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PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-SIXTH GENERAL ASSEMBLY,

CONVENED JANUARY 4, 1869.

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PRIVATE LAWS.

ACADEMIES, COLLEGES, ETC.

AN ACT to incorporate the Bennett College of Eclectic Medicine and Surgery. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That L. S. Major, W. D. Atchison, H. C. French, H. D. Garrison, William M. Dale, H. K. Whitford, A. L. Brown, John Foreman, M. R. Tagarden, R. A. Gunn, A. L. Clarke and J. F. Cook, and such other persons as are or may hereafter be associated with them, and their successors, are hereby created and constituted a body politic and corporate, by the name of "The Bennett College of Eclectic Medicine and Surgery;" and by that name to remain and have perpetual succession; with power to contract and be contracted with, sue and be sued, acquire, hold, use and convey property, real, personal and mixed, by devise, purchase, grant, gift or otherwise, as may be necessary to accomplish the objects of the incorporation. and to lease, incumber and dispose of the same, in which case all conveyances shall be signed and acknowledged by the president and secretary of the institution; to have and use a common seal, and alter the same at pleasure; to make and alter by-laws for the government of the incorporation, its officers and agents: *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, support and government of an institution devoted to the instruction of persons in medical and surgical science;

and said institution shall be located at Chicago, in Cook county, Illinois.

Organization.

§ 3. The estate and property of said corporation shall be in charge and under the control of, and the affairs of said corporation shall be managed and transacted by a board of trustees, who shall have power to procure the necessary rooms and buildings, by purchase, lease or otherwise; to elect, out of their body, a president, vice-president, secretary and treasurer, and define their duties and powers; to appoint, fix the compensation of, and dismiss professors, teachers and servants; to establish and regulate the course, mode and books of study; to adopt and enforce such by-laws, rules and regulations as they may deem necessary for the government of the institution—not inconsistent with the constitution and laws of this state—its officers, agents and servants; to confer degrees and give diplomas, which shall have the same force and effect and virtue as degrees and diplomas conferred and granted by similar institutions in this state; and to have all other rights and powers necessary for the accomplishment of the purposes of this corporation.

Trustees.

§ 4. The persons named in the first section of this act shall constitute the first board of trustees, and their term of office shall expire on the election of their successors, who shall be elected on the tenth day of January, A. D. 1870, and on the same day of each and every year thereafter, by the stockholders of said corporation; and said board of trustees shall consist of not less than twelve, nor more than twenty-four persons, as may be determined by the by-laws of said corporation—a majority of whom shall constitute a quorum. In case no election should be held on the days above specified the then existing board shall continue in office until their successors shall be elected, and may call a special meeting for that purpose. At all elections for trustees each stockholder shall be a voter, and shall be entitled to cast one vote for every share that he or she may own.

Gifts, grants,
etc.

§ 5. If any gift, grant, devise or bequest shall be made to the said corporation for particular purposes, in accordance with the design of this institution, and the trustees shall accept the same, it shall be applied in conformity with the express conditions prescribed by the grantor, deviser or donor; and if such grant, gift or devise be for no particular purpose, then it shall be applied by the board of trustees in such manner as they shall deem best for the institution.

Government
and discipline.

§ 6. The said institution shall be open to all persons of such age and qualifications as shall be prescribed by the by-laws of said corporation. Any student whose habits are idle or vicious, whose moral character is bad, or who shall not conform to the rules and regulations of said institution, may be suspended or expelled by the president, on the recommendation of the faculty of the college.

§ 7. The board of trustees shall cause to be opened ^{Subscription} books of subscription to the capital stock of said corporation, and may fix and limit the whole amount of the capital stock, and the amount of each share, and the number of shares; and may close the said books whenever, in their judgment, a sufficient amount shall have been subscribed for the purposes hereof; and they may increase the capital stock at any subsequent time: *Provided*, that said capital stock shall never exceed fifty thousand dollars. And for the purpose of endowing said institution, said board of trustees may issue and dispose of scholarships on such terms and conditions as may be agreed upon between them and the person or persons receiving the same.

§ 8. All property, real, personal and mixed [belonging] ^{Property ex-} to the said corporation shall be exempt from all taxes for ^{empt.} any and all purposes.

§ 9. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 25, 1869.

AN ACT to incorporate the Benton Law Institute.

In force March
25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Francis M. Youngblood, Andrew D. Duff, Samuel E. Flanigan, William H. Williams, Augustus P. Stover, Charles H. Tayman, William W. Barr and Daniel M. Brownig and Thomas H. Dillon, and their successors, are hereby declared and constituted a body corporate, by the name and style of "The Benton Law Institute;" and by that name shall have perpetual succession; and shall be capable in law to contract and be contracted with, sue and be sued, plead and be impleaded in all courts of competent jurisdiction, both in law and equity; and shall have power to acquire, hold and enjoy both real and personal property, for the purposes and subject to the limitation hereinafter mentioned; may have and use a common seal, and alter or renew the same at pleasure. Corporators.

§ 2. The object of this corporation shall be to encourage ^{Object.} and establish a regular and systematic study of the law as a science, and facilitate the means of acquiring a more thorough and perfect knowledge of all the fundamental principles thereof by practitioners before entering the profession.

§ 3. For the purpose of carrying out the foregoing object, the said corporation shall have power to take, hold ^{May hold real and personal} and acquire, by purchase, grant, gift or devise, real ^{property.} proper-

ty to the amount, in value, of ten thousand dollars, and personal property to the amount, in value, of twenty thousand dollars; which said property, or its value, shall be divided into shares of one hundred dollars; which shares or stock may be transferred in such manner as the directors, by their by-laws, shall prescribe.

Shares trans-
ferable.

Directors.

Organization.

Term of office.

New board
chosen bienni-
ally.

§ 4. The board of directors mentioned in section one of this act shall, at their first meeting after this act goes into operation, organize by electing from their body the following officers: A president, secretary, treasurer and librarian. And the said board shall continue in office until the first Saturday in July, A. D. 1870, with full power to fill, by appointment, all vacancies which may occur by death or otherwise. On the first Saturday in July, A. D. 1870, and on the first Saturday in every two years thereafter, the stockholders shall elect nine directors—the old board in all cases to remain in office, with full power and authority to transact all business pertaining to the corporation until the new board, or a majority of them, shall meet and organize by electing from among their number the officers aforesaid.

Powers of di-
rectors.

To appoint a
faculty with
sundry profes-
sorships.

§ 5. The board of directors of this corporation shall have full power to enact and pass all by-laws, not in conflict with the constitution and laws of the United States or of this state, which they may deem necessary in carrying out the ends and purposes of this incorporation; and shall have and exercise, among others, the following general powers, to-wit: to establish and appoint a regular and permanent faculty with any or all of the following professorships, to-wit: *First*, a professor of law generally. *Second*, a professor of American and constitutional law. *Third*, a professor of common and ancient law. *Fourth*, a professor of languages. *Fifth*, a professor of history, ancient and modern. *Sixth*, a professor of political economy. To fix the stipend of professors and salaries of officers; to fix and assess the admission fee of students; to fix and prescribe the requisite qualifications of students prior to admission; to ordain and establish a gradation of studies in said institute; to provide for conferring the usual degrees in said law institute, both *pro meritis* and honorary—but no student shall have conferred upon him the degree of Bachelor or Master unless he shall have regularly graduated, nor unless the professor of law shall certify that he is worthy of such degree; to fix the time of commencing the session of said institute as well as the time of vacation.

Degrees.

In default of
regular election,
president to set
another day.

§ 6. If, from any cause, the biennial election should fail to be held on the day fixed by this act, then the president shall designate some other Saturday for such election, by publication or otherwise, in such manner as may be provided by the by-laws.

§ 7. The secretary of state shall furnish to the librarian of said institute, for the use of said institute, all the following books and papers, to-wit: One copy each of all the statutes, session laws and journals of both houses of the legislature, and the journals of the constitutional conventions of this state that may now be on hand, and one copy each of the supreme court reports now on hand or that may hereafter be issued, and, also, one copy each of all the revised statutes, session laws, senate and house journals, and convention journals of this state that may hereafter be issued by this state; also, one copy each of the digest of the supreme court, now published or hereafter to be issued, which can be had for public distribution.

Secretary of state to furnish books and papers.

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

APPROVED March 25, 1869.

AN ACT to incorporate a dental college.

In force March 12, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Horace White, Alban N. Towne, Thomas Drummond, Francis Munson, Robert Colyer, George S. Bowen, George Hibben, Robert L. Rea, Samuel B. Noble, John B. Rice, George H. Cushing, Robert C. Hammeil, and their associates and successors forever, according to such by-laws as may be adopted by the corporation, shall be and are hereby made a body politic and corporate, under the name and style of "The Chicago Dental College," with all the rights, powers, privileges and authority of corporations, for the purpose of establishing and maintaining a dental college and dispensary in the county of Cook, and the state of Illinois; and to that end said corporation may contract and be contracted with, convey and receive conveyances, receive and make obligations, have a common seal or act without one, receive and use donations and endowments, acquire, dispose of, deal with and hold real estate and personal property, and otherwise act in that behalf as natural persons may do.

Corporators.

Name and style.

May hold real estate.

§ 2. Said corporation may provide, by by-laws, to be adopted by a majority of the corporators, for trustees or directors, for officers and agents, for a dental college and faculty thereof, for the instruction of students in dental medicine and surgery, and for the conferring of degrees, for income, revenues, endowments, and all such other matters and things as may seem expedient to promote the objects of the creation of said corporation; and such by-laws may

Officers and agents.

be afterwards changed by a majority of the members of the corporation, if they should think expedient.

§ 3. This statute shall be deemed a public act, and shall be in force from the date of its passage.

APPROVED March 12, 1869.

In force March
12, 1869.

AN ACT to incorporate the Evanston College for Ladies.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Melinda Hamline, Mary F. Haskin, Caroline Bishop, Elizabeth M. Greenleaf, Harriet S. Kidder, Harriet N. Noyes, Mary T. Willard, Cornelia Lunt, Maria Cook, Margaret P. Evans, Sarah G. Hurd, Annie H. Thompson, Mary J. K. Huse, Abby L. Brown, Virginia J. Kent, and their successors, be and they are hereby constituted a body corporate under the
Name and style.	name and style of "The Evanston College for Ladies," located in Evanston, in the county of Cook, for the purpose of the education of girls in the various departments of literature, science and art. The corporation hereby created shall remain and have perpetual succession, shall have power to sue and be sued, to plead and be impleaded, to acquire, take, hold and use, in trust and otherwise, and convey property, real, personal and mixed, in all lawful ways, for the promotion of the objects of this incorporation; to have and use a common seal, and alter the same at pleasure; to make and alter, from time to time, by laws, as they may deem necessary for the government of said institution, its officers and students: <i>Provided</i> , such by-laws be not inconsistent with the laws of this state or of the United States.
To have a common seal.	
Term of office.	§ 2. Of the persons named as trustees in the first section of this act, five shall hold office for one year, five for two years, and five for three years, in an order to be determined by lot; and their successors shall be elected, upon recommendation of said board of trustees, by that annual conference of the Methodist Episcopal church within whose bounds said institution shall be located, and shall hold office for three years; and a majority of said board of trustees shall be members of the Methodist Episcopal church. The presence of a majority of the trustees at all regularly appointed meetings of the board shall constitute a quorum to do business.
Quorum to do business.	
May confer degrees, etc.	§ 3. The trustees may establish or endow professorships, scholarships and prizes, confer literary honors, certificates,

testimonials and degrees, and grant diplomas to the same extent as is done by any college, university or seminary of learning in the United States.

§ 4. Power and authority are hereby given to this corporation to become annexed, for the purposes of educational and university union to any school, college or institution of learning, or to any affiliated society of schools, colleges or institutions of learning, located or that may hereafter be located in the county of Cook, upon such terms as may be agreed on, and to such intent as shall not be inconsistent with nor infringe upon the trusts and powers authorized by this act of incorporation; and it may adopt a name, and under such name shall have and may exercise all the corporate powers hereby granted as fully as if this incorporation had been granted by such assumed name. The right, however, of conferring diplomas and degrees, authorized in section third of this act, may be transferred to the senate, council or regency governing the said affiliated institutions of learning.

Locating of college.

Corporate powers.

§ 5. The property of said institution, of whatever kind, shall, while owned or held by said institution, be exempt from taxation for any purpose.

Exempt from taxation.

§ 6. This act shall be a public act, and be in force from and after its passage.

APPROVED March 12, 1869.

AN ACT to incorporate the Englewood College and Chicago Female University, at Englewood, in the county of Cook and state of Illinois.

In force April 14, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. Young Scammon, Benjamin Lombard, H. O. Stone, John B. Sherman, Samuel A. Briggs, George S. Bowen, John V. Farwell, Lewis W. Beck, John L. Gerber, William E. Phelps, John F. Eberhart, Zenas Coleman, Henry B. Lewis, N. T. Wright, Ira J. Nichols, Archelaus G. Warner, William H. Brooks, jr., John K. Rowley, Daniel Burcky, M. M. Tooke and James F. Kinney, and their associates and successors, be and they are hereby created a body corporate and politic, to be known by the name and style of "The Englewood College and Chicago Female University," and by that name and style shall remain and have perpetual succession, shall sue and be sued, contract and be contracted with, and shall take, hold, acquire and dispose of real and personal property by purchase, grant, gift, devise, or otherwise, for the purposes and benefits of this association.

Corporators.

Name and style.

- To appoint president. § 2. The object of this act is to promote the cause of education, and to establish and maintain a school of high order at Englewood, in the county of Cook, and state of Illinois; and for that purpose the board of trustees of said Englewood College and Chicago Female University shall have power to erect all necessary and suitable buildings, to appoint a president of said board, to establish departments for the study of any and all the learned professions, and employ suitable and necessary professors and teachers, and to confer the honorary degrees in any and all of the liberal and learned arts and sciences and belle lettres, and such other academical degrees as are usually conferred by the most learned institutions.
- Board of trustees. § 3. The persons herein named as corporators shall constitute the first board of trustees of said Englewood College and Chicago Female University, any eleven of whom shall have power to organize under this act, and shall constitute a quorum for the transaction of business.
- By-laws, rules, etc. § 4. The trustees of said Englewood College and Chicago Female University shall have power to adopt such by-laws and to establish such rules and regulations as may be necessary and proper for the purpose of fully and effectually carrying out the objects of said corporation hereby created, and may alter, amend or abolish the same at pleasure: *Provided, always*, such by-laws, rules and regulations shall not be inconsistent with the constitution and laws of the state of Illinois and of the United States.
- Common seal. § 5. Said corporation hereby created shall have power to adopt and use a common seal, and to alter and renew the same at pleasure.
- Number of trustees. § 6. The number of trustees of said Englewood College and Chicago Female University shall not exceed twenty-one, and the board of trustees, or any eleven of them, shall have the power and it shall be their duty, after their organization and within six months from the date of their organization, to provide for the time, place and manner of electing their successors, and of filling any and all vacancies that may occur from time to time, by death, resignation or otherwise.
- Power to consolidate. § 7. Said Englewood College and Chicago Female University shall have power to consolidate with the Rock River College Association; and while in the management, government and arrangement of said Englewood College and Chicago Female University, the great principles of christianity shall be recognized and at all times observed, yet it is expressly provided that the same shall not be sectarian in its character.
- Certificates of scholarship. § 8. Said corporation may issue certificates of scholarship, either limited or perpetual, upon such terms as the board of trustees and the party contracting for such scholarship may agree; and the benefit of said scholarship shall

inure to the holder thereof, his or her 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 such corporation.

§ 9. Said corporation is hereby authorized for the purpose of carrying out the objects of this act, to borrow money from time to time, at a rate of interest not exceeding ten per cent. per annum; and in case of any loan the board of trustees, in their corporate capacity, shall have full and ample power and authority to execute and issue such bonds or other obligations, and also all such securities by way of mortgage or otherwise, upon the property of said college and seminary, as may be requisite and proper for such purpose.

May borrow money.

Bonds may be issued.

§ 10. No spirituous, vinous or fermented liquors shall be sold, under license or otherwise, within one and one-half miles of said Englewood College and Chicago Female University, under a penalty of twenty-five dollars for each and every offense, to be recovered in an action of debt in the name of the county of Cook, and for the use of schools in said county of Cook, in the state of Illinois, before any justice of the peace of said county: *Provided, however,* this section shall not apply to any such liquors as may be sold within said limits for purely medicinal, mechanical or sacramental purposes.

Penalty for selling liquor.

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

APPROVED April 14, 1869.

AN ACT to incorporate the Geneseo High School and Commercial College. In force when adopted.

WHEREAS, by an act of the legislature of this state, therein was incorporated an institution of learning, known as "The Geneseo Manual Labor High School," the name of which was changed to that of "The Geneseo Seminary" by an act approved February 11th, 1853; and, whereas, said institution now owns certain real and personal property, situated in the city of Geneseo, in Henry county, that has not been for a long time used for the purpose for which it was intended, and is fast going to waste; now, therefore, for the purpose of saving said property and using the same for educational purposes, as originally contemplated,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory now included within the boundaries of the town-

Boundaries.

Name of school district.	ship of Geneseo, in the county of Henry, and state of Illinois, be and is hereby established a common high school district, to be known as "The Geneseo High School and Commercial College District."
Care of institution and funds.	§ 2. The government, care and superintendence of the said institution and of the funds and estate, both real and personal, belonging to, and which may be hereafter acquired by or conveyed to said institution, shall be vested in a board of three trustees.
Board of trustees.	§ 3. The following named persons, to-wit: Joseph A. Sawyer, Stephen T. Hume, and George E. Wait, shall compose the first board of trustees, until their successors are duly elected and qualified as hereinafter provided. It shall be the duty of said persons, or a majority of them, to assemble within ten days, or as soon thereafter as may be, after the passage of this act, in the city of Geneseo, and organize as such board of trustees, by electing one of their number president, and one as clerk of said board. They shall appoint a treasurer of said school district, and shall have all the powers, and be governed in all other respects by the provisions of this act, so far as the same may be applicable. The said trustees, or a majority of them, shall have power to fill vacancies in their number occasioned by declination, disqualification, resignation, death or removal from said school district.
When to organize.	
Vacancies—how filled.	
Terms of office.	§ 4. The persons composing said board of trustees, provided for in the preceding section, shall hold their office as follows: One of them until the first Tuesday of April, 1870; one of them until the first Tuesday of April, 1871, and one of them until the first Tuesday of April, 1872. The respective terms of office of the members of said board appointed and provided for as aforesaid, shall be determined by them at their first meeting by casting lots.
Election to fill vacancies.	§ 5. On the first Tuesday in April, A. D. 1870, and at the same time annually thereafter, an election shall be held to elect successors to those members whose terms of office are then expiring, and to fill all vacancies, if any, occurring in said board during the preceding year. The persons elected at such annual elections shall hold their offices for three years, or until the expiration of the unfinished terms which they have been elected to fill, as the case may be.
Power of trustees.	§ 6. The said board of trustees, or the remaining members thereof, shall have power to fill, until the ensuing annual election in said district, all vacancies in said board, occasioned by death, resignation, disqualification, failure to elect, or removal from said district, and to fill by appointment vacancies among the officers of said board, occasioned by any of the causes aforesaid. The members of said board and the treasurer appointed by them, shall, previous to entering upon their official duties, take an oath, in addition to those prescribed by the constitution of this state,
Oath of office.	

faithfully and impartially to discharge the duties of their respective offices to the best of their abilities.

§ 7. Notice of such annual elections shall be given in the same manner and by the same person now required for calling town meetings and the election of township officers, and said election shall be held at the same time and place that the election is held in said Geneseo township for the election of township officers. All who are voters now, or may hereafter be entitled to vote for township officers, shall be permitted to vote at the election of said trustees or upon the submission of any question herein provided for.

Notice of election.

§ 8. Said board of trustees is hereby created a body corporate and politic, by the name of "The Board of Trustees of the Geneseo High School and Commercial College," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places, contract and be contracted with, and have perpetual succession and a common seal, and the same may alter or change at pleasure. Said board may exercise, in the fartherance of the objects contemplated by this act, all the powers conferred on school trustees of townships or board of directors of school districts by any law now in force or that may hereafter be enacted. Said board shall have power to receive and hold, in their said corporate name, all real and personal property that may be conveyed, given or devised to it for said district, and in the said corporate name to dispose of and convey the same for the benefit of said district. All conveyances of real estate made by said board shall be executed and acknowledged by the president of said board, and attested by the corporate seal and by the signature of the clerk: *Provided*, that all such conveyances shall be authorized by a resolution of said board: *And provided, further*, that all sales, purchases and conveyances of the school buildings and grounds appurtenant thereto shall be first determined by a majority of the votes cast by the electors of said district upon the submission by said board of the question of such sale at an annual election, due notice having been first given, as provided in section seven of this act.

Body corporate and politic
Name and style.

Power of board.

Question of sale
to be voted on.

§ 9. Said board of trustees shall have the following additional powers: *First*.—It shall have power to establish, maintain and regulate a high school and commercial college, with the necessary departments, within said district. *Second*.—To prescribe, by regulations, the qualifications for admission into said institution and its respective departments of persons residing in said district, and also to provide for the admission into the same of persons residing without said district, upon such terms and payments for tuition as said board shall regulate; but in fixing the rate for those residing within the district, they shall take into

Additional powers.

Qualification for admission.

consideration the amount of taxes paid by the tax-payers of said district for the benefit of said school. And the said board may admit persons residing within the district free of charge: *Provided*, the electors of said district, upon the submission by said board of the question of whether or not the persons residing within the said district shall be taught free of charge, at an annual election, due notice having been given in the election notice, shall determine to do so by a majority vote. *Third*.—To erect, repair suitable buildings for the purposes of such institution, and to have control and custody of all the property of the same.

Buildings to be erected.

To adorn and improve grounds.

