, not to exceed or be less than a fair and just compensation.

§ 5. This act to be in force from and after the first day of May, A. D. 1853.

APPROVED February 12, 1853.

AN ACT to establish a ferry across the Mississippi river at the town of In force Feb. 11
 Dallas City. 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William H. Rollosson, his heirs and assigns, be and they are here-* Ferry.
 by authorized to establish and keep a ferry for the term of ten years across the Mississippi river, between the town of Dallas City, in the counties of Hancock and Henderson, in the state of Illinois, and the opposite shore, in the state of Iowa; during which time no license shall be granted by the county authorities of the county of Hancock or Henderson to any person or persons or body corporate, to establish or keep a ferry within one mile of the line of the counties of Hancock and Henderson, at a point where the same strikes the Mississippi river.

§ 2. The said William H. Rollosson shall keep, at all Boats, &c.
 times, a good and sufficient boat, with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish boats with men with suitable strength and skill to manage them, and shall receive such rates of ferriage as may be allowed him by the county court of the county above named, in which he may select a regular landing for said ferry, and in the management of the aforesaid ferry shall be governed by the "Act to establish ferries and toll-bridges," approved March third, one thousand eight hundred and forty-five.

§ 3. The said William H. Rollosson shall have the ferry Ferry privi.
 privileges from said Dallas City to the opposite shore, to the state of Iowa, for the term of ten years from the passage of this act, for one mile above and one mile below the said line between said counties mentioned; and should any other person or persons or body corporate run, keep and land a ferry at said point, or within one mile above and below the same, such person or persons or body corporate shall incur the forfeitures and penalties provided in the eleventh section of said act in regard to ferries and toll-bridges, approved March the 3d, 1845, which may be enforced and recovered by the said William H. Rollosson, his heirs and assigns, as in said section of said act provided.

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

APPROVED February 11, 1853.

In force Feb. 8, 1853. AN ACT to amend an act entitled "An act to provide for the construction of plank roads by a general law."

Change of name. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the corporate name of the Olney, Lawrenceville and Wabash Plank Road Company be changed, and that said company be hereafter known by the name and style of "The Lawrenceville and Wabash Plank Road Company."

Surrender. § 2. That said company be required to surrender to the counties of Lawrence and Richland so much of the state road leading from Lawrenceville to Olney as lies within said counties, and was heretofore, by the county courts of said counties, granted to said plank road company; such release to be made by order of the board of directors, signed by the president and secretary, and filed in the office of the clerk of the county courts of the respective counties.

§ 3. That after the execution of the surrender or release of the said road, the said plank road company shall not be required to construct more of said road proposed by the articles of association of said company to be constructed, than that which lies between the town of Lawrenceville and the Great Wabash river.

Use gravel. § 4. That said company may use gravel or other suitable material, in lieu of plank, for the construction of so much of said road as lies in Allison Prairie and Purgatory Swamp, and is subject to overflow by the waters of the Wabash and Embarrass rivers, and may charge the same toll upon such gravel road as if the same were laid with plank: *Provided, however,* before toll shall be charged upon such gravel road the same shall be first inspected and approved by the inspectors provided for inspection of plank roads by the act to which this is an amendment.

§ 5. That said plank road company may charge the following rates of toll in addition to the toll authorized by law to be charged upon said plank road, for crossing on the bridge erected by said company over the Embarrass river, to wit: for wagon with six horses, thirty-five cents; wagon and four horses, thirty cents; wagon and three horses, twenty-five cents; wagon and two horses, twenty cents; buggy or other vehicle drawn by one horse, fifteen cents; man and horse, ten cents; footman, five cents each; head of horses, mules or cattle, three cents each; and for every head of hogs or sheep, one cent each: *Provided, however,* that the citizens of Lawrence and Richland counties and the property belonging to them, be permitted to cross

said bridge free of toll, except so far as said bridge constitutes part of said plank road.

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

APPROVED February 8, 1853.

AN ACT to authorize the construction of a bridge across the Big Vermil- In force Feb. 11, 1853.
ion river, in La Salle county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Isaac R. Hitt, Bronson Murry, Beebe Clark, Ira L. Peck, Sheldon Cadwell, Herman Baldwin and Iram Nye, their heirs or assigns, be and they are hereby authorized to build a bridge across the Big Vermilion river, at any point on section twenty-five or section thirty, in township thirty-three north, range one, east of the third principal meridian, in the county of La Salle.* Corporators.

§ 2. That said Isaac R. Hitt, Bronson Murry, Beebe Clark, Ira L. Peck, Sheldon Cadwell, Herman Baldwin and Iram Nye, their heirs and assigns, shall commence the said bridge within two years and complete the same within four years from the passage of this act. Time for construction.