Fourth.—To buy site for erecting the necessary buildings thereon, with necessary grounds, and to adorn and improve the same.

Furniture, library, etc.

Fifth.—To furnish said institution with necessary fixtures, furniture, books, apparatus and libraries, and to provide for the proper care, protection and maintenance of the same.

Compensation and duty of teachers.

Sixth.—To employ teachers, determine their duties, and fix compensation to be allowed them, from time to time, either by a fixed salary or certain tuition fees, and at any meeting, all the members of said board being present, to dismiss such teachers, or any of them.

Branches to be taught, text-books.

Seventh.—To direct what studies and branches of learning shall be taught, and what text-books shall be used in said school and its several departments.

Regulations for government of high school

Eighth.—To establish departments, or different grades in said school, and to make all necessary rules and regulations for the admission and advancement of applicants and pupils, and for the government of said high school and its departments; to suspend or expel pupils guilty of disobedience or immoral conduct, or possessed of any infectious or contagious disease.

Agents and servants.

Ninth.—To appoint agents and servants to execute any matter conducive to the interests of said school district, and for their services to pay them a reasonable compensation.

May borrow money and issue bonds.

Tenth.—For the purpose of erecting such buildings and additions thereto, necessary for the use of said institution, and of repairing and improving the same, and purchasing real estate, libraries, apparatus and other objects contemplated by this act, or of paying indebtedness contracted therefor, it shall be lawful for said board to borrow money and to issue bonds therefor, in such sums as they may think best, bearing interest not exceeding ten per cent. per annum, which bonds shall be executed as provided herein, for the conveyance of real estate, and may be secured by mortgage on the real estate of said corporation, and also to levy annually, and have collected, in the same manner as other school directors for school purposes, a tax not exceeding one-tenth of one per cent. on the one hundred dollars assessed valuation of all the taxable property in the

Tax to be levied for school purposes.

school district hereby created, for ordinary school purposes, and the same rate for building purposes. It is, however, provided, that said tax shall be assessed separate, and be so kept and expended for the purpose for which it was contemplated.

§ 10. Said board shall hold regular meetings, and shall make, from time to time, all needful rules and regulations for its government and that of all officers and teachers, and for the control, care and management of the institution's funds and property. The clerk shall record the proceedings of all meetings, the result of all elections held under this act, and the rules and regulations of said board. The said record shall be signed by the president and attested by the clerk, and the same, or certified copies thereof, under the hand of said clerk, and the seal of said board, shall be *prima facie* evidence of the proceedings of said board and other facts therein contained, in all courts and places. The records shall be open to the inspection of tax-payers.

Regular meet-
ings.

Duty of clerk.

§ 11. Said board may make such rules concerning the duties of the treasurer and the disposition of the funds as are not inconsistent with this act; and it shall be their duty to require a sufficient bond, with securities, to be approved by said board. It shall be the duty of said treasurer to receive and keep all money due and payable to said district. He shall keep an accurate account of all moneys received and paid out by him, and shall pay out no moneys except on the order of said board, which order shall state for what purpose, and must be signed by the president of the board. He shall take and preserve vouchers for all moneys so paid out, and shall, once a year, or when required so to do by the board, settle his accounts with said board, and shall produce his books and papers to said board when required so to do.

Duty of treasur-
er to give
bond.

Treasurer to
settle with
board.

§ 12. The board of trustees of the "Geneseo Seminary," or a majority of them, are hereby authorized and empowered to convey and deliver to the board of trustees hereby created, for the uses and purposes herein contemplated, all the property, both real and personal, now in their possession or charge as trustees of the "Geneseo Seminary." And when said board of trustees of said "Geneseo Seminary" shall have made, executed and delivered, in due form, a conveyance to the said board of trustees, created by this act, of all such property, both real and personal, belonging to said "Geneseo Seminary," then said property, both real and personal, shall become vested in the board of trustees hereby created and their successors in office forever, for the use and benefit of the people of the town of Geneseo, in Henry county.

Board author-
ized to convey
land.

§ 13. Nothing in this act shall be construed as affecting the present organization of the common school districts in

Not to affect
com'n school
district.

said township, or the control and conduct of the same under the general laws of this state.

Act to be submitted to legal voters.

§ 14. The adoption of this act shall be submitted to a vote of the legal voters of said township at the next annual town meeting. The ballots on that subject shall be indorsed "For High School and Commercial College," or, "Against High School and Commercial College." If a majority of the votes cast at such election shall be "For High School and Commercial College," then this act shall be in full force and effect, otherwise it shall not go into operation.

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

APPROVED March 11, 1869.

In force March 27, 1869.

AN ACT to incorporate the Jennings Seminary, at Aurora, Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Quereau, Erasmus Q. Fuller, Caleb Foster, Samuel McCarty, Charles H. Reeves, William Brown, George B. Morse, Isaac Limbarger, John VanNortwick, Jacob Hoetman, W. C. Willing, Charles H. Fowler, W. S. Harrington, A. L. Sewell, Seth Terry, Wm. A. Smith, W. F. Stewart and Henry Panton, and their successors, are hereby constituted a body corporate, under the name of "The Jennings Seminary," for the purpose of maintaining a seminary of learning in Aurora, county of Kane; to remain and have perpetual succession, with powers to sue and be sued, to plead and be impleaded, to acquire, take, hold and use, in trust and otherwise, and to lease, convey and dispose of property, real, personal and mixed, in all lawful ways, for the promotion of the objects of this incorporation; to have and use a common seal, and alter the same at pleasure; to make and alter, from time to time, such by-laws, for the government of said institution, its officers and students, as they may deem necessary: *Provided*, they are consistent with the laws of this state and of the United States of America; and to confer such academical or honorary diplomas or degrees as are conferred by similar institutions.

By-laws.

Board of trustees.

§ 2. The persons named in the first section shall constitute the first board of trustees, of whom six shall hold office for one year, six for two years, and six for three years, in an order to be determined by lot. Their successors shall hold office for three years, and three of them shall be elected each year by the corporation, and three each year by the

annual conference of the Methodist Episcopal church within the bounds of which said institution is located. The trustees shall choose their own officers, make their own by-laws, hold office until successors are elected and qualified, and may fill vacancies until the next election; and five trustees shall constitute a quorum to transact business. The number of trustees may be increased to twenty four, to be elected in the same manner and for the same time as provided above.

§ 3. The property of this corporation shall be and remain free from taxation and assessment. Vacancies.
Exempt from taxation.

§ 4. This act is hereby declared to be a public act, and shall be in force from and after its passage.

APPROVED March 27, 1869.

AN ACT to incorporate the Jerseyville Academy.

In force March
31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Shephard, Oliver P. Powel, Benjamin Wedding, William H. Allen, Emmor Brinton, Phineas Eldridge, Archibald Craig, David R. Herdman, James H. Belt, Hugh N. Cross, George H. Jackson and Joel Cory, and their successors in office, be and are hereby created a body politic and corporate, under the name and style of "The President and Trustees of the Jerseyville Academy," and by that name and style to remain and have perpetual succession. The said academy shall be and remain in or within one-half mile of the city of Jerseyville, in the county of Jersey and state of Illinois. The number of trustees shall not exceed the number of twelve, one of whom shall be president and another secretary of the board, to be chosen by the trustees; and, under the above name and style, shall have power to make contracts, to sue and be sued, to plead and be impleaded, to answer and be answered unto in all courts and places, to grant and receive by its corporate name, and to do all other acts as natural persons may or could do; to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all moneys belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects of education; to have a common seal, and to change and alter the same at pleasure; to make such by-laws for its regulation as are not inconsistent with the constitution of the United States and of this state; to confer, on such persons as may be consid-

Corporators.

Name and style

Number of trustees.

General powers.

ered worthy, such academical or honorary degrees as are usually conferred by similar institutions.

Course of studies. of §. 2. The trustees of said incorporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said academy; to establish departments for the study of any and all the learned and liberal professions; to fix the rate of tuition and other academical expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, to displace and remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general regulation of the conduct of the students; and to make and pass such ordinances, rules and by-laws as they may deem necessary and expedient.

Corporators deemed trustees § 3. The before-mentioned corporators shall be deemed trustees of this incorporation until their successors are elected and qualified; and the board of trustees shall so arrange their number, by lot or otherwise, that four shall go out of office at the end of the first year, four at the end of the second year, and four at the end of the third year.

Vacancies. § 4. The trustees, in order to have perpetual succession, shall have power to fill all vacancies that may occur in said board from death, resignation or from any other cause, until the next regular election. A majority of the trustees shall constitute a quorum to do business.

Trustees to appoint treasurer. To give bond. § 5. It shall be the duty of the board of trustees to appoint a treasurer to the board from their own number or from the stockholders, who shall be required to give bond with sufficient security, as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him, and to hold his office for such time as the by-laws may prescribe.

Amount of shares. of § 6. The trustees aforesaid may cause to be opened books of subscription; may fix and limit the amount of each share and the number of shares, and may close the said books whenever, in their judgment, a sufficient amount shall have been subscribed for the purposes hereof; and the subscription to the same shall become binding when ten thousand dollars shall be taken, and shall be payable in installments, as said trustees may, from time to time, direct. And any subscriber failing to pay any installment or installments required shall, at the option of said trustees, forfeit his claim to said stock and all payments thereon. The capital stock of said corporation shall not exceed one hundred thousand dollars.

Stockholders to be members. § 7. Any person having a certificate for one or more shares of said stock shall be a member of this corporation, and shall be entitled to one vote for each share of stock,

bona fide, owned by him upon which all installments due are paid. Every stockholder owning two or more shares, sending a pupil to said institution, shall be allowed a deduction of ten per cent., annually, from the established prices of tuition, to be deducted, *pro rata*, from the tuition for each term. Said stockholders shall also be entitled to such dividends on their stock as the trustees may, from time to time, declare thereon.

§ 8. For the purpose of endowing the said academy, the trustees may issue and dispose of scholarships on such terms and conditions as may be agreed upon between them and the person or persons receiving the same. Scholarships.

§ 9. The sole object of said institution shall be the promotion of male and female education, and shall be open to all denominations of christians; and the profession of any particular religious faith shall not be required of those who become teachers or students of said academy. All persons, teachers or students whose habits are idle or vicious, or whose moral character is bad, or who refuse to obey the rules of the institution, may, however, be suspended or expelled from said academy by the trustees thereof. Open to all.

§ 10. All deeds or instruments of writing for the conveyance of real estate to the said corporation shall be made to "The President and Trustees of the Jerseyville Academy," and their successors in office, for the use of said academy; and all deeds and conveyances of land from said corporation shall be made by a majority of the trustees, sealed with the seal of said corporation, and acknowledged by the president in his official capacity. Deeds to be made to president and trustees.

§ 11. The property of said corporation, both real and personal, shall forever be and remain free from taxation. Exempt from taxation.

§ 12. The time for the first election of trustees shall be on the first Friday after the fourth [day] of July, A. D. 1870, and on the first Friday after the fourth day of July in each year thereafter; at which annual elections there shall be four trustees elected, who shall hold their office for three years and until their successors are elected and qualified. First election.
It shall be the duty of the secretary to give one month's notice of such elections for trustees, by posting up notices in at least five public places in the county of Jersey, and by publication in some weekly newspaper printed in the city of Jerseyville, for three successive weeks before said election. And the above named trustees and their successors, or any three of them, shall preside as judges of said election, and shall certify the same—which certificate shall be filed in the office of the secretary of the board, and, when so filed, shall be sufficient evidence, in all courts and places in this state, of the election and qualification of said board of trustees. Such elections shall be by ballot and by a majority of members or stockholders present; but a failure, at any time, to elect trustees on the day herein named Terms of office.
Notice of election.
Elections to be by ballot.

shall not work a forfeiture of this corporation, and in case of such failure, all qualified trustees shall hold their office until their successors are elected and qualified.

Trustees to report.

§ 13. The trustees, at each annual election, shall make and submit a report to the stockholders setting forth, particularly, the general condition of the academy and its finances, the character of the instruction imparted, the number of teachers and pupils, with an inventory of its property, and declare such dividends from the net proceeds and profits of its receipts or business as the state of the finances of said institution may warrant: *Provided*, that no such dividend shall ever be declared or made where its payment would embarrass the finances or efficiency of said institution.

Dividends, etc.

Stockholders' meetings.

§ 14. The trustees of said institution, or any ten stockholders, may call stockholders' meetings by giving notice thereof as above in this act required. The principal buildings, or the site of the same, shall not be sold by the trustees without the consent of three-fourths of all the stockholders, counting by shares in said incorporation.

§ 15. This act shall be a public act, and may be read in evidence without being specially pleaded, and shall be in force from and after its passage.

APPROVED March 31, 1869.

In force March 31, 1869.

AN ACT to incorporate the Lake Academy.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Henry W. Fuller, J. W. Smith, George Field, Allan C. Calkins, E. S. Wells, John E. Wilson, John Hayward, Fernando Jones, G. W. Bissell, Joseph W. Barker, R. F. Queal, H. M. Smith, and the other stockholders of said association mentioned in the foregoing preamble who have paid the amount of stock by them subscribed, and their successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Lake Academy," and by that name to have perpetual succession for the purpose of maintaining an institution of learning as herein contemplated.

Name and style.

May hold real and personal property.

§ 2. The corporation hereby created shall have power by its 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, sell and dispose of all such property belonging to said incorpora-

tion in such a manner as it shall seem proper for the promotion of the objects and interests of said corporation; to make, have and use a common seal, and to alter the same at pleasure, and to make and establish all such rules and regulations for the management of said institution as it may deem proper and not inconsistent with the laws of this state.

To make rules
and regulations.

§ 3. The business of the corporation shall be controlled by a board of trustees, consisting of five members, who shall be elected by the stockholders on the first Saturday in May, A. D. 1869, and annually thereafter, by a majority of the votes cast at such election. Said trustees shall elect one of their members president of said board, and one secretary, and also a treasurer; and the treasurer elect, previous to his entering upon the duties of his office, shall give good and sufficient security for the faithful performance of the same.

Board of trustees,
when
elected.

Secretary of
board.

Treasurer to
give bond.

§ 4. The aforesaid trustees shall employ teachers, and shall have power to confer honorary degrees and to grant diplomas.

Power to em-
ploy teachers.

§ 5. The capital stock of this association shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and each share shall, at all elections in reference to said academy, be entitled to one vote; said corporation may, from time to time, increase their stock subscriptions, at pleasure, to the extent of one hundred and fifty thousand dollars as aforesaid.

Limit of the
capital stock.

§ 6. The rules and regulations of said joint stock association, under the name of "The Lake Academy," and also its by-laws, which are not inconsistent with the act of this incorporation, shall be and remain in full force until the same shall be repealed by said incorporation.

Rules and
regulations of
association.

§ 7. The trustees of said Lake Academy, viz: Allan C. Calkins, Henry M. Smith, John Hayward, Joseph W. Barker and George W. Bissell, shall be and remain trustees of this corporation until their successors are elected and duly qualified.

Present trustees
to hold office
till successors
are elected.

§ 8. This act shall be considered a public act, and shall take effect from its passage.

APPROVED March 31, 1869.

In force June
19, 1869.

AN ACT to incorporate the Illinois Medical College.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That William P. Halliday, William W. Thornton, Samuel P. Wheeler, Daniel Hurd, Charles Galligher, P. W. Barclay, Horace Wardner, and their associates, be and they are hereby created a body politic and corporate, by the name and style of "The Board of Trustees of the Illinois Medical College," and by that name and style to have perpetual succession; the said institution to be located in the city of Cairo, county of Alexander, and state of Illinois. The object and purpose of said institution shall be to give instruction, by lectures and otherwise, in anatomy, surgery, physiology, obstetrics, pathology, chemistry, materia medica, and the theory and practice of medicine, to which may be added a hospital department, which, when organized, shall be taken and deemed part of said institution, the same as if said hospital department had been specially mentioned and included in this act of incorporation.</p>
Hospital department.	
Value of property limited to \$50,000.	<p>§ 2. The corporation hereby created shall have 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 and hold all such property, real personal or mixed, as may be necessary or convenient to carry out the objects of said corporation, not to exceed, at one time, the sum of fifty thousand dollars in value, real estate to be estimated at its cost when purchased; employ and dispose of all such property or money belonging to said corporation as to them shall seem meet for the promotion of the objects and interests of said corporation; to have a common seal, 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; to make, create and endow as many professorships as may be deemed necessary for the benefit of said institution; to appoint curators; to appoint any one or more of the medical faculty to take charge of and superintend the hospital department, and to confer on such persons, as may be found worthy, such honorary degrees as are usually conferred by similar institutions.</p>
To establish by-laws and regulations.	
May confer honorary degrees.	
Seven trustees to be appointed.	<p>§ 3. There shall be seven trustees, consisting of the above named William P. Halliday, William W. Thornton, Samuel P. Wheeler, Daniel Hurd, Charles Galligher, P. W. Barclay and Horace Wardner, who shall constitute a board of trustees, and shall hold their office during their life or good behavior. Whenever a vacancy occurs in said board of trustees by death, resignation or removal from the</p>
May hold office during life.	

state, the remaining trustees of said board, or a majority of them, shall have power to fill such vacancy or vacancies. The trustees shall have power to appoint one of their number president of the medical faculty, who, when so appointed, shall be, *ex officio*, president of the board of trustees. Said trustees, or a majority of them, shall have power to manage the affairs of the corporation.

§ 4. The trustees of said corporation shall have power to fix the rate of tuition and other expenses; to appoint instructors, superintendents and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, to displace or remove them; to purchase or erect necessary buildings; to purchase books, chemical, philosophical and such other apparatus, instruments and implements as may be necessary and suitable for said institution; to make rules for the general regulation of the students; to suspend or expel any student whose habits are idle and vicious, or whose moral character is bad, or who refuses to obey the rules of the institution: *Provided*, that no person shall be appointed by said trustees president of the medical faculty, or to any professorship therein, or as instructor, or superintendent of the hospital, who has not graduated at some reputable regular medical college and received his diploma as a graduate of said institution.

§ 5. The board of trustees may, from time to time, appoint and remove, at pleasure, a secretary, a treasurer, and such other subordinate officers as they may deem necessary, and may meet for the transaction of business as often as the president shall direct, or on the request of any three of said trustees, any four of whom shall constitute a quorum for the transaction of business. The trustees of the institution shall always, and all other agents when required, before entering upon the duties of their appointments, give bond for the security of the corporation, upon such conditions, and in such penal sum and with such securities as the board of trustees may approve. The secretary shall keep a record of the proceedings of all meetings of the trustees, and the treasurer shall keep an accurate account of all moneys received and paid out by him.

§ 6. Ten thousand dollars shall constitute the capital stock of said institution, to be hereafter increased to fifty thousand if deemed necessary by the trustees. Said trustees shall have power to commence, erect, complete, use and furnish any department of said institution, including the hospital department, whenever one thousand dollars of the capital stock shall have been paid in, and the said trustees shall have all necessary power to convert and use said money for the benefit of said institution.

§ 7. All rights, privileges and powers not herein enumerated, mentioned or declared, which may have been, or

Vacancies,
how filled.

To fix the rate
of tuition.

To make rules
and regulations.

Power to re-
move secretary
and treasurer.

Officers to
give bond.

Amount of
capital stock.

Anatomical
instruction to
be given.

at this time may be conferred upon or enjoyed by any medical institution heretofore or at this time incorporated by an act of the legislature of this state, shall be taken and enjoyed by this institution, including the privilege of anatomical instruction by dissections; said institution to be placed upon as favorable footing, in all respects, as the most favored medical institution heretofore or at this time incorporated by an act of the legislature of this state: *Provided*, that the corporation hereby created shall be subject to any future legislation.

APPROVED March 13, 1869.

In force March 25, 1869. AN ACT to incorporate the Mission and Industrial School of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That Jonathan Burr, Josiah L. James and Edward B. Galcott, and their successors, be and they hereby are constituted and created a body politic and corporate, by the name and style of "The Mission and Industrial School of Chicago," and by that name shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and possess all the powers, rights, privileges and authority necessary to a corporate existence, and to carry out the objects and purposes hereof.

For the instruction of poor children. § 2. The objects of this corporation is hereby declared to be to found, maintain, manage and conduct, in the city of Chicago, mission and industrial schools and free chapels for the education, proper training and improvement of poor children of said city.

Power of board of trustees. § 3. The corporators herein named are hereby declared to be a board of trustees of said corporation, with power to perpetuate said board of trustees by election of the same or a greater number, at such periods and in such manner as to said board of trustees shall seem best calculated to promote the objects hereof.

May purchase and hold real estate § 4. The said corporation shall have the power to purchase, receive, or in any way acquire and to hold, occupy, invest and improve, for the purposes and objects herein declared, both real and personal estate; and so much of the real and personal estate owned by said corporation as shall be necessary and requisite for the use and accommodation of such schools and chapels, shall be and at all times remain free and exempt from all taxation whatsoever.

Exempt from taxation. § 5. The said board of trustees shall have the power, from time to time, to make such rules, regulations and by-

laws, for the management of the affairs of the corporation, not inconsistent with the laws of this state, as they may deem best and proper, and to appoint and employ such agents and servants as they may deem proper. To make by-laws and regulations.

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

APPROVED March 25, 1869.

AN ACT to incorporate the Mount Vernon College.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel K. Casey, Willis Duff Green, Stephen T. Stratton, John S. Bogan, Charles T. Pace and their successors in office, be and they are hereby created a body corporate and politic, to be styled "The Mount Vernon College," and by that name to remain in perpetual succession, with power to contract and be contracted with, to sue and be sued, to hold all kinds of property, real, personal and mixed, which they may acquire by purchase, donation, demise or otherwise, and the same to dispose of and convey at pleasure; to make and alter by-laws for the government of the incorporation, its officers and agents, not inconsistent with the constitution and laws of the United States or of this state; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do for the purposes in this act. Corporators.

§ 2. The objects of this act of incorporation are to build up and maintain, in the town of Mount Vernon, in the county of Jefferson and state of Illinois, an institution of learning for males and females, to inculcate morality and for the promotion of the arts and sciences. Objects of the institution.

§ 3. The said institution shall be open to all persons, and no particular religious faith shall be taught therein or be required of those who become students. Not sectarian.

§ 4. The persons named in the first section, and their successors, shall be trustees of said institution, and shall have power to erect all necessary buildings; to appoint a president, professors and teachers, and any other agents and officers as they may think best for the purposes aforesaid; to confer degrees in the liberal arts and sciences, and do all other things for the encouragement of learning which are lawfully done by the most approved seminaries and colleges in the United States. Power of trustees.

§ 5. If any gift, grant, demise or bequest should be made to the corporation in accordance with the design of Gifts, grants, etc., how applied.

this institution, and the trustees shall accept the same, it shall be applied in accordance with the express conditions prescribed by the grantor, donor or demisor.

Appointment
of secretary and
treasurer.

§ 6. The trustees shall have power to appoint a secretary, treasurer, and to require bond with security from any officer or agent, conditioned for the faithful performance of the duties imposed upon them.

Trustees, how
appointed.

§ 7. The trustees shall hold their offices for such terms and shall receive their appointments in such manner as may be designated in the by-laws herein provided for, and may increase their number to nine.

To be exempt
from taxation.

§ 8. All property, real and personal, held by said institution for the purposes herein contemplated, shall be exempt from taxation.

To have a com-
mon seal.

§ 9. The said incorporation may have a common seal, and alter or change the same at pleasure.

§ 10. This act shall be a public act, and be in force from and after its passage.

APPROVED March 31, 1869.

In force March
29, 1869.

AN ACT to incorporate the People's University.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles H. Ray, William D. Sanders, D. P. Henderson, Enoch B. Stevens and Richard M. Johnson, shall be and they and their successors in office are hereby constituted a body politic and corporate, and shall have perpetual succession and a common seal, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state; and the corporators hereinbefore named are hereby declared trustees for the management of "The People's University."

Power to es-
tablish univer-
sity.

§ 2. For the purpose of promoting the cause of education and extending the sphere of science, the trustees herein named or their successors in office, are hereby authorized to establish and endow, in the city of Chicago, or elsewhere in Cook county, Illinois, a university to be called "The People's University," which may embrace departments, located together or separately, in which youth of both sexes may be educated in all departments of culture.

Name and style.

Power of trustees.

§ 3. The trustees of "The People's University" shall have full power, in their corporate capacity, to hold by gift, grant, devise, demise or otherwise, any lands tenements, hereditaments, moneys, rents, goods or chattels, of what

kinds soever they may be which may be given, granted, devised, demised or purchased by them for and to the use of the aforesaid university, and may sell and dispose of the same or any part thereof, or lease, rent or improve in such manner as they may think most conducive to the interests of said university; but the amount held shall never exceed one million of dollars.

Endowment limited.

§ 4. The trustees shall have power to make and establish such by-laws as they may deem necessary, not inconsistent with the constitution and laws of the United States or the constitution and laws of the state of Illinois, and may determine the number that shall constitute a quorum to transact business, and fix the number of meetings in each year. They shall also have power from time to time to increase their number, not exceeding thirty-seven members of the board in office at one time. They shall have also power to fill all vacancies which may occur in their body, define the qualifications of a trustee, and remove the same for sufficient cause; but a vote of three-fourths of all the members present at a regular meeting shall be required for such removal.

By-laws, rules and regulations

§ 5. The board of trustees shall have power to appoint one of their number regent of said university, and also presidents of the various departments, and professors of said university, as well as a secretary and treasurer of the board. The treasurer shall give bond in such sum as the trustees may require, for the faithful performance of his duties, and the trustees may require him to give a new bond at any time they may deem it necessary.

Regent, presidents and professors.

Treasurer to give bond.

§ 6. The trustees shall have power to establish a museum of arts and sciences, and in connection therewith to hold, either constantly or at stated times, a polytechnic exposition, open to the public as well as to the students of the university, on such conditions as the board may prescribe.

Museum of arts and sciences.

§ 7. The board shall never pervert "The People's University" to the use or exclusive control of any party or sect, and as a guarantee against any such perversion, not more than five of its members shall belong to the same religious organization. No sectarian or partizan test shall ever be held as a requisite for admission to any office or privilege of the university, but the trustees may accept from any church or individual any donation, subject to special conditions, and faithfully execute the same.

Not more than five to belong to any one religious denomination.

No test for admission requisite.

§ 8. The trustees and faculty may confer such literary honors as are usually conferred by universities, or such other honors as they may deem necessary.

Literary honors may be conferred.

§ 9. This act to be deemed a public act, and be in full force from and after its passage.

APPROVED March 29, 1869.

In force March
6, 1869.

AN ACT to incorporate the Quincy College.

Preamble.

WHEREAS, by donation of a number of benevolent individuals, certain property situate in the city of Quincy, Illinois, described as a certain tract of land bounded as follows, viz: beginning at the corner of Spring and Fourth streets, on the north side of Spring street and the west side Fourth street, running thence north to Oak street, thence west two hundred and fifty feet, thence south to Spring street, thence east to the place of beginning, with the buildings and improvements thereon, has been purchased and conveyed to Matthew Simpson and others, in trust for the Methodist Episcopal church, for the establishment of a permanent institution of learning in said city of Quincy, under the control and direction of the Illinois Annual Conference of the Methodist Episcopal church, and in trust, under such control and direction, for the use of or to be conveyed to any corporation thereafter to be created by the general assembly of the state of Illinois, for the purpose of the establishment of an institution of learning in said city of Quincy, under the control and direction of said conference; therefore,

Corporators.

Name and style.

Illinois annual
conference to
control it.

Location.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick W. Jansen, James G. Orr, John M. Eull, George Adams, John Burns, jr., Clark Chattin and John Crocket, their successors and assigns, are hereby created a body politic and corporate, by the name and style of "The Quincy College;" and by such name shall have perpetual succession and existence, with power to sue and be sued, to plead and be impleaded, to take, have, hold and use property, real, personal and mixed, by any mode of conveyance, devise, bequest or transfer, for educational purposes, and to lease, mortgage, sell or convey the same as a natural person; to make, have and use a common seal, and the same to alter and change at pleasure; to make and alter by-laws for the government of said corporation, its officers, agents and servants: *Provided*, such by-laws shall not be inconsistent with the laws of this state or of the United States.

§ 2. The objects and business of the said corporation shall be, to maintain, support and govern a college for the education of males and females, under the control and direction of the Illinois Annual Conference of the Methodist Episcopal church, and all money and property acquired by it shall be held and used exclusively for that purpose, and not as stock for individual benefit. The college shall be located at said Quincy, and the persons named in the first section hereof shall be trustees thereof, until a full board is organized as hereinafter provided. The corporation is

vested with power to confer such honorary and academical degrees as are usually conferred by similar institutions.

§ 3. The said trustees, or a majority of them, shall meet as soon as practicable after the passage of this act, and secure a conveyance of all the property mentioned in the preamble of this act, and shall then proceed to appoint a president from their number, and shall also appoint eight other trustees, who, together with the trustees hereinbefore named, shall constitute the permanent board of trustees, and said permanent board shall meet and organize at such time and place as said trustees herein appointed shall, at their aforesaid meeting, or at any adjourned meeting, prescribe. All of said trustees, including both those named in this act and those by them to be appointed, shall hold office for life, but any trustee may be removed by a vote of two-thirds of the whole board, at any regular meeting thereof; and the board shall appoint trustees to fill vacancies as they occur. Said board shall, by its by-laws, prescribe the time and place of its regular meetings, and the mode of calling special meetings, and may adopt any by-laws for the regulation of its own proceedings not inconsistent with law.

Meeting of
board of trustees.

Trustees to
hold office for
life.

§ 4. The said board of trustees shall have power to appoint the president, professors, teachers, secretary, treasurer, and all other officers and agents of said institution, and to fix their compensation and duties; to require bond and security from any appointee for the due performance of his or her duties; to dismiss or remove any of the appointees aforesaid at pleasure, and appoint or employ others in their stead; to prescribe the course of study, fix the price of tuition, board, rent of rooms, library and other necessary accommodations of pupils, and, in general, to govern and regulate the said college, subject to the dictation and control of the said conference.

Compensation
and duties of
officers.

To fix the price
of tuition.

§ 5. The property mentioned in the preamble of this act, having been purchased for and dedicated to the uses and purposes in said preamble set forth, it is hereby enacted and declared that neither said trustees nor said corporation shall ever have any power whatever, without a majority vote of all the members of said board, to be entered upon the records of said board in favor of the same, to sell, lease, convey, mortgage, alienate or encumber the same, or any part thereof, or any interest therein, or to create or permit the existence of any liability, for or on account of which, the same may be subject to sale under any judgment, decree or process of any kind, and said corporation shall have no power to receive any conveyance of said property, or any part thereof, from the present trustees thereof, or to hold said property or any part thereof, except in the capacity of a trustee of said property, for the uses and purposes set forth in the preamble of this act.

Power and
duty of trustees.

Majority to
concur in dispo-
sal of property.

May receive
gifts, grants, be-
quests, etc.

§ 6. Said corporation may receive gifts, grants, devises, bequests and conveyances of money or property, not only for its general purposes but for special purposes, accordant with the design of said institution, and the same shall be applied in accordance with the conditions of such gift, grant, devise, bequest or conveyance.

Property used
exclusively for
educational pur-
poses.

§ 7. The property mentioned in the preamble of this act, when conveyed to said corporation, and any other land contiguous thereto which said corporation may hereafter acquire, with all buildings and improvements now situate or hereafter to be situate thereon, while the same is actually used for educational purposes, shall be exempt from every species of taxation for state, county and municipal purposes, and shall remain so exempt so long as the same is used for the uses of education as aforesaid: *Provided*, that not more than five acres of land shall be exempt from taxation under the provisions of this section.

To be exempt
from taxation.

Five trustees
to constitute a
quorum.

§ 8. Any five or more of the trustees shall constitute a quorum for business at any regular meeting of the board, but two-thirds of the board, at least, must be present to constitute a quorum at any special meeting.

§ 9. This act is hereby declared to be a public act, and shall be admitted in evidence in all judicial proceedings without being specially pleaded, and shall take effect from and after its passage.

APPROVED March 6, 1869.

In force March
29, 1869.

AN ACT to incorporate the Rock Falls College.

Corporators.

Name and style.

Objects of the
college.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lot S. Pennington, Miles S. Henry, Abner L. Merrill, Richard Arey, James A. Patterson, and their associates and successors, are hereby created a body politic and corporate, by the name and style of "The Rock Falls College," with perpetual succession, and by that name may sue and be sued, plead and be impleaded in all courts; shall have a common seal, and may alter the same at pleasure.

§ 2. The object of said corporation shall be the establishment and maintenance of a college, for the education of youth of both sexes, in literature, science and arts. And said corporation shall be under the control and management of a board of trustees, to be elected by the stockholders in the same, so long as any stock shall be outstanding in the name of any parties, and thereafterwards by the

trustees themselves and the survivors thereof, in perpetual succession.

§ 3. Said board of trustees shall be not less than seven, nor more than fifteen, to be determined by the stockholders, at any annual meeting.

Board of trustees, their number.

§ 4. Said trustees shall elect one of their number president, and shall have power to make all necessary by-laws, rules and regulations for the government of the officers and agents of said corporation, elect a secretary and treasurer, and fix the compensation and bonds of each, appoint all professors, tutors and instructors, and fix the compensation and limit the power and authority of each, and prescribe the course of study to be pursued at said college, and generally shall have the control and management of all the financial and fiduciary concerns of said corporation.

Duty of trustees.

Officers—how appointed, their compensation.

§ 5. Said trustees shall select a site whereon to erect college buildings, either in the town of Rock Falls, in the county of Whiteside, and state of Illinois, or within one mile from the limits of said town, and with the available funds of said corporation shall proceed to erect suitable buildings for the accommodation of students at said college, and said corporation may take and hold in trust all funds, lands, tenements, goods and chattels which may be donated to the same for the purpose of aiding in the erection of suitable buildings, in the purchase of a library, cabinet, philosophical or chemical apparatus, the endowment of professorships or scholarships, and the same use or invest in accordance with the expressed will of the donor, and the same, and all the property of said corporation shall be free from taxation, for any purpose whatever.

Site for location of college.

Shall be exempt from taxation.

§ 6. The capital stock of said corporation shall be fifty thousand dollars, and the same shall be divided into shares of twenty-five dollars each, and said shares of stock shall not be liable to be assessed for any debts of said corporation; and dividends or surpluses arising on said stock, in the nature of interest or earnings, shall be devoted to the purchase of a library, or chemical, or philosophical apparatus for said college, and the only right said stockholders shall have shall be the right to vote for the election of the trustees of said college; and said stockholders may surrender their certificates of stock to said trustees to be canceled, and upon the surrender of said certificates said trustees, and the survivor and survivors thereof, shall have power to fill all vacancies in their said board.

Capital stock \$50,000.

§ 7. The said trustees shall have no pecuniary compensation for their services, and shall only be paid for their incidental expenses, all bills for which shall be submitted to be audited and allowed by auditors appointed annually from the stockholders, so long as there shall be any stockholders in said corporation; and thereafterwards to be select-

No compensation for services

ed from the citizens of said county of Whiteside by said board of trustees.

Books for subscription to be opened.

Election of trustees.

§ 8. The corporators herein named shall open books for subscription for said capital stock at such place as they may determine, and when the sum of fifty thousand dollars shall have been subscribed, and ten per cent. of the same paid in, they may appoint a time and place for the uniting of said subscribers for the purpose of organizing said corporation by the election of trustees, and the trustees elected by said subscribers shall have power to order the payment of the stock subscribed for at such time and in such manner as they may deem best for the interest of said corporation, and declare any payments forfeited to said corporation for non-payment of balance of subscription: *Provided, however,* that whenever any sum shall have been paid on such subscription by any subscriber equal to the par value of one share, or any number of shares, said trustees shall issue to said subscriber a certificate of stock for the number of shares paid up in full, and shall only have a right to declare the overplus, if any, forfeited; and the right to complete said subscription for the balance of said share or shares shall be sold for the benefit of said corporation, and the stock issued to the purchaser thereof, for a sum not less than their par value.

Power to confer degrees.

§ 9. Said trustees shall have power to receive and hold, in trust, endowments. Said trustees shall have power to confer degrees, issue diplomas, and other certificates of literary and scientific attainments.

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

APPROVED March 29, 1869.

In force March 26, 1869.

AN ACT to incorporate St. Angelos Academy.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Eliza Gallispie, Amatheron Salon, Alice Flynn, Jonah Flynn, and Julia Record, and their associates and successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of "St. Angelos Academy," and by that name and style shall have perpetual succession, and as such shall have power to sue and be sued, contract and be contracted with, and shall be recognized in all courts of law and equity in this state or elsewhere; may adopt a common seal, and renew or alter the same at pleasure, and do such other or further acts as may

be necessary to the successful prosecution of the objects for which said corporation is formed.

§ 2. The corporation hereby created shall have power to establish and carry on an institution of learning, for the education and culture of females, at Morris, Grundy county, Illinois, of which the incorporators named in the first section of this act shall constitute the first board of trustees, who shall hold their office until the first day of July, A. D. 1871, and until their successors are duly appointed and qualified. At that date, and every two years thereafter, a new board of trustees shall be appointed and hold their office until their successors are appointed and qualified. All vacancies in the board of trustees, by expiration of term of service or otherwise, shall be filled by appointment by the trustees of St. Mary's Academy, of St. Joseph county, Indiana, under whose patronage and direction said corporation is to be established.

Objects of the institution.

§ 3. The board of trustees of said corporation shall meet annually, at or near the close of the academic year, and at such other times as they may choose, or on call of the "Mother Superior," or at the request of three members of the board. Said trustees shall appoint a "Mother Superior," secretary, treasurer, and such other officers and agents as they may think necessary and proper for the management of said institution, and shall have power to make such by-laws as they may deem proper, prescribing the term of service and duties of such officers, and also for the proper management and control of said institution, not inconsistent with this charter or the laws of this state, which by-laws may be altered or changed at the pleasure of said board of trustees.

Board to meet annually.

§ 4. The board of trustees of said corporation shall have power to appoint a faculty for carrying on and management of the scholastic department of said institution, and such faculty, with the concurrence and consent of the board of trustees, may confer all such degrees as are usually conferred by academies of similar standing, and issue diplomas or certificates of the same, signed by the member of the faculty by which the degree is conferred, and authenticate the same with the seal of the corporation.

Board may appoint a faculty.

§ 5. The corporation hereby created shall have power to purchase and receive by donation, possess, sell, lease or otherwise manage or dispose of any lands, tenements or hereditaments that the board of trustees thereof may deem necessary and proper for the successful management and operation of said institution, and also any moneys, notes, stocks, subscriptions, goods, chattels, legacies, devises or other rights or property that they may deem fit and necessary for the purpose aforesaid.

Power to purchase land.

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

APPROVED March 26, 1869.

In force March 27, 1869. AN ACT to incorporate the Teachers' Institute and Classical Seminary, of East Paw-Paw, DeKalb county, Illinois.

Preamble.

WHEREAS an association, styled "The East Paw-Paw Educational Society," has been formed and now exists, for the establishment and maintenance of an institution of learning, known as "The Teachers' Institute and Classical Seminary;" and, whereas, D. D. McGibeny, J. O. Stanton, James Van Riper, S. N. Fish, M. D. Simeon, E. Hyde, Dr. G. W. Kittell, J. A. Adams, Rev. C. C. Breed and Dr. James Boardman have been elected and are now acting as trustees of said society, and have established, at East Paw-Paw, Illinois, and are now sustaining, said institution of learning; therefore,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That D. D. McGibeny, J. O. Stanton, James Van Riper, Dr. S. N. Fish, Simeon E. Hyde, Dr. G. W. Kittell, J. A. Adams, Rev. C. C. Breed and Dr. James Boardman, and their successors in office, are hereby created a body corporate and politic, under the name and style of "The Teachers' Institute and Classical Seminary," with perpetual succession, and power to sue and be sued, either at law or equity; to answer and be answered unto in all places; to have and use a common seal, and alter the same at pleasure; to take and hold real estate and other property, by purchase, gift, grant, devise or otherwise, for educational purposes only; to use, employ, manage and dispose of any or all such property and all moneys belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the cause of education; to make such by-laws, for its regulation, as are not inconsistent with the constitution and laws of the United States nor of this state.

Name and style.

Powers.

Property, how vested.

§ 2. That the title to the real and personal property, held by the above named corporators as trustees of the East Paw-Paw Educational Society, be and the same is hereby vested in the corporation created by this act; and all conveyances of property, real or personal, gift, devises or obligations, of any and every kind, made to the trustees of the East Paw-Paw Educational Society, shall be held, in law and equity in all courts and places, the same as if they had been made to this corporation according to the true intent of the parties—any informality to the contrary notwithstanding.

Object of institution.

§ 3. The object of said institution shall be to furnish both males and females with an English and classical education, and to prepare such as desire it to act as teachers of common schools.

Authority of trustees.

§ 4. The trustees of said incorporation shall have authority, from time to time, to prescribe and regulate a

course of study pursued in said seminary; to fix the rates of tuition, and other academical expenses; to appoint instructors, and such other officers and agents, and delegate to them such of their powers, as may be deemed necessary to manage the concerns of the institution; to erect necessary additional buildings; to confer upon such persons as, by examination, may be considered worthy, such academical or honorary degrees as are usually conferred by similar institutions; to make rules for the general regulation of the conduct of the pupils, and establish such ordinances, rules and by-laws as they may deem necessary; and may expel students for acts which they may deem misconduct.

§ 5. The stock of said corporation shall consist of shares of twenty-five dollars (\$25) each, and shall be considered personal property, and shall be transferable by assignments of certificate, on the books of the corporation, as the trustees shall prescribe. The capital stock of said corporation shall not exceed fifty thousand dollars (\$50,000), and such capital and its accumulation shall be used for the purposes of education, and for no other purpose.

§ 6. Any person holding one or more shares in certificate of the capital stock of this corporation or institution, shall be entitled to as many votes as he holds shares, either in person or by proxy, authorized in writing.

§ 7. All property, of whatsoever kind and description, belonging or appertaining to said seminary, shall be exempt from taxation from state, county and municipal purposes.

§ 8. There shall be an annual meeting of [the] stockholders in this corporation, on the last Saturday of June, of each year, for the purpose of business, and to fill vacancies in the board of trustees. In case it should happen that an election of trustees should not be made at the time herein specified, this corporation shall not, on account thereof, be dissolved or its rights forfeited, but the board of trustees shall have power to fill any vacancy or vacancies that may occur in the board, whether by death, resignation, inability to act or otherwise, at any meeting of the board.

§ 9. No gambling establishment, bagatelle or pigeon-hole, liquor or beer saloon, or any place of any kind for the sale of malt or spirituous liquors, as a beverage, shall be allowed within the distance of one mile of the seminary buildings at East Paw-Paw, DeKalb county, Illinois.

§ 10. Any person who shall open or keep or be in any way connected with such establishments, within the limits hereby provided, shall be liable to action before a justices' court, upon complaint of any two members of the board of trustees of said seminary; and, upon conviction, shall be fined twenty-five dollars (\$25) for the first offense, with

costs of suit, and for every subsequent offense, fifty dollars (\$50) and cost; and, upon failure to pay such fines, shall be imprisoned in the county jail for any term, not less than ten days nor more than ninety days, at the discretion of the court; said fines, when collected, to be disposed of as provided by general law for similar fines.

Election
trustees.