§ 3. The said Isaac R. Hitt, Bronson Murry, Beebe Clark, Ira L. Peck, Sheldon Cadwell, Herman Baldwin and Iram Nye, their heirs and assigns, are hereby authorized, after the completion of the said bridge, to place a toll-gate at either end of the same, when they, their heirs or assigns, may demand of every person crossing said bridge the following rates of tolls, to wit: for each two horse wagon or carriage drawn by two horses, mules, asses or oxen, ten cents; for each additional horse, mule, asses or oxen attached to such wagon or carriage, three cents; for each one horse wagon, carriage or cart, five cents; for each man and horse, five cents; for each hog or swine, under ten in number, two cents; and for ten and all over ten in number, one cent each; for each head of horses, mules, asses or cattle, under ten in number, three cents; and for ten and all over ten in number, two cents each; for each footman, three cents: *Provided*, that the said corporators, their heirs or assigns, may double the above rates after nine o'clock at night and before daylight in the morning. Toll-gate.

§ 4. The said corporators shall always keep the said bridge in good repair, so as to admit of convenient and safe passage for all persons and their property, on payment of the tolls. Keep bridge in repair.

Accidents.

§ 5. In case the said bridge shall be destroyed by freshets or other accident, and the same shall not be rebuilt or repaired within two years, the charter hereby granted shall cease and be at an end.

§ 6. Any person passing over said bridge with a horse, carriage or other vehicle in a faster gate than a walk, shall be subject, for each and every offence, to a fine of five dollars, to be recovered before any justice of the peace in the county of La Salle. *Provided*, that a copy of this section be placed in a conspicuous place at each end of said bridge.

Damage.

§ 7. If any person shall wilfully or negligently do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the proprietor or proprietors three times the amount of such injury, to be recovered by action of debt or action on the case before any justice of the peace or other court having jurisdiction of the same.

§ 8. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges, in any manner or by any means whatever.

§ 9. This act to be in force from and after its passage.
APPROVED February 11, 1853.

In force Feb. 8, 1853. AN ACT to authorize the construction of a bridge across the Kaskaskia river.

Corporators.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William H. Bennett, Charles Dunbach, William Kraft, Isaac Johnson and John T. Lemon, and their successors and assigns, be and they are hereby created a body corporate and politic, under the name and style of "The Athens Bridge Company," and under such name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places where legal proceedings are had; to have and use a common seal, and change the same at pleasure, and to have and exercise all the powers, privileges necessary to carry into effect the objects of this act.

Directors.

§ 2. The officers of said company shall consist of five directors, who shall have the management and control of the affairs of the company, and shall be elected by the stockholders of said company, at such time and place as

said company shall direct. Said directors may appoint a president, secretary and treasurer, and such other officers as may be necessary. The persons named in the first section of this act shall be and constitute the directors of said company for one year after the passage of this act, and until their successors are appointed.

§ 3. The capital stock of said company shall be three thousand dollars, which may be increased, from time to time, by a vote of a majority in interest of the stockholders, at their annual meeting, or at any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road; which stock shall be divided into shares of twenty dollars each—each share entitling the holder thereof to one vote in all meetings of the stockholders. Said stock shall be deemed personal property, and shall be collected and made transferable upon such creditors [conditions] as the said company shall direct. Said company is hereby authorized to open books of subscription, and therein to secure the subscription of all persons desirous of becoming stockholders in said company.

§ 4. Said company or the directors thereof shall have power to pass all necessary by-laws and rules for the government of said company, and for the maintenance and disposition of its property, not inconsistent with the constitution and laws of this state, or of the United States, and the same to alter or repeal at pleasure.

§ 5. Said company are hereby authorized to build and maintain a toll-bridge across the Kaskaskia river at or near the town of Athens, on section twenty-eight (28,) township two (2) south, range seven (7,) west of the third principal meridian, in the county of St. Clair; to purchase, hold, take and transfer all the real estate necessary for carrying out the purposes of this act, and to erect and maintain gates, as well as house or houses, at either end of said bridge, for the collection of toll; which toll shall not exceed twenty cents; for a vehicle drawn by two horses, fifteen cents: for a vehicle drawn by one horse, ten cents; for a man and horse, three cents, and three cents for each head of neat cattle or hogs or sheep, and for every additional horse in harness, five cents.