§ 11. The election of D. D. McGibeny, J. O. Stanton, James Van Riper, Dr. S. N. Fish, Simeon E. Hyde, Dr. G. W. Kittell, J. A. Adams, Rev. C. C. Breed and Dr. James Boardman, as trustees, and their election of president, secretary, and treasurer, as well as all other prior acts of said board, is and the same is hereby declared to be legal and proper, to all intents and purposes, as fully and in every respect as though the act of incorporation had been enacted prior to such election and action, and in accordance with its provisions.

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

APPROVED March 27, 1869.

In force March
4, 1869.

AN ACT to incorporate the Winetka Academy.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* As follows: Timothy Wright, Artemas Carter, R. M. Groves, Oliver W. Belden, David P. Wilder, B. Blake, O. S. Goss, Thomas Bassett, and James L. Wilson, and their successors, are hereby constituted a body corporate, by the name of "The Winetka Academy," for the purpose of establishing and maintaining a school for males and females, or either, in the village of Winetka, Cook county, with power to sue and be sued, to take and hold property, both real and personal, by gift, grant or otherwise, and to lease, grant and transfer the same for the purposes aforesaid; to have a common seal, and to change the same and their corporate names at pleasure.

Name and style.

Appoint board
of trustees.

§ 2. The estate and concerns of said corporation shall be managed by a board of nine trustees, to be appointed and elected as hereinafter mentioned.

Term of office.

§ 3. The persons named in the first section of this act shall constitute the first board of trustees, and shall hold their office for two years from the time this act shall take effect, and until their successors shall have been elected and qualified.

Capital stock

§ 4. The said corporation may have a capital stock of one hundred thousand dollars, divided into shares of one

hundred dollars each, and subscriptions therefor shall be binding when five thousand dollars thereof shall have been subscribed for; and when five thousand dollars of said stock shall have been taken as aforesaid, the trustees of said corporation shall order ten per cent. thereof to be paid in; and thereafter, whenever any of said stock shall be taken, the same proportion thereof shall be thereupon paid as may have been paid or ordered to be paid on the stock previously issued. And the said trustees may, from time to time, order other installments of said stock to be paid: *Provided*, that not more than fifty per cent. thereof shall be so ordered to be paid in any one year. In case of non-payment of any such installment for thirty days after due, the holder of such stock thus in default shall forfeit the same to said corporation.

When stock may be forfeited.

§ 5. Every person, holding a certificate for one or more shares of said stock, shall be a member of said corporation, and entitled to one vote for each share so held on which all installments are paid.

Who entitled to vote.

§ 6. The said trustees may make by-laws for said corporation, and may therein provide for the appointment of such other officers and agents of said corporation as they may see fit, and prescribe the manner of their appointment, term of service, compensation and duties, and may employ teachers, prescribe studies, fix salaries, issue and confer diplomas and degrees upon students, and do all other things necessary to accomplish the object hereby contemplated.

Compensation and duties of officers.

§ 7. On the first Monday of April, A. D. 1871, and annually thereafter, the stockholders of said corporation shall elect, by ballot, from their own number, nine persons, as trustees, who shall hold their office for one year, and until their successors are elected and qualified. The trustees of said corporation shall receive no pay or compensation for their services in that capacity.

Election of trustees.

§ 8. No spirituous, vinous or fermented liquors shall be sold, under license or otherwise, within the corporate limits of the said village of Winetka, after the school herein contemplated shall have been opened, except for medicinal, mechanical or sacramental purposes, under a penalty of one hundred dollars, to be recovered before any justice of the peace of said county, in an action of debt, in the name of the county of Cook: *Provided*, that so much of this act as relates to the sale of liquors may be repealed by the general assembly.

Prohibit sale of liquors.

§ 9. The property of said corporation shall be exempt from taxation, except for special assessments.

Property exempt from taxation.

§ 10. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED March 4, 1869.

In force March 8, 1869. AN ACT to amend an act entitled "An act to incorporate Abingdon College," approved February 13, 1855.

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 Abingdon College," approved February 13, 1855, be and the same is hereby so amended that the trustees of said college shall have full power and authority to establish, in connection with the said college, and as one of the departments thereof, a school of the bible; and to grant to each and every student, who may satisfactorily complete the course of study therein prescribed, a certificate of the fact, signed by the president of the college, and the professors of the school of the bible: *Provided*, that no degree shall ever be conferred in this department.

No degree to be conferred.

Election for trustees.

§ 2. That, at such time and in such manner as the board of trustees may appoint and publish, there shall be an election of thirty trustees, who shall be the legal successors to the board of trustees as now constituted. That every *bona fide* contributor to the college shall be entitled to one vote for each of said trustees, which may be cast in person or by proxy. That ten of the aforesaid trustees shall be elected to serve a term of two years, ten a term of four years, and ten a term of six years. That all vacancies occurring in this board, whether by death, removal, refusal to act, resignation or limitation, shall be filled in the manner prescribed for the first election herein provided for, until such time as the donors shall, by their vote, entrust the filling of vacancies to the board of trustees; after which the board shall elect its own members: *Provided*, the board shall be elected every six years—one-third every two years.

Conflicting sections repealed.

§ 3. That all sections and parts of sections, of the act to which this is an amendment, not in harmony with the provisions of this act, also so much of section 8 as relates to the publishing the meetings of the board, be and the same are hereby repealed.

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

APPROVED March 8, 1869.

In force March 28, 1869. AN ACT to amend an act to incorporate the Almira College, of Greenville, Bond county, Illinois, approved February 13, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the amount of endowment and property which may be held by

Endowments increased.

said corporation is hereby extended to five hundred thousand dollars, and that all the property of said corporation, held and used exclusively for school purposes, shall be free from all state, county and municipal taxation, as now provided in the act of incorporation of which this is an amendment.

§ 2. That the county of Bond, or the township in which Greenville is situated, may, and they are or either of them hereby empowered and authorized to vote such endowments to said college, at any time, as they or either of them may desire.

Bond county
to vote for en-
dowment.

§ 3. That section sixth of the act to which this is an amendment is hereby repealed; and that this act of amendment shall be in force from and after its passage.

Section sixth
of act repealed,
etc.

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to incorporate the Augustana College and Seminary," approved February 16, 1865. In force March 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section first of said act be so amended as to read "Augustana College and Theological Seminary."

Section first
amended.

§ 2. That section second of said act be so amended as to add the clause in or near the town of Paxton, Ford county, Illinois, the words, "or any other suitable place within the state of Illinois."

Section two
amended.

§ 3. That section six of said act be so amended as to add the words, "or any other literary and scientific degrees."

Section sixth
amended.

§ 4. That section eight of said act be so amended as to read, "one hundred thousand dollars."

Section eight
amended.

§ 5. This act to take effect and be in force from the date of its passage, and be deemed a public act.

APPROVED March 10, 1869.

AN ACT to amend an act entitled "An act to incorporate Blackburn Theological Seminary," approved February 13, 1857. In force March 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate name of the Blackburn Theological Seminary be changed and the same hereby is changed to that of "The Blackburn University." That all the rights, duties and obligations of the Blackburn Theological Seminary, together

Change of
name, etc.

with all such rights and privileges as are common to universities, including the right to confer all customary academic and honorary degrees in the arts and sciences, shall belong to and by this act are conferred upon the Blackburn university. And that the provisions of the fourth section of the act of February 17, 1851, entitled "An act for a theological and mineralogical survey of the state of Illinois," shall extend to and include the said Blackburn university as though the said university had been empowered to confer degrees in the arts and sciences at the time of the passage of said act.

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

APPROVED March 8, 1869.

In force March 31, 1869. AN ACT to amend an act entitled "An act to incorporate the Chicago Academy of Sciences," and to exempt its property from taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago Academy of Sciences, being an institution and school formed and maintained solely for the advantage and education of the public, it and its property and estate, of every name and description, are hereby declared to be exempt from all taxation.

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

APPROVED March 31, 1869.

In force March 26, 1869. AN ACT to amend an act entitled "An act to incorporate the Grand College of the state of Illinois of the Workingmen's Relief Society," approved February 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said corporation created by the act entitled "An act to incorporate the Grand Council of the state of Illinois of the Workingmen's Relief Society," approved February 16, 1865, and to which act this act is an amendment, shall have power to assess such initiation fee and such monthly, quarterly, or other necessary dues, respectively, as may be wanted for the purposes of carrying out the objects of said

Dues collected
by law.

corporations, respectively, and may [tax] its and their individual members, respectively, and collect the same by law.

§ 2. The said corporations mentioned in said section¹ of this act shall not, at any one time, hold personal property to a greater amount than fifty thousand¹ dollars, nor real estate to a greater amount than one hundred thousand dollars, each; the property belonging to the said corporations, respectively, shall not be appropriated otherwise² than for the benefit of said associations, respectively, and for the uses and purposes for which they are respectively founded.

Limit
amount of
of prop-
erty.

§ 3. The object of³ said corporations is hereby declared to be to unite the members thereof in a bond of brotherhood and mutual friendship; to minister to their wants in sickness and afford relief in their necessities⁴; to bury those that may die, and to provide for the widows and orphans of the members of said respective⁵ corporations, if needy; to raise funds to be given, after the death of any member, to the widow, heirs next of kin, or other party who may be entitled thereto under the by-laws of said respective corporations; and, generally, by all means within the control of said respective associations, to ameliorate the condition, both moral and physical, of the members of said⁶ associations, respectively, and their widows, orphans or others that may be entitled thereto under the by-laws.

For benevolent
purposes.

§ 4. The said corporations, respectively, shall have⁷ power to make, and, from time to time, alter, as the said respective corporations may deem proper and expedient, the by-laws of said respective corporations, declaring and containing the times and manner of election for officers of said respective corporations, and the number, names and duties of such officers, and such other provisions for the good government, general welfare, improvement and existence of said respective corporations, as the majority of the members of each corporation, respectively, may determine, not inconsistent with the laws of this state or of the United States.

By-laws.

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

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to incorporate the Hedding Seminary and Central Illinois Female College," [approved] February 9, A. D. 1857. In force March 15, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said corporation shall hereafter be known by the name and style of "The Hedding Seminary and Female College."

Name and style

Residence of
trustees.

§ 2. The nine trustees whose election is provided for in the second section of the act to which this act is an amendment shall reside in or near the city of Abingdon. Said trustees shall organize as a local board and shall transact all business necessary to carry out the objects of said incorporation which shall demand attention, at such times as the joint board can not be convened; and all such business transacted by said local board shall be binding on all the parties thereto, as if transacted by the joint board of trustees and visiting committee.

Acts of trustees valid.

§ 3. All business heretofore transacted in good faith by the aforesaid trustees, in the interest of said incorporation, or by a committee known as the executive committee, appointed by the joint board of trustees and visitors, be and hereby is declared valid and binding.

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

APPROVED March 15, 1869.

In force March
29, 1869.

AN ACT to amend an act entitled "An act to incorporate the Kankakee Male and Female Seminary," approved March 4th, 1867.

Change of name

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the said corporation is hereby changed from "The Kankakee Male and Female Seminary" to "St. Paul's School," and that by the last mentioned name, style and description said corporation shall hereafter be known, and exercise the powers, rights and privileges granted to it; and that whenever the name "Kankakee Male and Female Seminary" appears in said act to which this is an amendment, the words "St. Paul's School" shall be substituted therefor.

Degrees.

§ 2. That said corporation shall have power to confer degrees of scholarship.

Repeal.

§ 3. Section five of said act is hereby repealed.

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

APPROVED March 29, 1869.

AN ACT to reduce the law incorporating the Illinois Liberal Institute, and the several acts amendatory thereof, into one act and to amend the same, and for other purposes. In force March 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the charter of the Illinois Liberal Institute, approved February 15th, 1851, and the several amendments thereto, approved at different times, viz : January 26th, 1853, February 14th, 1857, and February 21, 1861, shall be so amended, changed and embodied as to read as follows : Acts amended.

§ 2. Alfred Knowles, David Sanborn, Benjamin Lombard, jr., Sidney Pulsifer, James S. McConnell, Lorentus E. Conger, Andrew Harrington, Daniel P. Livermore, George A. Charles, John L. Clay, Benjamin Lombard, William H. Ryder, Andrew Pingree, T. J. Hale, Edward R. Allen, their associates and successors, are hereby constituted a body corporate, by the name of "The Lombard University," and that they and all who shall be duly elected members of said corporation shall be and remain a body corporate, by that name, forever, and shall be the trustees of said university, with power to contract and be contracted with, to sue and be sued, to acquire property, by gift, grant bequest, devise or otherwise, and hold and convey the same, whether real, personal or 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. Corporators.
Name and style
General powers.

§ 3. The trustees of the said university are hereby authorized to receive all the real estate, goods, chattels, choses in action and property of every description whatever, which has heretofore been given, conveyed, purchased, bequeathed, devised or in any other way secured to the Illinois Liberal Institute, or to the Lombard University, with the intent and for the purpose of establishing and maintaining an institution of learning in Galesburg, Illinois, at which place the institution shall remain permanently located ; and all the said funds and estate, as well as all other property, real, personal and mixed, which may be received by them, or of which the said corporation shall be seized and possessed, shall be free from taxation, and shall be appropriated to the endowment of said university or of departments or professorships therein, or for purposes connected with the institution, in such manner as shall most effectually promote virtue and piety and the knowledge of such of the languages and of the liberal and useful arts and sciences, as shall be directed, from time to time, by the said corporation—they conforming to the will of any donor or donors in the application of any estate or property received— Duty of trustees
Location.

which may be given, devised or bequeathed for any particular object connected with the university.

Election
officers.

of

§ 4. The trustees shall have power to elect a president of their body, a secretary, treasurer, librarian and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and shall receive such compensation as the board may prescribe; also, a president for the government of the university, who shall be, *ex-officio*, a member of the board of trustees, and such professors, tutors, instructors and other officers of the said university as they shall judge most for the interest thereof; and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices, and to remove each or any of them when the interest of the university shall require it. They shall have full power and authority to determine at what times and places their meetings shall be holden and the manner of notifying the trustees to convene at such meetings. And they are further empowered to purchase or erect and keep in repair such houses and other buildings as they shall judge necessary for the said university; and, also, to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the constitution and laws of this state or of the United States, with reasonable penalties, for the good government of said university and for the regulation of their own body; and, also, to establish such departments of literature, science and the arts, of law, medicine and theology as they may deem necessary and the income of the university may allow, and to determine and regulate the courses of study in said departments; and, through the president of the institution, to confer, on such persons as may be recommended by the proper faculty or faculties, such academic, honorary or other degrees as are usually conferred by such institutions, and to grant suitable diplomas, which shall be signed by the president of the university and the secretary of the trustees, and shall have affixed thereto the seal of the university.

By-laws, etc.

Degrees.

Vacancies.

Number
trustees.

of

§ 5. They shall have power to fill all vacancies which may occur in their own board by death, resignation or expiration of the term of office or other cause, and to elect additional members thereto; but the tenure of their office and the manner of nomination and of election, and the number of which the board shall consist (which number shall not be less than twenty-one (21) nor more than the number of states in this Union), also, the number which shall constitute a quorum for the transaction of business, shall be determined by by-laws made by the trustees.

Trustees to
hold institution
in trust.

§ 6. The trustees shall also provide, at the said meeting, for the appointment of a board of visitors, the number to be determined by by-laws. And after the passage of this act, the authority of stockholders in the management of the

institution shall cease—it being understood that the institution is held in trust, for them and the public, by the trustees hereby made and provided for.

§ 7. The trustees shall maintain a preparatory department in connection with the institution so long as it shall be deemed necessary for the promotion of its interests, but shall, as soon as possible, separate it from the university proper by providing special accommodations and instruction for preparatory students. Preparatory department.

§ 8. The university in all its departments shall be open to all persons of suitable age and approved character, without distinction of sex; and no person shall be refused admission to or denied any of its privileges, honors or degrees on account of sex or the religious opinions which may be entertained, but any student may be suspended or expelled from the institution whose habits are idle or vicious or whose moral character is bad. Open to all persons of suitable age.

§ 9. 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; and the act and the amendments thereto, of which this act is an amendment and embodiment, are hereby repealed.

APPROVED March 8, 1869.

AN ACT to amend an act entitled "An act to amend 'an act entitled an act to incorporate the Lind University,' approved February 13th, 1857, and approved February 16th, 1865." In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all property, of whatsoever kind and description, belonging or appertaining to the Lake Forest University, shall be and forever remain free and exempt from all taxation for state, county or municipal purposes, excepting as is provided in section (13) thirteen of the said act, approved February 16th, 1865, of which this act is amendatory. Property exempt from taxation.

APPROVED March 25, 1869.

In force March 15, 1869. AN ACT to amend an act entitled "An act to incorporate the Metropolis College," approved February 22d, 1862.

Trustees may transfer money and other property.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall and may be lawful for the trustees of Metropolis College to transfer any money or other property in their possession, accumulated by said trustees, by virtue of the act incorporating said Metropolis College, approved February 22d, 1862, and to donate such money or other property to the school directors of district number one, in township sixteen south, range four east; and the said directors are hereby authorized to receive the same and apply the said money or property to the erection of a school building in said school district.

§ 2. This act shall be a public act, and shall take effect from and after its passage.

APPROVED March 15, 1869.

In force March 13, 1869. AN ACT to amend an act entitled "An act to incorporate the Monmouth College, in Warren county," approved February 16th, 1857, and an act amendatory thereof, approved February 18th, 1859.

Preamble.

WHEREAS, the general assembly of the state of Illinois did, in an act approved February 16th, 1857, create and establish, at Monmouth, in the county of Warren, and state of Illinois, 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, to be known and called by the name and style of "The Monmouth College;" and, whereas, the general assembly vested the power of appointing three-fourths of the trustees of said college in the synod of Illinois of the Associate Reformed church, and by an act amendatory to the act aforesaid, transferred the aforesaid appointing power to the synod of Illinois of the United Presbyterian church; and, whereas, it is represented to this assembly that it is desired by the synod aforesaid to associate with it, in the direction and control of the college aforesaid, the synod of Iowa of the United Presbyterian church, and to obtain the necessary amendments to the act aforesaid; therefore,

Rights and powers of trustees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the members of the senate, hereinafter provided for, of the collegiate seminary of learning established at Monmouth, in the county of Warren, in the state of Illinois, by an act of the general assembly, approved February 16th, A. D. 1857,

shall constitute the body politic and corporate described in the act aforesaid, by the name and style of "The Monmouth College," and the said members of the senate aforesaid, or their associates and successors, under the name and style aforesaid, shall have and exercise the rights, privileges and powers, all and singular, vested in the trustees of the aforesaid college, by the act aforesaid, in the manner and with the limitations provided in this act.

§ 2. Ivory Quimby, A. Y. Graham, I. J. Glenn, Thomas Johnston, sr., James Strain, Chauncey Hardin, David Graham and James G. Madden, under the name and style of trustees, and Marion Morrison, John Scott, Andrew Beveridge, Robert C. Matthews, John H. Nash, John M. Gordon, Robert W. McClaughry, J. A. Eadie, John H. Brown, J. R. McCalister, Draper Babcock, David McDill, James Thompson, John Turnbull, W. T. Moffett, A. C. Harding, Samuel Rankin, ——— Robison, M. D., Samuel Milton, Robert Ross, W. P. Pressly, under the name and style of directors, or their associates and successors, met together as provided hereafter in this act, are hereby constituted "The Senate of the Monmouth College," with the rights, powers and privileges herein granted.

§ 3. The said senate shall also have power to establish departments in the aforesaid college for the study of any and all learned and liberal professions. The said senate may also attach to said college an academical or preparatory department, and a female department.

§ 4. The said senate shall elect a treasurer, whom they may remove at pleasure, who shall give bond with approved security, payable to the senate, by its name aforesaid, 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 refusal to do so shall be subject to the like proceedings as are prescribed by law in case of county treasurer 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 order of the board of trustees or senate. The said senate shall elect a secretary, who shall keep the records of both the board of trustees and the senate, and perform such other duties as may be assigned him by the said board of trustees or senate. The said officers described in this section shall be known, the first as the treasurer of the Monmouth College, and the second as the secretary of the Monmouth College. The said senate shall also have power to determine the number of directors.

§ 5. The said trustees shall be nine in number, and shall be so arranged in three classes that one-third of their number shall go out of office in each successive year, at the time of their regular annual meeting of the aforesaid senate, and

as such vacancies occur they shall be filled by the said senate.

To constitute
a quorum.

§ 6. The president of the Monmouth College, and in his absence, the vice-president, shall be, *ex officio*, president of the board of trustees and of the senate; and the said president, with any four trustees, or any five trustees, without the president, shall constitute a quorum for the transaction of business. In the absence of the president, the trustees may appoint one of their own number as temporary chairman.

Action of
trustees to be
final.

§ 7. The said board of trustees shall have power to act on all references and appeals from the faculty of the college aforesaid, and their decision shall be final. They shall also have power to remove or suspend the president or professors and instructors or tutors, at any time, which act shall be final until reversed by the senate. They shall also have power to fill vacancies that may occur in the faculty or any other office of the aforesaid college not otherwise provided for, by *pro tem.* appointments, which shall expire at the meeting of the senate next ensuing.

May purchase
and hold prop-
erty.

§ 8. The said board of trustees shall have as full and complete power as the senate itself to purchase, receive and hold, to them and their successors forever, for the use and benefit of the said college, any lands, tenements, moneys, goods and chattels, of what kind soever, which may be purchased by, or may be devised or given to the said Monmouth college, and to loan, let, rent, sell, or otherwise dispose of the same, in such manner as shall seem to them most conducive to the advantage of the said college.

Number of
directors.

§ 9. There shall be not less than eighteen directors, and they shall be so arranged in three classes that one-third of their number shall go out of office each successive year, on the first day of January. One-half of such vacancies shall be filled by the synod of Illinois of the United Presbyterian church, and one-half by the synod of Iowa of the United Presbyterian church, at their annual meeting next preceding the first day of January on which such vacancies occur. The synods aforesaid shall have power to admit other bodies, civil or ecclesiastical, to participate with them in the direction and control of said college, and the bodies thus associated shall have power to determine what number of said directors each shall appoint. In case of the failure of any body thus associated to appoint the number of directors to which it may be entitled, it shall be the duty of the senate, at its meeting next following the first day of January at which such vacancies may occur, to fill the same. In case of the withdrawal of the aforesaid synod of Iowa, or any other body that may be associated with the aforesaid synod of Illinois, as herein provided, from participation in the management and control of the aforesaid college, all the rights, powers and priv-

When vacan-
cies occur, how
filled.

ileges which the aforesaid body may have enjoyed under this act shall revert to, and be enjoyed and exercised by the aforesaid synod of Illinois. Any nine directors met, with a quorum of the trustees, in accordance with a regular call, shall constitute a quorum of the senate for business.

§ 10. The said trustees and directors, when met for the exercise of the powers and functions of the senate, shall sit in joint session; but it shall require a majority of all the votes cast, by both trustees and directors, counted separately, to adopt any resolve, ordinance, order, statute, or act in relation to the finances of the college aforesaid: *Provided, however,* that a majority of the votes cast by all the members of the senate present shall be sufficient to elect any officer of said college, fill vacancies in the number of trustees or directors, and to adopt any resolve, ordinance, order, statute or act, respecting any other subject whatever, not pertaining to the finances of said college. The acts of the senate shall be in the following form or style: "Be it resolved by the trustees and directors of the Monmouth college, in senate assembled."

Trustees and directors to sit in joint session.

§ 11. Whenever any trustee shall absent himself for three successive regular 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 entering it on the minutes, to declare his seat vacant, and may elect a new trustee to fill such vacancy, who shall hold his office until the next meeting of the senate, who shall permanently fill the same.

Office of absent trustee vacated.

§ 12. The board of trustees shall meet when called by the president of the college, the faculty, or any two members of the faculty, or of the board of trustees, and it shall have power to fix the time and place of its regular meetings. The first annual meeting of the senate shall be held in the college chapel, on the Tuesday preceding the last Thursday of June, A. D. 1869, and shall have power to fix the time and place of its annual and other meetings thereafter. The said senate shall meet, when called by the president, the board of trustees, or the faculty.

Time and place of regular meetings.

§ 13. The president of the Monmouth College shall be chief executive officer of the same; he shall furnish the board of trustees and senate, and each body associated in the direction of the college, such information as they may require of him; he shall also have power to require of any officer, professor, or instructor, a full report concerning the condition of any department entrusted to him, and his opinion in writing concerning any question pertaining to the government, instruction or discipline of the said college, or any department thereof; he shall also make to the trustees and directors, or senate, at their annual meeting, a full report of the condition of the college, and recommend such action as he may judge fit and proper to

President the chief executive officer.

Full report at annual meeting.

To make rules
and regulations.

be taken by the said senate. The president aforesaid, together with such professors, instructors and tutors as the senate may designate, shall be styled the faculty of the Monmouth College, and shall have power to ordain, regulate and establish the courses and modes of instruction and education to be pursued in the said college, and shall have power to adopt and enforce such rules and regulations 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, or with the by-laws and ordinances of the senate; and such courses of study and education, and rules and regulations, shall remain in force until disapproved by the senate or board of trustees, and no longer. The said faculty shall have power, with the consent of the senate, to confer literary degrees on such persons as they may judge to merit the same, in as ample a manner as any other institution can do, and to sign and grant, under the seal of the college, testimonials thereof.

Amendatory
act.

§ 14. This act shall be deemed amendatory of the act of the general assembly approved February 16th, 1857, for the establishment and government of the Monmouth College; and all acts and parts of acts inconsistent with this act are hereby repealed.

Conflicting
acts repealed.

§ 15. This act shall be deemed a public act, and may be used as evidence without being specially pleaded, and without proof, and shall be in force from and after its passage.

§ 16. The corporate powers of Monmouth College shall continue to be exercised by the present officers thereof until such time as the powers herein granted shall take effect and go into operation.

APPROVED March 13, 1869.

In force April 17, 1869. AN ACT to amend an act entitled "An act to incorporate the Quincy College," approved March 6th, 1869.

Act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of the above mentioned act be amended by striking out of said section the following words: "Subject to the dictation and control of the said conference."

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

APPROVED April 17, 1869.

AN ACT to amend the charter of the University of Chicago.

In force March
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of the University of Chicago shall, at the next annual meeting of said board, be increased by the addition thereto of seven new trustees, making the full board of trustees, including the president of the university, number forty-three. Said board of trustees shall be divided into six classes, numbered respectively, first, second, third, fourth, fifth and sixth, and that at the next annual meeting of said board of trustees, said board shall elect seven trustees to succeed the class whose term of office then expired, to hold their office for the term of five years; and shall also elect seven other persons to complete the number of trustees above named, who shall hold their office for the term of six years; and at all subsequent annual elections of trustees of said university, the persons who shall be elected to succeed the trustees whose terms of office shall then expire, shall hold their office for the term of six years: *Provided*, that this act shall in no way affect the term of office of the president of said university.

Trustees divid-
ed into six clas-
ses.

Terms of office.

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

APPROVED March 30, 1869.

AN ACT to amend an act entitled "An act to incorporate the Virginia Seminary of the Cumberland Presbyterian Church," approved June 14, 1852, and an act amendatory thereof, approved June 1, 1857.

In force March
8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Wilson, Henry H. Hall, John Rodgers, Henry Freeman, Milton Berry, William Campbell, A. C. Crandall, J. B. Craft, Z. W. Gatton, and their successors, are hereby created a body politic and corporate, by the name of "Virginia Seminary of the Cumberland Presbyterian Church," and 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 acquire, hold, use and convey property, real, personal and mixed; to use a common seal, and the same to alter or change 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 contrary to this charter, and the constitution and laws of the United States or of this state.

Corporators.

Name and style.

Object's of the corporation.

§ 2. The object of the corporation shall be the establishment, support and government of a seminary of learning for the advancement of religion, science and the cause of education generally, under the control of the Sangamon Presbytery of the Cumberland Presbyterian Church.

Corporation vested with the rights of property.

§ 3. The corporation hereby created shall succeed to and be vested with all the rights of property vested in the Virginia Seminary of the Cumberland Presbyterian Church, and the Union College of the Cumberland Presbyterian Church, under and by virtue of the act entitled "An act to incorporate the Virginia Seminary of the Cumberland Presbyterian Church," approved June 14, 1852, and the act amendatory thereof, approved June 1, 1857; and all parts of the said acts inconsistent with the provisions of this act are hereby repealed.

Semi-annual reports of trustees.

§ 4. The board of trustees shall make to the said Sangamon Presbytery of the Cumberland Presbyterian Church, in writing, a semi-annual report, including all matters relating to the interests of the institution; and a failure, on the part of the board, to comply with the provision of this section, shall give full power to the aforesaid presbytery to nominate another board in place of the board thus failing to act.

Location.

§ 5. This said seminary shall remain located at or near Virginia, in Cass county, Illinois; and the persons named in the first section hereof, and their successors, shall be the trustees, one of whom shall be president of the board.

Power of trustees.

§ 6. The trustees shall have power to obtain and hold title, in the name of the corporation, to the land on which the buildings are now erected or may hereafter be erected; to appoint a president, and professors, teachers and instructors as the wants of the institution may require and the funds justify; to fix the compensation of the president, professors, teachers and instructors, and to dismiss or remove any one or all of them and appoint others in their places; to purchase furniture, books, maps, charts, globes, philosophical and other apparatus required in the business of instruction; to prescribe the course of study, fix the price of tuition, room-rent, and all other accommodations afforded to pupils; to adopt by-laws for the regulation of the duties of all persons employed in the institution, and the conduct of students and pupils. They shall also have power to dismiss from the institution all students or pupils who may violate the laws, or whose conduct may be immoral.

May hold and convey property.

§ 7. The corporation may receive or take, by any mode of conveyance or transfer of property, real, personal or mixed, and have, hold and use the same, together with the issues, rents and profits thereof, for the use of the institution and subject to the control and disposition of the trustees: *Provided, however*, that property or money donated to the institution for a special purpose shall, if accepted, be applied to such purpose.

§ 8. The trustees shall not, under any circumstances, encumber the property with debt, or any liability whatsoever; and if at any time, in the management of the institution, they shall make or contract a debt for which they have not available means belonging to the institution, they shall be individually and collectively liable for said debt.

To be individually liable for debts.

§ 9. The lot of land on which the buildings stand, not exceeding in quantity twenty acres, with the improvements thereon, and all the personal property of the corporation, shall be exempt from taxation for any purpose whatever.

Exempt from taxation.

§ 10. The said trustees shall have power to establish departments in the said seminary for the study of any or all the liberal professions, including the arts and sciences, and to grant diplomas, and to confer such academical or honorary degrees as are usually conferred by colleges or seminaries in which similar studies are pursued.

May confer honorary degrees.

§ 11. The said trustees shall hold a meeting at Virginia on or before the first Monday in April, next; appoint a president, secretary and treasurer of the board; and the president, at said meeting, [shall] divide the members of the board, including the president, into three classes, of equal number; and the time of service of those composing the first class shall expire in one year from said date; those composing the second class shall expire two years from said date; and those comprising the third class in three years from said date; so that the time of the service of one-third of the members of the board will expire and successors be appointed every year; and persons appointed to fill vacancies resulting from death, resignation or removal out of the state, shall stand on the class or classes of those who may thus have ceased to be members of the board, and their time of service limited accordingly.

Meetings, when and where held.

§ 12. Successors to trustees whose term of service shall have expired shall be employed of persons nominated by the Sangamon Presbytery of the Cumberland Presbyterian Church, who shall be appointed upon such nomination by the trustees in office; and all other vacancies occurring in the board shall be filled in like manner: *Provided*, that [if] the said presbytery should at any time fail to make nominations, the trustees in office shall make appointments, to stand and continue until said presbytery shall act in the premises.

Presbytery to nominate trustees.

§ 13. A majority of the board of trustees for the time being shall constitute a quorum for the transaction of ordinary business, but two-thirds of the board must concur in the appointment or removal of the president, and a majority of the whole board must concur in the appointment or removal of professors, teachers and instructors in the several departments.

Quorum to do business.

§ 14. The trustees shall make a semi-annual report to the Sangamon Presbytery of the Cumberland Presbyterian

Annual report.

Church, including everything pertaining to the interests of the institution.

Objects of the corporation.

§ 15. The object of the corporation is the establishment, support and government of an institution of learning for the advancement of religion, science and the cause of education generally, under the control of Sangamon presbytery; but should the institution, in the opinion of Sangamon presbytery, not receive sufficient patronage, so as to accomplish the object intended by the original donors, then the said Sangamon presbytery shall have full power, through the trustees, to cause the property to be sold and the proceeds to be applied to educational purposes, for the use and benefit of the said Sangamon presbytery, where they will be most likely to effect the said object.

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

APPROVED March 8, 1869.

In force March 30, 1869. AN ACT to amend an act entitled "An act to incorporate the Illinois Wesleyan University," approved Feb. 12th, 1853.

Endowment fund not to be diverted.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all funds, property or real estate that have been or may be acquired by the trustees of said Illinois Wesleyan University, by gift, donation or otherwise, for the endowment of said university, shall in no case be used or appropriated by said trustees for other uses or purposes than the endowment of said university; and it is hereby declared incompetent for said trustees to make any contract or agreement for the diversion or that will result in the diversion of any portion of the endowment funds of said university, from the uses and purposes intended by the donors of the same.

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

APPROVED March 30, 1869.

AGRICULTURAL.

In force March 25, 1869.

AN ACT to incorporate the Chicago Agricultural Works.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Gage, A. C. Hesing, John Woodbridge, jr., A. R. Corporators.

Lull and Robt. L. Fabian, their associates and successors, be and they are hereby incorporated into a body corporate, by the name and style of "The Chicago Agricultural Works," and by such corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, and to do all other matters and things necessary and expedient to protect and defend their corporate rights, and shall have a common seal, which they may change at pleasure, and may purchase and hold real estate, and may convey the same, either absolutely or by way of mortgage, as may be considered necessary. Any three of the corporators above named shall be sufficient to organize under this charter, and the corporators above named, so organizing, shall constitute the board of directors from the date hereof for the first year.

Name and style.

May hold and convey real estate.

§ 2. The said company shall have the right to manufacture and deal in agricultural implements and all other articles of a similar nature, and shall possess and enjoy all powers convenient or necessary to carry into effect this object or incident thereto; and for the purpose aforesaid, all necessary agents and servants to employ.

Manufacture of agricultural implements.

§ 3. The capital stock of said company shall be obtained by subscription and divided into shares of one hundred dollars, in such manner as the board of directors shall prescribe; and the several shares thereof shall be deemed personal property, and may be issued and transferred in such manner, and subject to such provisions and restrictions, as the board of directors may, by the by-laws, prescribe. The amount of said capital stock shall not be less than ten thousand dollars, and may be increased from time to time to one hundred thousand dollars, by vote of the board of directors.

Capital stock divided into shares.

Stock may be increased.

§ 4. All the corporate powers of said company shall be vested in a board of directors and such officers and agents as said board shall appoint. The said board of directors shall consist of not less than three nor more than five stockholders, who shall be chosen on the expiration of one year from the date hereof, and annually thereafter, by the other stockholders, each share having one vote, which may be given in person or by proxy; such directors to continue in office until their successors are elected and qualified. Vacancies occurring in the board of directors in any manner, either by death, removal or inability, or refusal to meet or act, may be filled by the remaining directors; such appointees to continue in office until the next regular election.

Board of directors, their number.

Vacancies—how filled.

§ 5. The said board of directors are authorized to make such by-laws as may be expedient and proper for the management and control of the business of said company, and to provide by the same for the cancelment of any subscription to the capital stock of said company, for the failure to

By-laws, rules and regulations.

pay any installment when called for, and also to declare a forfeiture to the company of any share or shares of stock, for default in the payment of any assessment duly made and declared upon the same.

Duties of officers, agents and servants.

§ 6. The board of directors may appoint, either from their own members or otherwise, such agents, and servants, and officers, and shall define their duties, as may be proper, and may discharge any of them at any time, and may require surety for the performance of their duties and may fix their compensation.

Meeting—notice of.

§ 7. The president and secretary, or any three of the directors, may call a meeting of the board of directors by reasonable notice in writing.

May execute bond for indebtedness.

§ 8. The said company, by its duly appointed agents, may execute any bond or instrument of indebtedness, and may become a party to any commercial paper, in the same manner and to the same extent that a private individual might do, so far as the same shall be necessary and expedient in the regular course of business of said company, and may hypothecate or mortgage any of its personal or real property for any obligation or indebtedness so entered into or assumed.

§ 9. This act shall be taken and considered a public act and shall become a law immediately on its passage.

APPROVED March 25, 1869.

In force March 30, 1869.

AN ACT to provide for recording certificates of life membership in the Coles County Agricultural Society, and to limit the time therefor.

Preamble.

WHEREAS, the records of the Coles County Agricultural Society, wherein were recorded the names of the holders of certificates of life membership in said society, have been lost or destroyed; and, whereas, the said society, has now no record of any kind showing who are the lawful owners of such certificates; therefore,

Board of directors to give notice for life membership.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of directors of the Coles County Agricultural Society be and they are hereby authorized to notify all persons, who claim to be entitled to life membership in said society, to make proof thereof before the secretary of said society, at his office at any time, not more than one year after the date of the first publication of said notice, and the secretary of said society is hereby authorized to administer oaths to all persons who appear before him to claim such life membership, and to examine such claimants, upon oath, touching their claim, as well as all witnesses they may produce in support thereof.

Secretary to administer oath

§ 2. After examining the evidence furnished by any claimant as to his ownership of a life membership in said society, if the secretary shall be satisfied from the evidence that such claimant is entitled to such life membership, it shall be his duty to record the name of such person, in a book to be provided by said society for such purpose, as a life member of said society, and to issue to such person a certificate of such membership, under his hand and the seal of said society, with the words "new series" written or printed prominently across the face of such certificate.

Secretary to keep a record of life members.

Certificates to be issued,

§ 3. In case more than one claimant for the same certificate shall appear before the secretary, it shall be the duty of the secretary to take down, in writing, all the testimony offered by all the claimants to such certificate, and lay the same before the board of directors of such society, at their first meeting thereafter; and it shall then be the duty of said board to determine, from such written testimony, which of the claimants is entitled to said certificate, and the secretary shall issue the certificate in accordance with the decision of said board.

Directors to decide conflicting claims.

§ 4. The notice provided for in the first section hereof, shall be made by publication, for not less than three months, in one or more newspapers printed and of general circulation in Coles county; and all persons claiming life membership in said society, who shall neglect to come forward and make proof of their claim as aforesaid, within one year from the date of the first publication of such notice, shall be forever barred from setting up any claim to life membership in said society, and the certificates owned by them shall be held and taken as surrendered by them to said society.

Notice given by publication.

§ 5. This shall be held to be a public act, and shall be in force from and after its passage.

APPROVED March 30, 1869.

AN ACT to incorporate the Jersey County Agricultural and Mechanical Association. In force March 2, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David E. Beatty, Morris R. Locke, Ezekiel Davidson, William Shepherd, Hugh N. Cross, Caleb A. Post, Lathrop L. Kirby, James E. Vanhorn, Archibald Craig, John H. Belt, Addison Greene, Jasper M. Terry and Charles Eldred, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The Jersey County Agricultural and Mechanical Association,"

Corporators.

Name and style.

May hold and convey property.

and by that name and style shall have perpetual succession, and shall, in law, be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, prosecuting and defending, in all manner of actions in law or in equity; and by that name and style be capable, in law, of purchasing or receiving, by gift, devise or otherwise, holding and conveying any real or personal estate, for the benefit of said corporation; may have a common seal, and alter the same at their pleasure; and may make such by-laws, rules and regulations as may be requisite for its government and for carrying out the objects of said corporation, not inconsistent with the provisions of this act.

Object.

§ 2. The objects of said association shall be to advance the interests and encourage the improvements of agriculture, horticulture and the mechanical arts.

Capital stock.

§ 3. The capital stock of said association shall be any amount fixed by the by-laws, not exceeding one hundred thousand dollars, to be divided into shares of twenty-five dollars each. Each share shall entitle the holder to one vote, to be cast in person or by proxy. Such shares shall be deemed personal property, and shall be assignable and transferable upon the books of the association: *Provided*, that no person, company or corporation shall at any time be allowed to purchase or hold a majority of the stock of said association.

Directors to manage affairs.

§ 4. The affairs of said association shall be managed by a president, vice-president and board of directors, the number of whom may be determined by the by-laws of said association; which said officers and directors shall be elected annually, at such times and in such manner as shall be determined by the by-laws of said association; and in case of any vacancy occurring in either of said offices, by death, resignation or otherwise, such vacancy may be filled by appointment of the board of directors, until the regular election of officers of said association. The board of directors shall have power to appoint a secretary and treasurer of said association, who shall hold their offices during the pleasure of the board. They may also, from time to time, appoint such other officers and agents as they may deem necessary.

Secretary and treasurer appointed by board.

Opening subscription books.

§ 5. Books for subscription may be opened at such times and at such places, in the county of Jersey, as the board of directors may prescribe. In case of the non-payment of any subscription to the capital stock or any part of the same, the association shall have power to declare forfeiture of such shares which shall not be paid up, and to sue for and recover and collect all delinquent payments.

May borrow money.

§ 6. The said corporation are authorized and empowered to borrow any sum or sums of money, not exceeding in the aggregate the sum of twenty-five thousand dollars, and to execute the bonds, obligations or mortgages of the

corporation therefor; which said bonds, obligations or mortgages, as well as all conveyances made by said corporation, shall be signed by the president and attested by the secretary, with the corporate seal of said association affixed.

§ 7. A certified copy of the records and official proceedings of said association, attested by the secretary, with the corporate seal of the association affixed thereto, shall be held and taken, in all courts and places, as sufficient and competent evidence of such records and proceedings.

Copy of record
deemed compe-
tent evidence.

§ 8. Said corporation shall have power to pass all necessary rules and regulations, as well as by-laws, for the suppression of riotous or other disorderly conduct and for the regulation of the general police of their fairs, held on the grounds of the association, and to prohibit the sale of all vinous, spirituous or malt liquors, during the holding of their fairs, upon the grounds of the association, and also within the limit of six hundred feet from said grounds; and all fines and forfeitures that shall be declared by any rule, regulation or by-law of said association as consequent upon a violation thereof, may be enforced by any justice of the peace of said county, in an action of debt, in a summary manner, upon complaint of the president, director, or other officer or agent of the association; such justice of the peace, upon complaint being made, as aforesaid, being hereby empowered to cause such offender to be arrested and brought to trial forthwith. And for the purpose of securing good conduct and order, during the holding of any fair of said association, or at any other time when the grounds of said association may be used for public purposes, the president or any director, officer or agent of said association, in addition to such fine as may be provided for such offense, may also expel such offender or offenders from the said grounds.

Suppression
of disorderly
conduct.

Prohibit the
sale of all
liquors.

Jurisdiction of
justice of the
peace.

§ 9. The board of directors shall have power to appoint a police force, who shall be authorized and empowered to arrest any and all persons violating any of the rules and regulations of said association, made for securing good order and behavior, and take them before any justice of the peace of said county, who shall hear and determine the case; and, if found guilty, such offender or offenders shall be subject to such penalty as shall be imposed by the rules and regulations of said association.

Police — their
duties and pow-
ers.