§ 6. The said company are hereby empowered to acquire the right of way, not exceeding one hundred feet wide, from the termination of said bridge to the nearest public road or roads; and in case the company cannot agree with the owner or owners of the land for the right of way to the main leading road or roads, so as to connect said road or roads with said bridge, for the damages for the right of way as aforesaid, then and in that case it shall be lawful for said company, or their agent or superinten-

dent of the work, to proceed to ascertain the damages the owner or owners of said land or lands will sustain by the erection of said bridge thereupon, or the right of way as aforesaid, in the same way and manner, in all respects whatever, as is provided by chapter XCII, entitled "Right of way," of Revised Statutes, Illinois, approved March 3rd, 1845; the persons assessing said damages to take into consideration the additional value of said lands by the construction of said bridge and way; and when the damages so assessed shall be paid by the company the right of way, to the extent therein required, and the site for the bridge shall be vested absolutely in said company, their successors and assigns forever, for the purposes aforesaid; and the assessments of said damage, with a plat and description thereof, shall be recorded in the recorder's office of the county of St. Clair.

Piers.

§ 7. The said company are empowered to erect as many piers of stone or other material in the bed of said river as may be necessary for the support and construction of said bridge. Said company shall, in the erection of said bridge, construct a draw thereon, over the main channel of the river, not less than fifty (50) feet wide, so as to admit the ready passage of all boats, vessels and other water crafts navigating said river. The navigation of said river shall not, in consequence of the construction of said bridge, be injured or obstructed; and in case the draw mentioned in said bridge should not be so constructed as to afford a safe and speedy passage to all boats and crafts navigating said river, all rights and privileges herein granted to said company shall be null and void. The said bridge shall be commenced in one year from the passage of this act and completed within four years thereafter.

Toll.

§ 8. The said company shall receive for passing over the bridge the same rates of toll as are allowed by the county court of St. Clair county at the ferries on said river.

Repair.

§ 9. The said company shall always keep said bridge in good repair, so as to admit a convenient and safe passage for all persons and their property, on the payment of tolls.

Deemed public highway.

§ 10. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of persons obstructing, injuring or destroying public highways or bridges in any manner or by any means whatever.

Damages.

§ 11. If any person shall wilfully or negligently do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the said company double the amount of such injury, to be recovered by

action of debt, before any justice of the peace or other court having jurisdiction of the same.

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

APPROVED February 8, 1853.

AN ACT to amend an act to establish a ferry across the Kaskaskia river, in force Feb. 12, 1853.
approved February 15, 1851.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the act to which this is an amendment as provides that the county court of Clinton county shall possess the power from time to time to establish rates of toll or ferriage, to be received at said ferry, and also so much of said act as provides that the inhabitants of township one south, of range five, west of the third principal meridian, shall at all times be permitted to cross free of charge, be and the same is hereby repealed. Amendments.

§ 2. The power to establish rates of toll or ferriage to be received at said ferry shall be vested in the county court of Washington county, as was provided prior to the passage of the act to which this is an amendment. Power to establish rates of toll.

This act to take effect from and after its passage.

APPROVED February 12, 1853.

AN ACT to provide for the building of side-walks in the town of Mascoutah, in St. Clair county, in force Feb. 19, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters of the town of Mascoutah, to hold a meeting or meetings at such time as they may think proper, for the purpose of voting for or against a tax to be levied on the real estate adjoining such streets, for the purpose of building a side-walk or walks thereon. Meetings.

§ 2. Notice of such meeting shall be given at least ten days previous, by posting up written or printed notices in three public places in said town of Mascoutah; said notice shall state the time and place at which said meeting is to be held, and the purposes for which the same is to be held. Notice of meeting.

§ 3. The persons attending such meeting may choose a chairman and secretary from their number; estimates Chairman, &c.

may be made for the amount necessary for the building of said proposed walk or walks, and the meeting shall determine by vote the amount of money or labor, if any, that shall be raised for building the same; the meeting shall also determine the streets to be first repaired or fixed; and if a majority of the voters at said meeting shall vote for said tax, the same shall be levied; and if a majority shall vote against such tax, the same shall not be levied. Said tax shall be levied on such lots or parts of lots, or lots contiguous and opposite on said street to said walk, in proportion, to the whole number of feet adjoining, opposite or contiguous to the same.

§ 4. The amount levied on such lots on said street shall be certified by the chairman and secretary of said meeting to the clerk of the county, who shall forthwith make out a list of the same, and deliver the same to the collector, who shall collect the same as other taxes.

§ 5. Said meeting may choose a committee of three or four persons to build said walk; and said committee, when chosen, shall have full power to contract for the building of the same, and to remove or cause the removal of all obstructions which may hinder the completion of the same. Said side-walks may be of wood or stone or bricks, and shall not be less than three nor more than ten feet wide.