§ 10. The constitution and by-laws of the association now existing in said county of Jersey, and known as the Jersey County Agricultural and Mechanical Association, now in force, and not inconsistent with the provisions of this act, shall govern the corporation hereby created until the same shall be regularly altered or repealed by said association; and the present officers and directors of said association shall be the officers and directors of the corporation hereby created until their respective terms of office shall

Constitution
and by-laws to
govern associa-
tion.

expire or be vacated; and all the acts and proceedings of said association, done or had in their official capacity, are hereby declared to be valid and binding upon this corporation; and all purchases made by said association, or conveyances, are hereby confirmed; and all debts and liabilities incurred by said association, are hereby declared to be in full force and binding upon the corporation hereby created; and all property, real or personal, now owned and held by said association, is hereby declared to be fully vested in this corporation; and all subscriptions of stock in said association, heretofore made, shall be deemed and held as subscriptions to the capital stock of this corporation, and the collection of said subscriptions may be enforced in the same manner as provided in this act for subscriptions hereafter to be made to the capital stock of the corporation hereby created.

Collection of
subscriptions to
be enforced.

Amend, alter
and repeal by-
laws, etc.

§ 11. The said association shall have power to alter or repeal their present constitution and by-laws, and make, alter or repeal such [by-] laws as may be deemed necessary for carrying out the objects of said association.

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

APPROVED March 2, 1869.

In force when
certain condi-
tions are com-
plied with.

AN ACT to incorporate the Pana Agricultural Works.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. C. Helmick, W. S. Buel, J. Row Bullock, Wm. Elgan, M. Ohlman, W. T. Dobbs, J. W. Kitchell, E. H. Owen, A. C. Vandawater, G. P. Lawrence, S. M. Haywood, O. H. Paddock and O. H. Baldwin, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Pana Agricultural Works," 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 whatever.

Name and style.

Purchase, hold
and convey real
estate

§ 2. The said corporation may have and use a common seal, and alter and renew at pleasure; and are hereby vested with power to purchase, hold and convey real estate, not exceeding seventy-five thousand dollars in value, and to purchase and hold personal property; to give and receive promissory notes; to enter into and carry on the manufacturing of all kinds of agricultural tools and instruments which are or may be needed for use in the state of

Illinois, especially such as are used in plowing, planting, cultivating and harvesting our usual crops; and all kinds of castings, mill-gearing, etc.

§ 3. A majority of the corporators herein named may proceed to open books for subscription to the capital stock of said company, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed shall be entitled to one vote.

Subscription
books opened to
capital stock.

§ 4. 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 corporation and the prudent and efficient management of its affairs, and are hereby vested with all powers, privileges and immunities that are or may be necessary to carry into effect the purposes and objects of this act.

By-laws, rules
and regulations.

§ 5. The capital stock of this company shall be sixty thousand dollars (\$60,000), and may be hereinafter increased to one hundred and fifty thousand dollars (\$150,000), and shall be divided into shares of one hundred dollars (\$100) each, which shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe; and in the election of directors or other officers, and in all other matters or interests directed by the stockholders under the by-laws of this corporation, each proprietor or stockholder shall be entitled to as many votes as he holds shares, and have power to vote by proxy.

Increase of
capital stock.

§ 6. The said company shall have power to borrow money, and secure the payment of the same by deed of trust, bonds, mortgage or other security.

To borrow
money on deed
of trust.

§ 7. The affairs of the company shall be managed by a board of directors, at least five in number. After the first election as herein provided, the directors shall be elected by the stockholders at such time and place and in such manner as shall be established by the by-laws of said company. The directors of said company shall be elected annually; but any failure or omission to elect directors shall in nowise impair or affect the rights and powers of directors holding, or the rights or interests of the stockholders or others' interests.

Directors to
manage affairs.

§ 8. This act shall go into operation and continue in full force from and after one-fourth of the above named amount of stock is subscribed for and taken by stockholders, according to such regulations and on such terms as the above named corporators, or a majority of them, or the survivors of them, if any of them should die, shall propose and propound, in articles or by-laws enacted for that purpose; which by-laws shall not be subject to alteration or

This act to
take effect when
certain condi-
tions are com-
plied with.

repeal without the consent of two-thirds of the stockholders.

APPROVED March 4, 1869.

BANKS—INCORPORATED.

In force March
26, 1869.

AN ACT to incorporate the Aurora Bank.

Corporators.

Name and style.

Subscription
to capital stock.

Increase of
capital stock.

May borrow
money.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William W. Bishop, John R. Coulter, William Gardner, Silas Reynolds, Russell C. Mix, Thomas Judd, William V. Plum, Joseph Rising, Matthew N. Norris, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Aurora Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the town of Aurora, county of Kane, and state of Illinois.*

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each—which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans, (and in computation of time thirty days shall be deemed a month and twelve months a year), and to make such loans

payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase, sell or use real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois or the United States or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe-keeping as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

To loan on mortgages and deeds of trust.

May hold and convey real estate.

§ 5. Married women and minors may in their own name subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his heirs or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided also*, that no real estate [which] may become the property of said corporation, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Power to do banking business.

Alter and amend by-laws.

Property sold under deed of trust may be redeemed

Directors
elected annual-
ly.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of said county. Each share of stock shall be entitled to one vote, which may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation, or its officers may see proper.

Officers to be
elected.

Fall amount
of stock to be
paid in.

§ 8. Before said corporation shall do business the stockholders shall pay the several amounts subscribed, in full, and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed the actual value of the property of said corporation at the time of the issue of such increased stock.

Individual li-
ability of stock-
holders.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city of Aurora, in the county of Kane, and state of Illinois.

This act to be
void unless or-
ganized within
two years.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Director limit-
ed in amount
borrowed.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, for an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 26, 1869.

In force March
27, 1869.

AN ACT to incorporate the Adams County Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Wood, sr., M. M. Bane, Thomas Jasper, A. F. J. Prevost, Newton Flagg, Edward Wells, C. A. Savage, John Tillson, George V. Rutherford, and all such persons as shall become stockholders in the corporation hereby created, and*

their successors, shall be a body politic and corporate, by the name and style of "The Adams County Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Quincy, in the county of Adams, and state of Illinois.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation, in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans, payable either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to take securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages, or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it, by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, intended to circulate as money; and may secure the payment of any loans made

Name and style.

Capital stock to be subscribed

Amount of capital stock.

Shares deem'd personal property.

May borrow money and take deposits.

Computation of time.

May loan on deeds of trust.

Special regulations in regard to trust funds.

Property may be redeemed. to said corporation in any way the directors of said corporation may prescribe: *Provided*, that any real estate sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of this corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Women and minors may take stock. § 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

May purchase, hold and convey real estate. § 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale; to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust; and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state, or of the United States.

To alter and amend rules and by-laws. Board of directors to consist of five. § 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Officers to be elected. Stockholders to pay in full. § 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made, at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Individual liability of stock holders. § 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an

amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said city of Quincy, in the county of Adams, and state of Illinois.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of loan to director.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Beardstown Banking Company.

In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James C. Leonard, John A. Ames, Edward B. Leonard, George H. Nolte, Herman Englebath, Martin L. Read, Franklin A. Hammer, Frederick Ehrhardt, Henry T. Foster, Chauncey Rice, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Beardstown Banking Company;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the town of Beardstown, in the county of Cass, and state of Illinois. Corporators.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote. To open books for subscription.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be Amount of capital stock—and may be increased.

transferable on the books of the corporation, in accordance with the rules thereof.

May borrow money and receive deposits.

Computation of time.

May buy and sell negotiable paper.

May issue letters of credit and other commercial obligations.

Married women and minors may take stock.

May hold and convey real estate.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money, and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe: *Provided*, that any real estate sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of this corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans

and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States.

May purchase real and personal estate.

May make, alter and amend by-laws.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be employed or appointed as said corporation or its officers may see proper.

Board of directors to consist of five.

Election of officers.

§ 8. Before said corporation shall commence business, the stockholders shall pay at least twenty-five per cent. of the several amounts subscribed; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay 25 per cent.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said town of Beardstown, in the county of Cass, and state of Illinois.

Stockholders individually responsible.

Notice by publication.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

When this act shall be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by each director, in his own name, in good faith, as his own.

Indebtedness of directors.

§ 12. This act to be deemed a public act, and shall be in force from and after its passage.

APPROVED March 30, 1869.

In force March
30, 1852.

AN ACT to incorporate the Belleville Banking Company.

Corporators.

Name and style.

Open books for
subscription.

Amount of
capital stock.

May borrow
money and re-
ceive deposits.

May loan on
deeds of trust.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Reickert, Henry Abend, William H. Lynn, James W. Hughes, Peter Ginz, Jacob B. Reutehler, William H. Stewart, Frederick H. Pieper, William Kempff, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Belleville Banking Company," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Belleville, in the county of St. Clair, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars, each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans; and, in computation of time, thirty days shall be deemed a month and twelve months a year; and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person, or by the order or direction of any court or tribunal, or other legally

constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Letters of credit.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order, only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business; and to take and hold any real estate as security for and in payment of loans due or to become due to the corporation; and to purchase real and personal estate at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

Redemption of property.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Five directors.

Election of officers.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed,

Stockholders to pay in full.

in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Belleville, in the county of St. Clair, and state of Illinois.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of direc-
tors' indebted-
ness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

In force March
13, 1869.

AN ACT to incorporate the Bloomington Banking Institution.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Almon B. Ives, John N. Larrimore, George F. Dick, Lawrence Weldon and Reuben L. Davis, and their associates and successors, and all such persons as shall become lawful stockholders in the institution hereby created, are hereby constituted and shall be a body corporate and politic, by the name and style of "The Bloomington Banking Institution," and, as such, shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary officers and assistants, and may have and enjoy and exercise all the powers necessary to carry out the purposes of a banking institution, to be located in the city of Bloomington, in said state.

Name and style.

Open books
for subscrip-
tion.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said institution, and shall, at the same time, or thereafter, designate a time for the first election of trustees of said institu-

tion, by the subscribers to said stock; and each share of said stock shall be entitled to one vote.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to five hundred thousand dollars—to be subscribed and paid for in the manner prescribed by the by-laws to be framed by said institution; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said institution in such manner as its by-laws shall prescribe: *Provided*, that twenty-five per cent. of the capital stock shall be paid up before commencing business, and the same proportion of the capital stock shall be paid up whenever the same is increased.

Amount of capital stock.

§ 4. The stockholders herein shall be responsible in their individual property in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper, printed in said city, for the period of three months.

Stockholders responsible.

§ 5. The said institution shall have power to borrow money and receive money on deposit, and to loan money, either within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law, to private individuals, and to discount in accordance with the usages of banks; and to make such loans, payable either within or without this state, and to take such securities therefor, real or personal, or both, as the trustees or managers of said institution shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities; may have and hold coin and bullion, buy and sell the same; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal; may make such special regulation, in reference to trust funds, as shall be agreed upon with the depositors or parties interested; and may issue letters of credit and other commercial obligations.

May borrow money and receive deposits.

§ 6. It may be lawful for the institution hereby incorporated to purchase and hold such real estate as may be reasonably convenient, in the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of loans and debts due or to become due to said institution; to purchase real estate at any sale made in virtue or on account of any loan or mortgage or trust made to or held by or for said institution, or in which it is interested, and to receive and take, in satisfaction of any loan or debt, any real or personal estate, and to hold, use, improve and convey the same. Any real estate, sold

May hold and convey real estate.

under deed of trust or other conveyance, given as security, to said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, at any time within twelve months, by the payment of the full amount of debt and costs, with ten per cent. interest on same from the time of such sale: *Provided, also*, that no real estate which may become the property of said company, except such as may be reasonably necessary for the transaction of its business, shall be held by such corporation for a longer time than may be reasonably necessary to enable said corporation to sell or dispose of the same to advantage.

Three directors. § 7. The affairs of the institution shall be managed by a board of trustees, at least three in number. After the first election, as herein provided, the trustees shall be elected by the stockholders at such times, places and in such manner as shall be prescribed by the by-laws of said institution. The trustees of said institution shall be elected annually, but any failure or omission to elect trustees shall in nowise impair or affect the rights or interests of stockholders, depositors or others interested.

By-laws for its government. § 8. The trustees shall have the right to form all such by-laws as, in their judgment, shall be necessary for the government and management of the affairs and business of said institution: *Provided*, that they shall contain nothing inconsistent with the laws and constitution of this state or the United States.

Dividends to be declared. § 9. The trustees shall have the right to declare dividends out of the earnings of said institution.

When act to take effect. § 10. This act shall be a public act, and shall be in force and take effect from and after its passage.

Act, when void. § 11. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law, hereafter passed, on the subject of banking, trust or deposit companies.

APPROVED March 13, 1869.

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In force March
10, 1869.

AN ACT to incorporate the Carlyle Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George Gundlach, James Wightman, Frederick A. Leitze, Rufus N. Ramsey, Anton Hubert, Harvey P. Buxton, Thomas S. Smith, John McCabe, William A. J. Sparks, John Claibough, Henry Lampen and Robert J. Truesdale, and such as may become stockholders in the corporation hereby crea-*

ted, and their successors and assigns, shall be and they are hereby made a body politic and corporate, under the name and style of "The Carlyle Bank," with perpetual succession, and by that name may sue and be sued in all courts whatsoever; may have and use a common seal and change the same at pleasure. The capital stock of said corporation shall be fifty thousand dollars, but may be increased from time to time by a vote of the stockholders representing a majority of the capital stock; and the shares shall be one hundred dollars each, which shall be payable as may be required by the board of directors, and shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as its by-laws may prescribe.

Name and style.

§ 2. The affairs of this corporation shall be managed by a board of directors at least five in number, who shall be stockholders. The board of directors shall be elected annually, and the outgoing board shall give at least ten days' notice to all stockholders of such election, in such manner as the by-laws may provide. All elections shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him, her or them, and votes may be cast in person or by proxy. No stockholder shall be entitled to vote who is in arrears to the corporation, in the payment of the capital stock called for and due at the time of election.

Election of directors.

§ 3. This corporation shall have power to borrow money; to receive money on deposit and pay interest thereon; to loan money at any rate of interest not exceeding that allowed by law; to take real or personal property, as security for loans; to purchase, acquire, hold, use, possess and enjoy all such real estate and personal property and choses in action as may be deemed by the directors proper and necessary to carry on the business and accomplish the objects of the corporation, and for the promotion of its interests, and to sell, lease, convey and dispose of the same for like purposes and objects, and may make, ordain and enforce such by-laws, rules and regulations as it may deem proper for the regulation of the affairs of such corporation, not repugnant to the laws of the United States or this State: *Provided*, that no real estate which may become the property of this corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage; and that any real estate sold under deed of trust or other conveyance, given as security to said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, together with ten per cent. interest on the same, at any time within

May borrow money and receive deposits.

By-laws, rules and regulations.

Redemption of property sold under deed of trust.

twelve months of such sale: *And, provided, further,* that said corporation shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Minors and married women may take stock.

§ 4. Minors and married women shall have the right to deposit money with this corporation in their own names, and without their husband's or guardian's consent, receive certificates therefor, in their own names, and such deposits shall be subject to the owners only. All certificates or evidences of deposit, made by the proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

Open books for subscription

§ 5. The corporators named in section one of this act, or any three of them, shall open books for subscription of stock, at such time and place as they may appoint, giving ten days' notice thereof at least, in some newspaper published in Carlyle, Clinton county, Illinois: and when the amount of capital stock is subscribed and twenty-five per cent. thereof paid in, ten days' notice shall be given in such newspaper for the election of the first board of directors, who, when elected, shall elect one of their number president, one vice-president and one secretary, and thereupon they shall become fully organized under this act.

When act to take effect.

§ 6. This act shall take effect and be in force from and after its passage, shall be deemed a public act, and may be read in evidence without proof; and shall be liberally construed for carrying out the purposes and objects of the corporation hereby created: *Provided,* this company hereby incorporated, shall be subject to all future legislation, and said bank shall be located at Carlyle, in Clinton county.

APPROVED March 10, 1869.

In force March 29, 1869.

AN ACT to incorporate the Carmi Banking Company.

Corporators.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That John M. Crebs, John G. Powell, William Shipley, Yearby Land, George Williams and James R. Webb, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Carmi Banking Company," and shall have a common seal which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Carmi, in the county of White, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books
for subscription

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of
capital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans; and in computation of time, thirty days shall be deemed a month, and twelve months a year; and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans, by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities, and may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois, or of the United States or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money, and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

May borrow
money and re-
ceive deposits.

May loan on
deeds of trust.

Letters of
credit and other
commercial ob-
ligations.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Married wo-
men and minors
may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold

May hold and
convey real es-
tate.

any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter or amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption
of property sold
under deed of
trust.

Board of di-
rectors to con-
sist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stock to be
paid in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full, and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock, and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation, at the time of the issue of such increased stock.

Stockholders
held responsible

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said town of Carmi, in the county of White and state of Illinois.

When act to
be void.

§ 10. This act shall be void, unless said corporation shall organize and proceed to business within two years after the passage of this act.

§ 11. No director of said corporation, shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of indebtedness of director.

§ 12. This act shall be deemed to be a public act, and shall be in force from and after its passage.

APPROVED March 29, 1869.

AN ACT to incorporate the Central Bank.

In force March 31, 1869

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin Lombard, Samuel A. Briggs, Benjamin J. Sweet, James M. Dake, and Josiah L. Lombard, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "Central Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded and defend and be defended; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago in the county of Cook.

Corporators.

Name and style

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books for subscription

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to one million dollars, and shall be divided into shares of one hundred dollars each—which shall be deemed personal property, subject to taxation; and shall be transferable on the books of said corporation, in accordance with the rules thereof.

Amount of capital stock.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May borrow money and receive deposits.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and

May hold and convey real estate.

hold any real estate, as security for and in payment of loans and debts due or to become due to said corporation, and to purchase real and personal estate, at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same.

Board of directors to consist of five.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Election of officers.

Stockholders to pay in full.

§ 7. Before said corporation shall commence business, the whole capital stock shall have been subscribed for and the stockholders shall have paid the several amounts subscribed in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws, not inconsistent with the laws of this state or the United States.

Liability of stockholders.

§ 8. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Chicago.

Not considered a savings bank.

§ 9. Nothing in this act shall be construed so as to invest said corporation with power to do the business of a savings bank; and said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter.

When this act may be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of stockholders.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

§ 12. This act shall be deemed a public act, and shall be in force [and effect] from and after its passage. It is hereby expressly provided that any real estate, sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale. And it is also provided that no real estate, that shall become the property of the corporation hereby created, except such as shall be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Redemption
of property sold
under deed of
trust.

APPROVED March 31, 1869.

AN ACT to incorporate the Central Banking Company.

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin Lombard, Sammel A. Briggs, Benjamin J. Sweet, Joseph M. Drake, Josiah L. Lombard, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Central Banking Company," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of the said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books
for subscription

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation, in accordance with the rules thereof.

Amount of
capital stock.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial

May borrow
money and re-
ceive deposits.

cial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May hold and convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deed of trust.

Board of directors to consist of five.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually, by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 7. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full, and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make such rules, regulations and by-laws for its management as are not inconsistent with the laws of this state or the United States.

Liability of stockholders.

§ 8. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an

amount equal to the amount of stock held by them, respectively; and such liabilities shall continue until six months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Chicago, in the county of Cook, and state of Illinois.

§ 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter. Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own. Indebtedness of director.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Central Bank of Chicago.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John B. Rice, John F. Tracy, David Kreigh, Joseph S. Sharp, Frederick H. Winston, Horace A. Hurlbut, John B. Drake, W. M. Egan, Henry M. Smith, Joel D. Harvey, E. G. Wolcott, Silas M. Moore, H. M. Wilmarth, Philip Wadsworth, Charles Fargo, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Central Bank of Chicago," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity, and have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois. Corporators.
Name and style.

§ 2. A majority of the corporators herein named may proceed to open books of subscription to the stock of said company, and shall at the same time, or thereafter, designate a time and place for the first election of directors of To open books for subscription.

said company, by parties subscribing to the stock thereof; and each share of stock so subscribed shall be entitled to one vote.

Capital stock
to be subscribed

§ 3. The capital stock of said company shall be one million dollars, with power to increase the same to two millions of dollars, and shall be divided into shares of one hundred dollars, each; which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow
money and re-
ceive deposits.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money and valuables on deposit; and may also accept and execute all trusts which may be committed to it by any person or by the order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

Purchase, hold
and convey real
estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts, due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Property sold
under deed of
trust may be
redeemed.

Board of direc-
tors to consist of
five.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders; who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders
to pay in full.

§ 7. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed

in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make, alter or amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state, or of the United States.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until six months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said city of Chicago, in the county of Cook, and state of Illinois.

Stockholders individually responsible.

§ 9. Nothing in this act shall be construed so as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits or paying interest thereon, under penalty of forfeiting its charter.

Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of directors' indebtedness.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Central Illinois Banking Association.

In force March 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William Brown, Henry C. Wiswall, Francis E. Dayton, Lloyd W. Brown, Isaiah Strawn, Joseph Capps, Archibald C. Wadsworth, Elizur Wolcott, and Abraham C. Woods, and their associates and successors, and all such persons as shall*

Corporators.

become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "Central Illinois Banking Association;" and shall have succession, a common seal, with power to plead and be impleaded, to sue and may be sued, to appoint all necessary assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.

Name and style. **Object.** § 2. The general business and object of this corporation shall be to receive on deposit or in trust such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants, and others, to be repaid to such depositors, when required, at such times, with such interest, and under such regulations as the board of directors may from time to time prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

Nine directors. § 3. The business of the corporation shall be managed by nine directors; and the persons named in section 1 shall be the first directors thereof, and shall so continue until the first Monday in January, 1870, when their successors shall be chosen, as hereinafter provided.

Amount of capital stock. § 4. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, payable in such installments as the directors may from time to time elect, under such penalties as they may in their discretion adopt; and the directors are hereby appointed and authorized to superintend the subscription to the capital stock of the corporation; and it will be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed and at least twenty-five per cent. of it paid into the treasury.

May borrow and loan money and sell bills of exchange. § 5. This corporation may loan money, at any rate of interest not exceeding ten per cent. per annum, and may discount in accordance with bank usage, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks, and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes, for the purpose of a circulating medium.

May hold and convey real estate. § 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of any debt or debts due or to become due to the said corporation; to purchase real estate at any sale made in virtue of any loan, debt or mortgage, made or held by said cor-

poration, and to receive and take, in whole or part satisfaction of any such loan or debt, any real estate, and to hold and convey the same. No real estate, except such as may be necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage: *Provided*, that any real estate sold under deed of trust, or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs, as creditors, by payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale.

Real estate may be redeemed.

§ 7. The stockholders of this corporation shall meet on the first Monday in January, 1870, and annually thereafter, and elect by ballot from their number nine directors, to serve for the term of one year or until their successors are chosen. Each stockholder shall be entitled to one vote for every share of stock standing in his or her name on the books of the corporation, and they may vote in person or by proxy. The name of each stockholder so voting shall be indorsed on the ballot; and a plurality of votes shall elect. The directors shall elect, annually, from their number, a president, vice-president and secretary. The cashier may be selected from the stockholders, by the directors. The directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, not inconsistent with this act or with the laws of this state or the United States.

Election of officers.

Vote of stockholders.

Cashier.

To make rules and regulations.

§ 8. At any time after the full payment of the original stock of one hundred thousand dollars, as hereinbefore provided, the directors may, upon written petition of stockholders owning two-thirds of the capital stock, increase the capital stock of said corporation to any amount, not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional, *pro rata*, within such time as the directors may limit.

Increase of capital stock.

§ 9. When any deposit is made to said corporation by a minor, or by a female, being or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Deposits of minors or married women, how disposed of.

§ 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation; and no transfer shall be valid while he is indebted to the corporation.

Stock deemed personal property.

Duration of
corporation.

§ 11. This corporation shall exist for the term of fifty years, next succeeding the first of May, A. D. 1867, and shall be entitled to use all its corporate powers, rights and privileges for the period of three years thereafter, for the purpose of closing up its affairs. The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability until after the fact of such assignment and the name of the person to whom made and the amount of said stock shall have been advertised in some public newspaper printed in the county where the corporation is doing business and located, for the period of three months. This act shall be void unless such company shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Individual liability of stockholders.

Books to be
opened at Jacksonville.

§ 12. That the directors shall, within thirty days from and after the passage of this act, open a subscription to the capital stock of the corporation, at the banking house of the Central Illinois Banking Association, now doing business at Jacksonville, Morgan county, Illinois, upon a paid up capital of one hundred thousand dollars, divided into shares of one hundred dollars each, and each share entitling the owner thereof to one vote; and that, for thirty days from and after said subscription shall be so opened, the several stockholders owning a share or shares of the capital stock of said association, shall be severally entitled, in preference to others, to subscribe to the capital stock of the corporation hereby created, the same number of shares, whether one or more, of one hundred dollars each, as they may severally own and hold of the capital stock of said association, as shown by the books thereof; and that if within said thirty days subscriptions shall not be made to all the capital stock of this corporation by the stockholders of said association, as herein provided, then so much of the same as shall not be so subscribed may be subscribed by any other stockholder or stockholders of said association, within ten days from and after the expiration of said thirty days; and that from and after the expiration of said ten days, if not subscribed as herein provided, subscriptions may be made therefor to the capital stock by any other person or persons.

Preference given to subscribers of stock.

Vote to accept
charter.

§ 13. That if within thirty days from and after the opening of subscription, as provided in section 12, the stockholders of said association shall, at a meeting of stockholders, called for such purposes, by a vote of two-thirds of the shares of its capital stock, accept this charter, for and in behalf of said association, and by like vote shall order a general assignment of its properties, real, personal and mixed, and

of all the assets, of any and every nature whatsoever, to the corporation hereby created, that thereupon, or at any time within ten days thereafter, the directors of said association shall cause the proceedings of said stockholders' meeting to be entered upon their records, and proceed to take the vote of the board of directors upon the question of the acceptance of this charter, for and in behalf of the association; and if such vote shall be for such acceptance, then the vote shall be recorded in the record book of the actings and doings of said directors; and thereupon the corporation hereby created shall succeed to and be invested with and entitled to, legally and equitably, all the properties of said association and of Henry C. Wiswall, Archibald C. Wadsworth, and Francis E. Dayton, or either of them, the trustees thereof, in its behalf, real, personal and mixed, including all choses in action, money, gold and silver, and other coins, bullion, bonds, bills, promissory notes, national and other securities, stocks, policies of insurance, and all and every species of property, and all claims and demands and interests, of any nature whatsoever; and shall be responsible for any and every liability of said association, and of the trustees thereof, in its behalf, to depositors and creditors, and to any other person or persons whomsoever, and commence business. And the directors of said association, and the trustees thereof, or either of them, upon acceptance, as aforesaid, of this charter, may and shall severally do all acts, and make, execute and deliver to the corporation hereby created, such deeds, transfers and assignments, and other instruments in writing, under seal or otherwise, as may be proper in the premises; and may and shall deliver over to this corporation all the properties, effects and assets and choses in action, of any nature and kind whatsoever, of said association, and of the trustees thereof, or of either of them, in its behalf.

Proceedings to be entered of record.

Responsible to depositors and creditors.

All property delivered over to corporation.

§ 14. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

APPROVED March 8, 1869.

AN ACT to incorporate the Centralia Banking Institution.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Amos Clark, David H. McCord, William W. O'Melveny, John Zick, John C. Bohn, Phineas Pease, James Parkinson, Abraham Mitchell, and all such persons as shall become

Corporators.

stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Centralia Banking Institution;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Centralia, county of Marion, and state of Illinois.

Open books
for subscrip-
tion.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of
capital stock.

§ 3. The capital stock of said corporation shall be thirty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation, in accordance with the rules thereof.

May borrow
money and re-
ceive deposits.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation

May loan on
deeds of trust.

shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same, in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to its [care] by any person or persons, or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois or the United States or elsewhere; may make such special regulations in reference to trust funds or deposits, left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure

Letters of
credit.

the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

To make by-laws and regulations.

Redemption of property sold under deed of trust.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Five directors.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the

Individual liability of stockholders.

stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said city of Centralia, in the county of Marion, and state of Illinois.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of stockholder. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in good faith, as his own.

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

APPROVED March 27, 1869.

In force April
1, 1869.

AN ACT to incorporate the Chester Banking Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That H. C. Cole, J. B. Holmes, Jas. H. Watt, John R. Shannon, Robt. I. Harmer, J. P. Johnson, August Phillips, Hugh B. Nesbitt, Adolph Block, John T. McBride, Harvey Nevill, jr., Jas. P. Craig, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The.....;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Chester, in the county of Randolph, and state of Illinois.*

Open books for subscription. § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of capital stock. § 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall

be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe-keeping as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe: *Provided*, that any real estate sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale.

May borrow money and receive deposits.

May loan money on deed of trust.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may in their own name subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corpo-

May purchase real and personal estate.

May make,
alter and amend
by-laws.

ration may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled [to] one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or the officers may see proper.

Stockholders to
pay up in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said town of Chester, county of Randolph, and state of Illinois.

When this act
shall be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Stockholders'
indebtedness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED April 1, 1869.

AN ACT to incorporate the Chicago Banking Company.

In force March
29, 1892.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Eben F. Runyon, Andrew Nelson and Charles D. Peacock, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Chicago Banking Company," and shall have a common seal, which they may alter or renew at pleasure, power to plead and be impleaded, defend and be defended, in all courts of law and equity, and to have and exercise powers incident to corporate bodies. Said corporation shall be located at the city of Chicago, in the county of Cook.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscriptions to the stock of said corporation, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the capital stock thereof; and each share of stock, so subscribed for, shall be entitled to one vote.

Subscription
books opened to
capital stock.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Capital stock.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage, receive money on deposit, and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business exclusively to a commercial and exchange banking business.

May borrow
money and sell
bills of exchange

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate sold under deed of trust, or other conveyance held as security by said corporation, may be redeemed by the payment of the full amount of debt and costs, with ten per cent. interest on same, by the debtor, his, her or their heirs or creditors, at any time within twelve months after such sale:

May hold
and convey real
estate.

Provided, also, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Board of directors, their number. § 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation, or its officers, may see proper.

Stockholders to pay up in full. § 7. Before said corporation shall commence business, the whole of the capital stock of said corporation shall have been subscribed, and the stockholders shall have paid the several amounts subscribed in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make such rules, regulations and by-laws, as are not inconsistent with the laws of this state, or of the United States.

Stockholders responsible. § 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published in the said city of Chicago.

Not to be a savings bank. § 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank; and the said corporation, hereby created, is expressly prohibited from, in any way, announcing or advertising itself as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Indebtedness of director limited. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Commercial Bank of Cairo.

In force March
31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William P. Halliday, David T. Linegar, Myron C. Tucker, Patrick H. Pope, Fredoline Bross, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Commercial Bank of Cairo," and shall have succession, a common seal, with power to plead and be impleaded, to sue and may be sued, to appoint all necessary assistants, and may have and enjoy and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.

Corporators.

Name and style.

§ 2. The general business and object of this corporation shall be to receive on deposit, or in trust, such sum or sums of money as may from time to time be offered therefor by any and all persons whomsoever, to be repaid to such depositors when required, at such times, with such interest, and under such regulations, as the board of directors may, from time to time, prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

Object.

§ 3. The business of the corporation shall be managed by at least four directors; which number of directors may be increased by a vote of the stockholders; and the persons named in section one shall be the first directors thereof, and shall so continue until the first annual election of directors after the organization of the corporation, and until their successors are elected and qualified.

Four directors.

§ 4. The capital stock of said corporation shall be five thousand dollars, divided into shares of one hundred dollars each, payable in such installments as the directors may, from time to time, elect, under such penalties as they may, from time to time, in their discretion adopt; and the directors are hereby appointed and authorized to superintend the subscription to the capital stock of the corporation; and it will be competent for said directors, or a majority of them, to commence the business of the corporation when the full amount of stock shall have been subscribed, and at least ten per cent. of it paid into the treasury.

Capital stock.

Borrow money
and sell ex-
change.

§ 5. This corporation may loan money at any rate of interest not exceeding ten per cent. per annum, or may discount in accordance with bank usage, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks, and other securities.

May hold and
convey real es-
tate.

§ 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of any debt or debts, due or to become due to the said corporation; to purchase real estate at any sale made in virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold and convey the same. Any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, together with ten per cent. interest on the same, at any time within twelve months after such sale.

Meeting
board.

Election
officers.

§ 7. The stockholders of this corporation, after the organization, shall meet on the first Monday in January, and annually thereafter, and elect, by ballot, from their number, at least three directors, to serve for the term of one year, or until their successors are chosen; each stockholder shall be entitled to one vote for every share of stock standing in his or her name on the books of the corporation, and they may vote in person or by proxy; the name of each stockholder so voting shall be indorsed on the ballot, and a plurality of votes shall elect. The directors shall elect, annually, from their number, a president, vice-president and secretary. The cashier may be selected from the stockholders by the directors. The directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, not inconsistent with this act, or with the laws of this state.

To make rules
and regulations.

Stock may be
increased.

§ 8. At any time after the issue of the amount of the original stock of five thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock, *pro rata*, within such time as the directors may limit.

§ 9. When any deposit is made to said corporation by a minor or by a female, being or hereafter becoming a married woman, the such corporation may pay said depositors any sums of money due to them, and their receipt or acceptance shall be a legal discharge to said corporation therefor.

Deposits of
women and mi-
nors.

§ 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation, and no transfer shall be valid while he is indebted to the corporation.

Shares deem'd
personal prop-
erty.

§ 11. The corporation shall exist for the term of fifty years next succeeding the first of May, A. D. 1869, and shall be entitled to use all its corporate powers, rights and privileges, for the period of three years thereafter, for the sole purpose of closing up its affairs. The stockholders herein shall be responsible in their individual property to the amount of their stock, to make good all losses to depositors, or others, and no assignment of their stock shall release them from said liability until after the fact of such assignment, and name of the person to whom made, shall have been advertised in some public newspaper for the period of three months. This act shall be void unless said company shall organize and proceed to business within four years after the passage hereof. This corporation shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Duration of
corporation.

Stockholders
responsible, in-
dividually.

Act, when void

§ 12. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

APPROVED March 31, 1869.

AN ACT to incorporate the Commercial Bank of Mascoutah.

In force April
1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That P. H. Postel, Andrew Eisenmeyer, C. Lischer, E. Bagby, Geo. Swigard, G. C. Eisenmeyer, Nicholas Perring, Charles Kuntz, John Hines, George Reichard, Charles Leibiz, J. R. Padfield, Dr. W. Welsch, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Commercial Bank of Mascoutah," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise power incident to corporate bodies.

Corporators.

Name and style.

Said corporation shall be located in the town of Mascoutah, in the county of St. Clair, and state of Illinois.

Subscription to capital stock. § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount capital stock. § 3. The capital stock of said corporation shall be thirty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars, each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Borrow money and receive deposits. § 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans; and, in computation of time, thirty days shall be deemed a month and twelve months a year; and to make

Loan money on trust deeds. such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulation, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Letters of credit and other commercial obligations. § 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order, only.

Women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business; and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

Redemption of property sold under deed of trust.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay up in full.

Increase of capital stock.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said town of Mascoutah, in the county of St. Clair, and state of Illinois.

Stockholders' liability.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of stockholder. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED April 1, 1869.

In force March
29, 1869.

AN ACT to incorporate the Cook County Banking Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry W. King, Jedediah H. Lathrop, James Reynolds, Wirt Dexter, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Cook County Banking Association," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois.

Opening subscription books. § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount capital stock. § 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to three hundred thousand dollars; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Borrow money and sell exchange. § 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall

confine its business, exclusively, to a commercial and exchange banking business.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the said corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of the corporation hereby created, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Five directors.

§ 7. Before said corporation shall commence business, the full amount of said capital stock shall have been subscribed and the stockholders shall have paid the several amounts subscribed in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws not inconsistent with the laws of this state or of the United States, and may repeal, alter and amend the same.

Stock to be paid in full.

Stock may be increased.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock, and publication of a no-

Stockholders' liability.

tice thereof, in a newspaper published at the said city of Chicago.

Not to be a savings bank. § 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank, and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, and from paying interest on deposits, under penalty of forfeiting its charter.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of director. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 29, 1869.

In force March 24, 1869.

AN ACT to incorporate the Danville Banking Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John L. Tinscher, Joseph G. English, Levin T. Palmer, Victor Leisure, Hiram W. Beckwith, Marquis D. Hawes and James H. Woodbury, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Danville Banking Company," and shall have succession; a common seal, with power to plead and be impleaded; to sue and may be sued; to appoint all necessary assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.*

Objects of the corporation. § 2. The general business and object of this corporation shall be to receive, on deposit or in trust, such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants and others, to be repaid to such depositors when required, at such times, with such interest and under such regulations as the board of directors may, from time to time, prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

§ 3. The affairs of the company shall be managed by a board of directors, of at least five in number, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in the corporation. The election of such directors shall be had by the stockholders when thirty thousand dollars shall have been subscribed to the capital stock of said corporation, and ten per cent. paid thereon; and three of the corporators herein named shall be commissioners to open books for subscription. The office for the transaction of business shall be located at Danville, Vermilion county, Illinois.

§ 4. The election of directors shall be held annually, at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot; and the number of shares owned by each stockholder shall be indorsed on the ballot, by the person or persons who may receive the same; and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of stock standing in his or their name, on the books of the corporation, and he or they may vote in person or by proxy; and omission or failure to elect directors shall not, in anywise, impair the rights of stockholders, depositors or others interested, and the directors in office shall hold over until their successors shall have been elected.

§ 5. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, payable in such installments as the directors may, from time to time, elect, under such penalties as they may in their discretion adopt; and the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation; and it shall be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed and at least ten per cent. of it paid into the treasury.

§ 6. This corporation may loan money at any rate of interest, not exceeding ten per cent. per annum, or may discount in accordance with bank usage, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes, for the purpose of a circulating medium.

§ 7. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment

Board of directors to consist of five.

Annual election of directors.

Capital stock.

Borrow money and sell bills of exchange.

May hold and convey real estate.

Redemption
of property sold
under deed of
trust.

of any debts due or to become due to the said corporation ; to purchase real estate at any sale made in virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold and convey the same. Any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the debt and costs, together with ten per cent. interest on same, at any time within twelve months after such sale.

Election of
officers.

§ 8. The directors shall elect, annually, from their number, a president, vice-president and secretary. The cashier may be selected from the stockholders by the directors. The directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, not inconsistent with this act or with the laws of this state or of the United States.

Increase of
capital stock.

§ 9. At any time, after the full payment of the original stock of fifty thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount, not exceeding five hundred thousand dollars, in shares of one hundred dollars each ; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock *pro rata*, within such time as the directors may limit.

Deposits by
minors or
women, how
disposed of.

§ 10. When any deposit is made with said corporation by a minor or by a female, being or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Stock deemed
personal prop-
erty and trans-
ferable.

§ 11. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation ; and no transfer shall be valid while he is indebted to the corporation.

Liability of
stockholders.

§ 12. This corporation shall exist for the term of fifty years next succeeding the first of May, A. D. 1869, and shall be entitled to use all its corporate powers, rights and privileges, for the period of three years thereafter, for the sole purpose of closing up its affairs. The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others ; and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper, printed in the county where the corporation is doing business and located, for the period of three months. This act shall be void unless said company

Act, when void.

shall organize and proceed to business within two years after the passage hereof. The said company shall be subject to the provisions of any general law, hereafter passed, on the subject of banking, trust or deposit companies.

§ 13. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice; and shall take effect on and after its passage.

APPROVED March 24, 1869.

AN ACT to incorporate the DeKalb Banking Company.

In force March
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lewis McEwen, Chauncey W. Braughton, Aaron K. Stiles, William A. Miller, Harvey Thompson, Isaac L. Ellwood, Elzey P. Young, Charles W. Marsh and Rufus Hopkins, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The DeKalb Banking Company," and shall have succession, a common seal, with power to plead and be impleaded, to sue and be sued, to appoint all necessary assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute all the purposes and intents of a loan and trust corporation.

Corporators.

Name and style.

§ 2. The general business and objects of this corporation shall be to receive, on deposit or in trust, such sum or sums of money as may, from time to time, be offered therefor by tradesmen, merchants, clerks, laborers, servants and others, to be repaid to such depositors when required, at such times, with such interest and under such regulations as the board of directors may, from time to time, prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

Object.

§ 3. The affairs of said company shall be managed by a board of directors, of not more than seven nor less than five in number—and a majority of said directors shall constitute a quorum for the transaction of business—who shall be stockholders in the corporation. The election of such directors shall be had, by the stockholders, when thirty thousand dollars shall have been subscribed to the capital stock of said corporation and ten per cent. paid thereon; and the first three of the corporators herein named shall be commissioners to open books for subscription. The office

Appointment of
board directors.

of the company for the transaction of business shall be located in DeKalb, DeKalb county, Illinois.

Annual election
of officers.

§ 4. The election of directors shall be held annually, at the office of the corporation, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the number of shares owned by each stockholder shall be indorsed on the ballot by the person or persons who may receive the same; and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of stock standing in his or their name, on the books of the corporation; and he or they may vote in person or by proxy. Any omission or failure to elect directors shall not, in anywise, impair the right of stockholders, depositors or others interested; and the directors in office shall hold over until their successors shall have been elected.

Amount of
capital stock.

§ 5. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, payable in such installments as the directors may; from time to time, elect, under such penalties as they may in their discretion adopt; and the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation; and it shall be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed and at least ten per cent. of it paid into the treasury.

Loan money
on real or per-
sonal property.

§ 6. This corporation may loan money at any rate of interest, not exceeding ten per cent. per annum, or may discount paper in accordance with bank usage, taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank notes, government stocks, and other securities; but nothing in this act contained shall confer on said corporation the right to issue notes similar to bank notes, for the purpose of a circulating medium.

May hold and
convey real es-
tate.

§ 7. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for the payment of any debt or debts due or to become due to the said corporation; to purchase real estate at any sale made in virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold and convey the same. Any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, by his, her or their heirs or creditors, by the payment of the debt and

Property sold
under deed of
trust may be
redeemed.

costs, together with ten per cent. interest on the same, at any time within twelve months after such sale.

§ 8. The directors shall elect, annually, from their number, a president, vice president, and secretary. The cashier may be elected from the stockholders by the directors. The directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, not inconsistent with this act or with the laws of this state or of the United States.

Election of officers.

§ 9. At any time after the full payment of the original stock of fifty thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount, not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock *pro rata*, within such time as the directors may limit.

Increase capital stock.

§ 10. When any deposit is made with said corporation by a minor or by a female, being or hereafter becoming a married woman, the said corporation may pay such depositors any sum of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Deposits of minors or women, how disposed of

§ 11. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation; and no transfer shall be valid while the party transferring is in debt to the corporation.

Stock deemed personal property.

§ 12. This corporation shall exist for the term of fifty years next succeeding the 1st day of May, A. D. 1869, and shall be entitled to use all its corporate powers, rights and privileges, for the period of three years thereafter, for the sole purpose of closing up its affairs. The stockholders shall be individually responsible, in their property, to an amount equal to the amount of stock held by them, respectively, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock shall have been advertised in some public newspaper, printed in the county where the corporation is doing business and located; for the period of three months. This act shall be void unless said company shall organize and proceed to business within two years after the passage of this act. The said company shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Duration of corporation.