§ 6. A full and true record of all the proceedings of such meetings shall be kept, and a copy of the same signed by the chairman and secretary shall be filed with the clerk of the county court within thirty days after such meeting has been held; and it shall be the duty of said clerk to preserve the same with the documents and records in his office. In computing the taxes for said town of Mascoutah the said walk tax shall be computed and carried out separately, and shall be collected in all respects in the same manner provided by law for the collection of other taxes; and the collector shall be responsible upon his bond as such collector for such side-walk tax, and he shall pay the said tax over to said committee upon their order, as the money is collected.

§ 7. Should any person taxed under the provisions of this act refuse or neglect to pay the same within the time now given for the collector to collect state and county taxes, the lot or block shall be sold for said taxes in the same manner as for state or county taxes, and become forfeited in the same way: *Provided always*, that the proprietors of said lots or blocks in said town of Mascoutah shall have the liberty to fix and keep in order all such side-walks upon his own lot or lots of land.

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

APPROVED February 10, 1853.

AN ACT to fix the boundaries of Princeton, in the county of Bureau. In force Feb. 12, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the corporate limits of the town of Princeton, in the county of Bureau, shall embrace all of section sixteen, in township sixteen north, of range number nine, east of the fourth principal meridian. Boundaries.

§ 2. The town of Princeton shall have power to lay out and construct a plank road through said town to the depot of the Central Military Tract Railroad Company, commencing at such point within the limits of said corporation as the trustees of said town shall designate. Plank road.

§ 3. The trustees of said town are hereby authorized to levy and collect a tax in the same manner provided by law for the levying and collecting a tax for state and county purposes, on all the taxable property within the limits of said town, as fixed by the first section of this act, to pay for the construction of said plank road.

§ 4. The amount of tax authorized by the foregoing section of this act shall in no event exceed the amount of tax levied for the same year for county and state purposes.

§ 5. The power to levy and collect a tax, as provided in this act, shall continue until the expense of constructing said road shall be fully paid, and no longer. Power to tax property.

§ 6. This act shall be submitted to a direct vote of the inhabitants of said town qualified to vote, at an election to be called by the president and board of trustees of said town, after thirty days' notice, and to become a law if a majority vote for it, and not otherwise.

APPROVED February 12, 1853.

AN ACT to establish a ferry across the Illinois river. In force Feb. 11, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That David L. Hough, Champlin R. Potter and A. J. West be and they are hereby authorized to establish and keep a ferry across the Illinois river at any point on section twenty-two or twenty-three, in township thirty-three north, of range one, east of the third principal meridian, in the county of La Salle, during the period of twenty years from the passage of this act. Ferry.

§ 2. The said David L. Hough, Champlin R. Potter and A. J. West be entitled to all the privileges and immunities, and subject to all the restrictions contained in chapter 424, Revised Statutes.

ter forty-two of the Revised Statutes of this state relative to ferries and toll-bridges; and all assessments for license, and all taxes charged to said ferry, shall be expended and worked out by said Hough, Potter and West upon the landings and roads leading to and from said ferry.

Toll.

§ 3. Said Hough, Potter and West are hereby authorized to charge the rates of toll which are authorized by law upon other ferries in La Salle county, and also to transport passengers and freight, upon boats propelled by steam or horse power, to and from said ferry to the cities of La Salle and Peru.

§ 4. This act shall be in force from and after its passage.
APPROVED February 11, 1853.

In force Feb. 10, 1853. AN ACT to authorize the trustees of the North Presbyterian Church, in the city of Chicago, to convey certain property.

Authorized to convey.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the present organization of the North Presbyterian Church, in Chicago, be and the same is hereby legalized, and that S. Lisle Smith, Samuel Howe, Andrew Blakie, C. A. Spring and H. D. Bassett, the trustees of said North Church, be authorized to convey to Mark Skinner lots eight and nine, in Bussing's subdivision of block seven, in Walcott's addition to the city of Chicago, in accordance with the terms of an agreement now subsisting between said church and said Skinner.

APPROVED February 10, 1853.

In force Feb. 10, 1853. AN ACT to locate a state road from Waverley, in Morgan county, to Taylorville, in Christian county.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Alexander Humphreys, of the county of Christian, James Patton, of the county of Sangamon, and Richard Nelson, of the county of Morgan, be and they are hereby appointed commissioners to view, mark and locate a state road from the town of Waverley, in Morgan county, to the the town of Taylorville, in Christian county.

Time and place of meeting.

§ 2. The said commissioners, or any two of them, shall meet in the town of Waverley on the first Monday in April

next or some day thereafter, and before entering upon the duties assigned them by this act shall take an oath before some justice of the peace of the county of Morgan aforesaid, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road, four rods wide, on the nearest and most eligible route.

§ 3. Upon such location being made the said commissioners, or any two of them, shall make a report of the same to the county courts of Morgan, Sangamon and Christian counties aforesaid, and said courts shall cause said road, or so much thereof as lies within their respective counties, to be opened and kept in repair, and said road is hereby declared to be a state road. Report.

§ 4. The counties of Morgan, Sangamon and Christian shall allow said commissioners, their surveyor and assistants, a reasonable compensation for their service, in proportion to the extent of said road in each of said counties.

APPROVED February 10, 1853.

AN ACT amendatory of an act entitled "An act to reduce the law incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same," approved February 14th, 1851. In force Feb 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the corporate limits and jurisdiction of the city of Chicago shall be and the same are hereby so extended as to embrace and include within the same the several tracts of land hereafter described, which shall be deemed parts of the divisions of said city named in connection therewith, as follows: Corporate

North Division.—All those parts of sections thirty-one and thirty-two, in township forty north, range fourteen east, lying east of the centre of the North Branch of Chicago river, and the west half of section thirty-three, in same township and range.

South Division.—All of fractional section twenty-seven, in township thirty-nine north, range fourteen east, and so much of the shore and bed of the lake as lie within one mile east of the said section, and all that part of section twenty-eight, in the same township and range, lying south and east of the South Branch of the Chicago River.

West Division.—And all those parts of sections twenty-eight, twenty-nine and thirty, in township thirty-nine north, range fourteen east, lying north of the South Branch of the Chicago river and the branch thereof running west through said section thirty.

§ 2. The land above described as constituting a part of the north division of said city shall form a part of the seventh ward; the land above described as constituting a part of the west division shall form a part of the fifth ward, and the boundary lines of the first, second, third and fourth wards of said city shall be respectively extended south over the lands above described as constituting a part of the south division.

Duty of city clerk

§ 3. Hereafter it shall be lawful for the city clerk to couple together as one tax any two or more of the taxes levied by the common council which may be general to the whole city, or to any division thereof, and include the total amount of taxes so coupled together as one tax in all warrants, orders of sale or other proceedings in relation to the collection of taxes under the act to which this is amendatory: *Provided*, that in all cases where taxes may be so coupled together the clerk shall designate at the head of the proper column the names and rates of the several taxes which may be included together.

§ 4. This act shall be deemed a public act, and shall take effect from and after its passage. So much of the act approved February 23d, 1847, creating South Chicago school district, as includes the lands herein described within said district, is hereby repealed, and no tax shall hereafter be valid upon the same by virtue of said act.

APPROVED February 12, 1853.

In force Feb. 11, AN ACT to authorize a certain person therein named to build a mill-dam
1853. across Fox river.

Build dam.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Sloan, his heirs and assigns, be and hereby are authorized to build a mill-dam across Fox river at the village of Algonquin, in the county of McHenry, and to use and overflow the land deemed necessary in creating such dam and water power; and in case such lands cannot be obtained and the damages to lands overflowed arranged by agreement between the parties interested therein, they may cause such lands and damages to be appraised and assessed from time to time under the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, 1852. This act to effect and be enforced from and after its passage.

APPROVED February 11, 1853.

AN ACT to incorporate the Waukegan Mutual Insurance Company. In force Feb. 3, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from the time this act shall take effect, Warren Smith, Harlow P. Smith, William C. Tiffany, Daniel O. Dickinson, Isaac R. Lyn, Clark W. Upton, Lorenzo Hinkston, Welcome A. Eddy, Reuben D. Dodge, Hurlburt Swan, James McKay and Henry W. Blodgett, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a body politic and corporate, in the name of "The Waukegan Mutual Insurance Company." Corporators.

§ 2. The corporation hereby created may become a party to suits at law; may make by-laws not inconsistent with the any existing laws of this state for the regulation of its affairs, and have and use a common seal, and alter the same at pleasure; and in addition to these general powers, shall have authority by instrument, under seal or otherwise. By-laws.

1st. To make insurance on all descriptions of property against loss or damage by fire.

2d. To make insurance on all descriptions of boats and vessels, the cargoes and freight thereof, and in *bottomry* and *respondentia interest*, against the perils of marine or inland navigation.

3d. To cause themselves to be insured against any risk which they have under insurance.

§ 3. All the corporate powers of said company shall be exercised by a board of directors, consisting of nine persons, all of whom shall be citizens of the state, and such officers, clerks and agents as said board may appoint. The directors shall hold their offices for two years, and until others are elected. They shall elect from their own body a president and vice president, who shall each hold their offices during the aforesaid term of two years, and until others are elected; but nothing herein shall be construed as to prevent a director or other officer, whose term has expired or is about to expire, from being again eligible. Five members of said board shall constitute a quorum for the transaction of business. The persons named in the first section of this act, or such of them as shall accept of said office, shall constitute the first board of directors. Corporate powers

§ 4. The board of directors shall have power to fill any vacancy that may occur in their own body—a plurality of votes constituting a choice. They shall also choose, in the same manner, previous to the biennial election of directors, three inspectors of such election, whose duty it shall be to canvass the votes cast thereat, and declare the result. The said inspectors shall also be judges of the qualification of voters. Notice of such election shall be given by pub- Vacancies.

lication in one or more newspapers published in Waukegan, at least two weeks previous thereto, over the signature of an officer of the company.

Member.

§ 5. Every person or firm taking a policy of insurance from the said company shall thereupon become a member thereof, and shall, at all elections of directors thereafter, be entitled to vote upon his or their dividend: certificates issued as hereinafter provided, in the ratio of one vote for each ten dollars of such certificate: *Provided*, that if any such election shall be held in accordance with the provisions of this act previous to the first dividend of profits, each member of said company shall be entitled to vote thereat in the ratio of one vote for every five dollars of premium previously paid to the company: *And provided*, that no person or firm shall be entitled to more than fifty votes, except as provided in section eight of this act.

Open books to receive applications.

§ 6. It shall be the duty of the incorporators named in the first section of this act, or any number of them not less than five, within three years after this act takes effect, to open books to receive applications of insurance to be effected by said company; and after the receipt of applications to the amount of ten thousand dollars, the books may be closed and the company organized.

Premiums.

§ 7. All premiums upon policies issued by said company shall be paid in cash when the insurance is effected, (except as is provided in section eight of this act,) and the premiums so paid shall thereafter be withdrawn, but remain liable for all losses and expenses incurred by said company.

Premium notes.

§ 8. For the better security of policy holders, the said company may receive notes of premiums in advance, approved by the board of directors, from persons intending to receive its policies; and on such portions of said notes as shall exceed the amount of premiums that may have accrued on policies held by signers thereof at the successive periods when the company shall make up its annual statement, as hereinafter provided, a compensation may be allowed the signers thereof in consideration of such guaranty, at a rate to be determined by the board of directors, but not to exceed seven per cent. per annum. Such notes shall be entitled to representation at elections of directors in the same ratio as dividend certificates, and shall be liable for losses whenever the cash premiums theretofore received are insufficient to pay the same: *Provided*, that assessments so made on such notes shall be reimbursed from the funds of the company before any dividend of profits shall be made.

Stock policies.

§ 9. It shall be lawful for said company to issue stock policies, so called, to persons not desiring to participate in the profits or losses of the company; and all gains or losses

on such policies shall be passed to the account of profit or loss on the books of said company.

§ 10. It shall be lawful for said company to invest their funds in bonds and mortgages on unincumbered real estate worth fifty per cent. more than the sum loaned thereon, and in any stocks created by or under the authority of the United States or of this state, and on *bottomry* or *respondentia* bonds or otherwise, at the discretion of the board of directors, and to change and reinvest the same. Invest bonds.

§ 11. By the first day of February, 1853, and annually thereafter, the officers of this company shall cause a true statement of its affairs to be made. They shall estimate the profits, if any, that have accrued on the policies during the current year ending the 31st day of December last preceding, and issue certificates thereof to the holders of such policies in proportion to the amount of premium paid by each. Such certificates shall bear an annual interest of six per cent., and shall be redeemed whenever the accumulated profits shall exceed fifty thousand dollars, so far and as fast as the same can be redeemed by such excess; certificates for the first year's profits taking priority, and so on, thereafter, in regular succession. Nevertheless, each such certificate shall contain a proviso, that the sum therein named is liable for future loss at any time previous to its redemption, as provided in the seventh section of this act. Statement of affairs.

§ 12. The annual statements, as aforesaid, shall be full and complete, and shall be published in one or more newspapers in said town of Waukegan, for two weeks after the same shall have been made, and on slips, copies of which shall be delivered to the members on request. Publication statement.

§ 13. Suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses and damages insured against by them if payment is withheld more than sixty days after the same shall have been duly proven up; and any member of the company, not being, in his individual capacity, a party therein, shall be deemed a competent witness in any suit against the company. All process against the company may be served upon the president or secretary. Suits.

§ 14. The office of said company shall be located at Waukegan, in the county of Lake, but nothing herein shall be so construed to prevent said company from appointing agents to take risks and issue policies at any other place in this state, or any other state in which said company deem it for its interest to establish such agency. Office.

§ 15. This act shall take effect and be in force from and after the first day of March next after the passage hereof, and

continue in force for the period of fifty years from said time. This act shall not be so construed as to confer upon said company any banking privileges.

APPROVED February 3, 1853.

In force Feb. 10, 1853. AN ACT to authorize the drainage of lands, and the construction of dykes, embankments and roads in township 1 and 2 north, of range 9 and 10, west of the third principal meridian, in St. Clair county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Vital Jarrot, Henry Ames, William Waddingham, Joseph Palmer, Edwin S. Condit, Lambert Boneau, and their associates and their successors, be and are hereby created a body politic and corporate, by the name of "The American Bottom Board of Improvement," with power to contract and be contracted with, sue and be sued, to own real estate, either by gift or purchase, and to sell and convey the same. Said company shall have a common seal, which they may alter and renew at pleasure. Said company shall have power to make by-laws, rules and regulations, not inconsistent with the laws of the land, which shall be binding upon said company, and all persons having business with or interest in the business of said company.*

§ 2. The said Vital Jarrot, Henry Ames, William Waddingham, Joseph Palmer, Edwin S. Condit, Lambert Boneau, or a majority of them, shall meet on or before the first day of May next, at some place within said district to be embanked and drained, and shall proceed to open books of subscription to the capital stock of said company, and whenever the sum of fifty thousand dollars shall have been subscribed, and ten per cent. paid in upon said stock, the said stockholders shall, after ten days' notice in a paper printed in the county of St. Clair, and in the city of St. Louis, meet and elect directors for the management of the affairs of said company: *Provided*, that said directors so to be elected shall not be more than seven, and from which number they shall elect a president and treasurer, who shall be the acting officers of said company. After the election of said directors, the corporators shall hand over to them all books and papers, money and property belonging to said company. And all future elections of said directors shall be at such time as may be provided for in said by-laws: *Provided*, that at all elections in said company every share shall be entitled to one vote, and said share may be represented by proxy.

Corporators.

Open books.

§ 3. Said company is hereby authorized and empow-^{Powers.}ered to survey, locate, construct and complete dykes, ditches, embankments, culverts, roads, bridges, guard locks and dams, to change, clean out obstructions in or widen the channel of any creek, and to keep the same in repair, over, through or across any lands lying within said townships 1 and 2 north, range 9 and 10 west, in Saint Clair county, and shall have power to locate and construct their works over, under and across any public road, railroad or plank road which now is or may hereafter be laid out and constructed in said territory; and for such purpose shall have the right of way upon, and may appropriate to the uses and purposes contemplated therein, all the lands, stone, timber and materials of every kind, necessary for the location, construction and alteration of said dykes, ditches, embankments, culverts, bridges, locks and roads, and for the maintenance and repairs of the same.

§ 4. Said company shall have power to condemn lands^{Right of way.} and materials for the purpose of the construction of said works, and for the purpose of keeping the same in repair in the mode and manner now provided by law for obtaining the right of way, approved March 3, 1845: *Provided*, that any appeal from such condemnation shall not hinder the use and occupancy of the said land so condemned, upon the said corporation giving security, to be approved by the clerk of the court to which said appeal is taken, to abide by and pay such damages as may be assessed against said company.

§ 5. Said company may fix the amount of their capital^{Capital stock.} stock at the sum of two hundred thousand dollars, and the same may be divided into shares of fifty dollars each, and said shares shall be deemed personal property, and transferable in such mode and manner as said company by their by-laws may provide.

§ 6. The said corporation shall have power to borrow^{Borrow money.} money and issue bonds convertible into stock, at the option of the holders thereof, and as security therefor to execute a mortgage upon their works and franchises: *Provided*, said bonds shall not bear more than eight per cent. interest, and shall contain a clause making them redeemable after five years from the date thereof. And if any of said bonds shall be sold for less than par, the same shall be as valid and binding upon said corporation as if they had been sold at their par value.

§ 7. That for the purpose of meeting any interest^{Tax.} upon the capital invested in the construction of the embankments and drainage of the lands, and all interest accruing upon the bonds issued by the company, there shall be annually levied and collected, in the mode hereinafter provided, a tax upon said lands, so embraced within said

embankments, and all others in St. Clair county directly benefitted by said drainage; which said tax shall not be greater than will meet an amount sufficient to pay eight per cent. upon the capital so invested and bonds issued. The expenses of management and the annual necessary repairs to the works, when completed, after the application of any profits arising from said works, if any such there be, and the proceeds of said taxation, shall be applied to no other purpose, and any balance remaining over from any one year shall be carried forward as a credit to the next.

ke list and de-
ver to collector

§ 8. Said company shall make out and deliver to the collector of St. Clair county annually, a list of all persons and property within said embankments and benefitted by said drainage, together with a statement made under oath of the treasurer of said company, of all moneys expended or borrowed for the construction and repair of said works; and also, the necessary annual expenses of the management of the same; and it shall be the duty of the state and county collector to place upon the state and county assessment, and in addition thereto, such sum per cent. as will pay the expenses and interest hereinbefore reserved, the same being assessed upon the lands in proportion to their last assessment of taxable property within the county of St. Clair, and which said taxation shall be collected at the same times and places as said state and county taxes are collected, and in the event of non-payment, the same rights and privileges, liens and remedies that are now in force or shall be made obligatory by law for the collection of state and county taxes, shall be applicable to the collection of said special tax, and the same judgment shall be obtained, and the same privileges and obligations shall be imposed upon purchasers and owners as by law are applicable to lands sold for the non-payment of taxes, and all deeds executed by the sheriff on a sale of such lands for taxes, under the provisions of this law, shall be received in all courts of justice and elsewhere as evidence of the same facts now evidenced by the sheriff's deeds under the revenue laws of this state.

ly liea.

§ 9. Whenever a majority of the landholders within the boundaries of said embankments shall determine by a vote of the same to pay off said lien, or any part thereof, upon the lands, and shall so decide, then it shall be the duty of the directors of said company to place on the list for taxation such per cent. as may be voted to be collected by the state and county collector, in addition to such sum as is before reserved.

§ 10. Upon repayment by taxation, as hereinbefore provided, of the principal so invested, and all interest that may be due for the drainage and embankments of lands,

the said works, and all the property of said corporation, shall become the property of the owners of lands so taxed for the purchase, subject to all existing contracts and liabilities, and shall thereupon be managed and controled by the county court of St. Clair county, who shall thenceforth, by the revenues thereof, and such additional taxation upon the lands benefitted and improved as may be necessary for the purpose, keep the same in good repair and preservation.

§ 11. The collector of St. Clair county shall make and execute to said company a good and sufficient bond for the faithful collection and payment over of said tax over to said company, and it shall be his duty to pay over to said company the taxes so collected from time to time, as the same may come into his hands, and he shall be allowed the same compensation as he is now allowed for the collection of state and county tax.

Collector execute
bond.

§ 12. Said commissioners shall have full power and authority to clear out and remove all drifts, dams and other obstructions in the channel of Prairie Du Pont creek, from the point where it enters the bottom lands to its mouth, and to straighten the same and enlarge its channel so as to vent the water which may be turned into it by draining the lands herein referred to, and shall have full power and authority to clear out like obstructions and remove the same from the Cahokia creek, in townships two and three north, of ranges nine and ten west, and to enlarge and change its channel in such manner as may by them be deemed necessary to carry out the objects and intents of this act: *Provided*, that when any ditches or dykes shall be constructed across a public road, the same shall be conveniently bridged so as not to interrupt or interfere with the travel upon said road.

Clear out Prairie
Du Pont creek.

§ 13. Whenever a majority of the resident owners of land in any township in Madison, Randolph or Monroe counties in this state shall wish to avail themselves of the privileges and powers in this act contained, they may present a petition to the county court of their respective counties, asking to be incorporated, and praying the court to appoint not less than five persons as drainage commissioners in such district; and such court, if satisfied that a majority of the resident land-holders as aforesaid, within the district desiring to avail themselves of this act, have petitioned for the same, the said court shall appoint the five commissioners recommended in said petition, who shall thereafter have, use and exercise all the powers, rights and privileges conferred by this act, so far as the same may be applicable to their localities.

§ 14. This act to be in force from and after its passage, to be held and taken as a public act, and to be liberally construed to carry out the purposes and intents of the same.

APPROVED February 10, 1853.

JOINT RESOLUTION.

JOINT RESOLUTION granting J. M. Peck duplicate copies of certain documents destroyed by fire. In force Jan. 31
1853.

Whereas J. M. Peck, of the county of St. Clair, has set forth, by petition, that he is engaged in writing books pertaining to the state of Illinois, and to aid him in this work, the general assembly, at the session of 1833, by joint resolution of the senate and house of representatives, granted him a copy of each of the laws, journals, reports and other documents published by the state, which he had received regularly until 1843, a portion of which was destroyed by fire on the 18th day of November, 1852; therefore—

Resolved by the House of Representatives, the Senate concurring herein, That the secretary of state be authorized to furnish said J. M. Peck, in addition to one copy of each of the laws, journals, reports and other documents to which he is entitled by the resolution, a duplicate copy of each private document he has lost by fire, where surplus copies exist, and which may not be wanted for the use of the state.

APPROVED January 31, 1853.

DEPARTMENT OF STATE, }
Springfield, Illinois. }

I, ALEXANDER STARNE, Secretary of State, of the state of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled laws deposited in this office; the printed words in brackets, thus [], in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof I have hereunto subscribed my name, at Springfield, this 10th day of September, 1853.

ALEXANDER STARNE,
Secretary of State.

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