Stockholders' liability.

Act, when void.

§ 13. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice; and shall take effect on and after its passage.

APPROVED March 30, 1869.

In force March
30, 1869.

AN ACT to incorporate the Dixon Banking Company.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That William H. Van Epps, George L. Schuler, Nathan Underwood, jr., Barton B. Higgins, Jason C. Ayres, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Dixon Banking Company;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Dixon, in the county of Lee, and state of Illinois.</p>
Name and style.	
To open books for subscription.	<p>§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.</p>
Capital stock to be subscribed	<p>§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.</p>
May borrow money and receive deposits.	<p>§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States or elsewhere;</p>
May loan on deeds of trust.	

may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts, due or to become due to the corporation, and to purchase real estate and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

By-laws, rules and regulations.

Property may be redeemed.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their office until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

Election of officers.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into

Stock to be paid in full.

said corporation at the time of the issue of such stock ; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
held responsible

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively ; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said city of Dixon, in the county of Lee, and state of Illinois.

When act to
be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of in-
debtedness of
director.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

In force March
26, 1869.

AN ACT to incorporate the DuQuoin Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William Frizell, John H. Moberly, Henry Horn, Tilmon B. Cantrell, Joseph J. Swanwich, Carroll Payne, Benjamin F. Pope, jr., Philip C. C. Provost, Pleasant A. Pope, Henry R. Pomeroy, Enos P. Pomeroy, Benjamin F. Pope, sr., Joseph W. Clement, DeWitt Slosson, William K. Murphy, Charles H. Roe, Leonard F. Ross, Daniel A. Dry, William N. Harps, Isaac M. Staggs, William Schwartz, Charles E. R. Winthrop, Hillory H. Taylor, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The DuQuoin Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise power, incident to corporate bodies. Said corporation shall be located in the town of DuQuoin, Perry county, and state of Illinois.*

Name and style

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote, which may be cast in person or by proxy.

Open books
for subscription

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of
capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgage or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money, and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

May borrow
money, and re-
ceive deposits.

May loan on
deeds of trust.

May issue let-
ters of credit
and other com-
mercial obliga-
tions.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Minors and
married women
may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and

May hold and
convey real es-
tate.

hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust; and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption
of property sold
under deed of
trust.

Board of direc-
tors to consist of
five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders
to pay in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
individually re-
sponsible.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at said city of DuQuoin, in the county of Perry, and state of Illinois.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of direc-
tors' indebted-
ness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any

time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 26, 1869.

AN ACT to incorporate the Central Bank of DuPage.

In force March
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Abel S. Ward, Lorenzo W. Childs, Timothy Vendier, Alfred Waterman and Henry C. Childs, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Central Bank of DuPage," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Wheaton, in the county of DuPage, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books
for subscription

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of
capital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said cor-

May borrow
money and re-
ceive deposits.

May loan on
seeds of trust.

poration shall deem sufficient; and may secure the same by deeds of trust, mortgages, or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Married women and minors may take stock.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Purchase, hold and convey real estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due to the corporation; and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deed of trust.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually, by the stockholders, who shall hold their

offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full, and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published in the said county of DuPage, in the state of Illinois.

Liability of
stockholders.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

When act to
be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Indebtedness
of director.

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

APPROVED March 20, 1869.

AN ACT to incorporate the Elgin City Banking Company.

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That B. F. Lawrence, M. C. Town, A. B. Fish, S. S. Mann, W. L. Pease, L. Black, J. Tefft, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Elgin City Banking Com-*

Corporators.

Name and style.

pany;" and shall have a common seal, which they may alter or renew at pleasure; power to plead or be impleaded and defend and be defended in all courts of law and equity;

to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Elgin, in the county of Kane, and state of Illinois.

Open books for subscription. § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of capital stock. § 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow money and receive deposits. § 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this State, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Married women and minors may take stock. § 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only,

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States.

May hold and convey real estate.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at said city of Elgin, in the county of Kane, and state of Illinois.

Stockholders' liability.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per cent. of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of indebtedness of stockholders.

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

APPROVED March 29, 1869.

In force March
31, 1869.

AN ACT to incorporate Enterprise Bank of Cairo.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That William P. Halliday, William H. Green and Alfred B. Safford, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and
Name and style.	style of "The Enterprise Bank of Cairo," with all the powers incident, necessary and useful to corporations; and, as such, are authorized to exercise all the powers requisite to carry out and execute all the purposes and intents of this act; shall have perpetual succession, and a common seal, which they may change and alter at pleasure; with power to plead and be impleaded in all courts of law and equity; to sue and may be sued; to contract and be contracted with; to have power to appoint all necessary assistants:
Organization.	<i>Provided</i> , this company shall organize within five years: <i>and, provided</i> , the said company may, at any time, by giving four weeks' notice in a public newspaper, change its corporate name.
Open books for subscription	§ 2. A majority of the corporators hereby named may proceed to open books for subscription to the capital stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by persons subscribing to the capital stock thereof; and each share of the capital stock so subscribed for shall be entitled to one vote.
Amount of capital stock.	§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be framed by said corporation; and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferred on the books of said corporation in such manner as its by-laws may prescribe; and a lien is hereby expressly given upon the stock or deposits of any person, in any manner indebted to said corporation, either as principal, security or otherwise. Each stockholder in this corporation shall be held individually responsible equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.
Stockholders' liability.	
May borrow money and receive deposits.	§ 4. This corporation shall have power to borrow money, and to loan money, within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to individuals, and to discount according to the usage of banks; to make such loans, payable within or

without this state, and to take such securities therefor, real or personal, or both, as the directors of the corporation may deem sufficient, and may secure the payment of such loans by mortgage or other securities, either within or without the state; and said corporation shall also have power to take and receive any goods, chattels or effects, of any sort or kind, by way of pledge or pawn or collateral security, for any loan or indebtedness due or to become due to said corporation.

§ 5. This corporation shall have power to receive, on deposit or in trust, such sum or sums of money as may from time to time be offered therefor, by merchants, tradesmen, clerks, laborers, servants and others, to be repaid to such depositors with or without interest, as may be agreed upon between said corporation and said depositor; to buy and issue and sell bills of exchange, commercial or bank credits, gold and silver coins, bullion, public stocks, uncurrent money or other evidences of indebtedness; to open and keep current drawing accounts and mutual credits with its bank or commercial correspondents.

§ 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of any debt or debts due or to become due to the said corporation; to purchase real estate, at any sale made in virtue of any loan, debt or mortgage made to or held by said corporation, or in which it is in any way interested, and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold, lease and convey the same: *Provided*, that no real estate that may become the property of this corporation, except as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said company to sell and dispose of the same to advantage: *Provided, also*, that any real estate, sold under deed of trust or other conveyance given as security to said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale.

§ 7. The affairs of the corporation shall be managed by a board of not less than three directors, who shall be elected at such time and place and in such manner as may be prescribed by the by-laws, and shall hold their office for one year and until their successors are elected and qualified.

§ 8. The directors shall have power to form by-laws for the management and control of the affairs of the corporation, not inconsistent with the laws of this state and the

Object.

May purchase, hold and convey real estate.

Real estate may be redeemed.

Three directors.

By-laws, etc.

United States; and shall have the right to declare dividends out of the earnings of said corporation.

Married women
and minors may
take stock.

§ 9. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits in their own names; which stock and deposits shall be subject to their disposal and order only; and payment to them shall be deemed good and valid in law.

Acts of officers
binding.

§ 10. All contracts, and other instruments in writing, which may be made or entered into by said corporation, shall be subscribed by each officer or officers, agent or agents, as shall be authorized by the by-laws of the corporation; and, being so signed, shall be binding upon said corporation; and all such contracts and instruments in writing may be signed and carried on, without the presence of the board of directors, by its officers, assistants and agents. Contracts and instruments to which said company may be a party shall be valid and binding, with or without the seal of said corporation attached.

Location.

§ 11. Said corporation to be located in Cairo, Alexander county, Illinois; and it will be lawful for said corporation to commence business when fifty thousand dollars of stock shall have been subscribed, and twenty-five per cent. of it paid into the treasury.

Subject to fu-
ture provisions.

§ 12. The corporation shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

§ 13. This act shall be deemed a public act, of which all courts shall officially take notice; and shall take effect on and after its passage.

APPROVED March 31, 1869.

In force March
26, 1869.

AN ACT to incorporate the Exchange Banking Institution.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William F. Tucker, Charles C. Bowney, J. Edwards Fay, Charles W. Griggs, A. M. Billings, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Exchange Banking Institution;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois.*

Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books for subscription.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of capital stock.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by any person or by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May borrow and loan money and sell bills of exchange.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

May loan money on deed of trust.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed, as said corporation or its officers may see proper.

Five directors.

Stockholders
to pay in full.

§ 7. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make such rules, regulations and by-laws as are not inconsistent with the laws of this state or of the United States.

Individual
liability of stock-
holders.

§ 8. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until six months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city of Chicago, in the county of Cook, and state of Illinois.

Not to be a
savings bank.

§ 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank or as receiving savings deposits, and for paying interest on deposits, under penalty of forfeiting its charter.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Indebtedness of
director limited.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to any amount greater than seventy-five per centum of the amount of the capital stock held by such director, in good faith, as his own.

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

APPROVED March 26, 1869.

In force March
11, 1869.

AN ACT to incorporate the City Banking Company, of East St. Louis.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph Brown, David Hutcheson, E. Dodge, J. C. Noyes, J. W. Conlogue, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The City Banking Company," and shall have a*

Name and style.

common seal which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the city of East St. Louis, in the county of St. Clair, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Subscription books opened to capital stock.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Capital stock

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans, by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money, and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

May borrow money and receive deposits.

To loan on mortgages and deeds of trust.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said

Married women and minors may take stock.

corporation, and receive certificates of stock and deposits in their own name; which stock and deposits shall be subject to their disposal and order only.

May hold and convey real estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deed of trust.

Board of directors, their number.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay up in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation, at the time of the issue of such increased stock.

Stockholders responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city

of East St. Louis, in the county of St. Clair, and state of Illinois.

§ 10. This act shall be void, unless said corporation Act, when void. shall organize and proceed to business within two years after the passage of this act.

§ 11. No director of said corporation shall be indebted Limit of indebtedness of directors. to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 11, 1869.

AN ACT to incorporate the Farmers' Exchange Bank.

In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Arthur, J. F. Love, A. C. Connelly, A. J. Hogue, E. B. Munsell, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Farmers' Exchange Bank;" and shall have Corporators. a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the town of Paris, in the county of Edgar, and state of Illinois. Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote. Books to be opened for subscription.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof. Capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or May borrow money and take deposits.

May loan on deeds of trust.

Special regulations of trust fund and deposits.

Married women and minors may take stock.

May hold and convey real estate.

May make, alter and amend by-laws.

Redemption of property sold under deeds of trust.

hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same, in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits, left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by

said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper. Five directors.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Stockholders to pay up in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said town of Paris, in the county of Edgar, and state of Illinois. Stockholders responsible.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. When this act may be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of indebtedness of directors.

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

APPROVED March 26, 1869.

AN ACT to incorporate the Farmers' and Mechanics' Bank of Cass county. In force April 1, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John McHenry, J. M. Epler, George Conover, Philip Borkei, George Virgil, John H. Tourman, Samuel H. Petefish, and* Corporators.

Name and style. all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Farmers' and Mechanics' Bank of Cass County," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Virginia, in the county of Cass.

Open books for subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow money and receive deposits.

§ 4. The said corporation shall have power to borrow money and receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the managers or directors of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds, or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made

Special regulations of trust funds and deposits.

Letters of credit.

to said corporation, in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own names, subscribe for stock, and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and orders only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its security or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease, sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state.

May hold and convey real estate.

To make by-laws and regulations.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or the officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay up in full.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said county of Cass.

Stockholders' liability.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any

Limit of indebtedness of stockholder.

time, for an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

When act to
take effect.

Redemption
of property sold
under deed of
trust.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage; and shall be subject to amendment, and to any general laws of the state of Illinois which may be passed on the subject of trust, banking or deposit companies. It is hereby expressly provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale. And it is also provided that no real estate, that shall become the property of the corporation hereby created, except such as shall be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

APPROVED April 1, 1869.

In force March
31, 1869.

AN ACT to incorporate the Farmers' and Mechanics' Bank.

Corporators.

Name and style.

Opening sub-
scription books.

Amount capital
stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles E. Grant, John B. Colton, Marcus Belden, Alfred Kitchell, Andrew S. Hoover, A. C. Clay, E. R. Adams, C. S. Colton, T. Nash, H. S. Hurd, Charles Breckwald, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Farmers' and Mechanics' Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Galesburg, in the county of Knox.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same

to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferred on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit and pay interest thereon; and to loan money, either within or without the state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve month a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities, may purchase and sell real estate, and shall have power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of loans made to said corporation, in any way the directors of said corporation may prescribe.

Borrow money
and receive de-
posits.

Loan money
on trust deeds.

Letters of credit
and other com-
mercial obli-
gations.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Women and
minors may
take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due and to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state.

May hold and
convey real es-
tate.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stock to be paid in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liabilities shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Galesburg.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of director.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

When act to take effect.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage; and shall be subject to amendment, and to any general laws of the state of Illinois which may be passed on the subject of banking, trust or deposit companies. It is hereby expressly provided, that any real estate sold under deed of trust, or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on the same, at any time within twelve months after such sale. And it is also provided, that no real estate that shall become the property of the corporation hereby created, except such as shall be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deed of trust.

APPROVED March 31, 1869.

AN ACT to incorporate the Galva Banking Company.

In force March
27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Hiram Bigelow, Wm. L. Wiley, R. F. Bailey, J. M. Wiley, A. W. Albro, D. L. Wiley, E. A. Lynd, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Galva Banking Company;"* and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Galva, in the county of Henry, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof, and each share of stock so subscribed for shall be entitled to one vote.

Open books for
subscription.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount capital
stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans, payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper, and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States or elsewhere; may make such special

Borrow money
and receive de-
posits.May loan on
deeds of trust.

May issue letters of credit and other commercial obligations.

Women and minors may take stock.

May hold and convey real estate.

Alter and amend by-laws.

Property may be redeemed.

Board of directors to consist of five.

Stockholders to pay in full.

regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of this corporation, except such as may be reasonably necessary in the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and

the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said town of Galva, in the county of Henry, and state of Illinois.

Liability of
stockholders.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of in-
debtedness of
directors.

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

APPROVED March 27, 1869.

AN ACT to incorporate the German Banking Company.

In force March
31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John A. Huck, F. Jaeger, Levi Rosenfield, C. Wirth, B. Lowenthal, Joseph Koelle, M. Brandt, H. Merkle, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "German Banking Company;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook.*

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books for
subscription.

Capital stock.

§ 3. The capital stock of said corporation shall be two hundred and fifty thousand dollars, with power to increase the same to two million dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Borrow money and sell bills of exchange.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May hold and convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business; and to take and hold any real estate as security for and in payment of loans and debts due or to become due to said corporation; and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust; and to hold or sell and convey the same.

Five directors.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 7. Before said corporation shall commence business the whole capital stock shall have been subscribed for, and the stockholders shall have paid the several amounts subscribed in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws, not inconsistent with the laws of this state or the United States.

Stock may be increased.

Individual liability of stockholders.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months

after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Chicago.

§ 9. Nothing in this act shall be construed so as to invest said corporation with power to do business of a savings bank; and the said corporation hereby created is expressly prohibited from, in any way, announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter. This act shall be subject to future amendment. Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of indebtedness of director.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage. It is expressly provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale. It is also provided that no real estate that shall become the property of the corporation hereby created, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage. When act to take effect.

Redemption of property sold under deed of trust.

APPROVED March 31, 1869.

AN ACT to incorporate the Germania Bank of Chicago.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Charles G. Bausenbach, Henry Nimmie, William Nimmer, Jacob Poths, Henry Myer, Adam Fack, William Metzger, F. Busse, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Germania Bank of Chicago;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, in all courts of law and equity; to have and exercise powers incident to corporate bodies.* Corporators.

Name and style.

Said corporation shall be located in the city of Chicago, in the county of Cook.

To open books
for subscription.

§ 2. A majority of the corporators herein named may proceed to open books of subscription to the capital stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Capital stock
to be subscribed

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow
money and sell
bills of exchange

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations; loan money and discount notes in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business exclusively to a commercial and exchange banking business.

May hold and
convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same.

Board of directors to consist of five.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Full amount
of stock to be
paid in.

§ 7. Before said corporation shall commence business, the whole capital stock shall have been subscribed for, and the stockholders shall have paid the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property

Increase of
capital stock.

of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws for the management of its affairs, not inconsistent with the laws of this state or the United States.

§ 8. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at said city of Chicago. Stockholders held responsible

§ 9. Nothing in this act shall be construed so as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any manner announcing or advertising itself as a savings bank, or as receiving savings deposits and from paying interest on deposits, under penalty of forfeiting its charter. Not considered a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of directors' indebtedness.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage. It is hereby provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale: *Provided, also*, that no real estate that shall become the property of said corporation hereby created, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage. When this act shall take effect.

Property sold under deed of trust may be redeemed.

APPROVED March 31, 1869.

AN ACT to incorporate the Illinois River Bank.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, W. G. McDowell, Joseph B. Chandler, J. St. C. Boal, W. D.* Corporators.

- Fort, C. T. Eckley, J. B. Martin, W. F. Gappin, Benjamin Lombard, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "Illinois River Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Lacon, in the county of Marshall.
- Name and style.** § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.
- Open books or subscription**
- Amount of capital stock.** § 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one million dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, subject to taxation, and shall be transferable on the books of said corporation in accordance with the rules thereof.
- Borrow money and sell exchange.** § 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes in accordance with bank usage, receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business exclusively to a commercial and exchange banking business.
- May hold and convey real estate.** § 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to said corporation, and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same.
- Board of directors to consist of five.** § 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 7. Before said corporation shall commence business, the whole capital stock shall have been subscribed for, and the stockholders shall have paid the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws, not inconsistent with the laws of this state or the United States.

Stock to be paid in full.

By-laws, rules and regulations.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said town of Lacon.

Stockholders' liability.

§ 9. Nothing in this act shall be construed so as to invest said corporation with power to do business of a savings bank; and said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter. This act shall be subject to amendment.

Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Directors' indebtedness limited.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage. It is hereby expressly provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale. And it is hereby further provided that no real estate that shall become the property of the corporation hereby created, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be necessary for said corporation to sell and dispose of the same to advantage.

When act to take effect.

Redemption of property sold under deeds of trust.

APPROVED March 31, 1869.

In force March
31, 1839.

AN ACT to incorporate the Jersey County Bank.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William H. Allen, Henry O. Goodrich, Andrew Jackson, Milton D. Robbins and William V. Shepherd, and their associates and successors, and all such persons as shall become lawfully stockholders in the company hereby created, shall become a body politic and corporate, by the*

Name and style. *name and style of "The Jersey County Bank;" and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary officers, servants and assistants; and may have and enjoy and exercise all the powers necessary to carry out the purposes of this act; and the office of the company so created shall be located in Jersey county, Illinois.*

Subscription to capital stock. § 2. A majority of the corporators hereby named may proceed to open books for subscriptions to the capital stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company by persons subscribing to the capital stock thereof; and each share of capital stock so subscribed for shall be entitled to one vote: *Provided*, that it shall not be competent for said company to commence business until fifteen per cent. in cash is actually paid in on said stock subscriptions to the company.

Amount of capital stock. § 3. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to two hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be framed by said company; and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferred on the books of said company, in such manner as its by-laws may prescribe.

May borrow money and receive deposits. § 4. The said company shall have power to borrow money, and receive money on deposit, and to loan money, within or without the state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount according to usage of banks—and in computation of time, thirty days shall be a month, and twelve months a year—and to make such loans payable either within or without the state, and to take such securities therefor, real or personal, or both, as the directors of the company may deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without the state, and may buy and sell bills, notes, exchange, bonds or other securities; may have or hold bullion and coin; may accept all such trusts, either fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the

May loan on deeds of trust.

order or direction of any court or tribunal; may make such special regulations in reference to trust funds, or special deposits left for safe keeping, as shall be agreed upon with the depositors or parties interested; may issue letters of credit and other commercial obligations: *Provided*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the payment of the full amount of debt and costs, with ten per cent. interest on same, by the debtor, his, her or their heirs or creditors, at any time within twelve months after such sale.

Letters of
credit and other
commercial ob-
ligations.

§ 5. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of loans, or for debts due or to become due to said company, or in which it is interested, and to receive or take in satisfaction of any loan or debt, and to hold, use, improve and convey the same: *Provided*, that no real estate which may become the property of the corporation hereby created, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell or dispose of the same to advantage.

May hold and
convey real es-
tate.

§ 6. The affairs of said company shall be managed by a board of not less than three directors, nor more than ten, who shall be elected at such time and place as may be prescribed by the by-laws, and shall hold their office for one year, and until their successors are elected and qualified.

Three directors.

§ 7. The directors shall have a right to form by-laws for the general management and control of the affairs of the company, not inconsistent with the laws of this state or the United States, and to declare dividends out of the earnings of said company.

To make rules
and regulations.

§ 8. The stockholders herein mentioned shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from such liability, until after the fact of such assignment, and name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located, for the period of two months.

Stockholders
individually re-
sponsible.

§ 9. This act shall take effect and be in force from and after its passage, and shall be subject to amendment, and to any future laws that may be passed on the subject of banks or trust companies.

When act to
take effect.

APPROVED March 31, 1869.

In force March
31, 1869.

AN ACT to incorporate the Kane County Bank.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William H. Hawkins, W. B. Allen, John Van Nortwick, Edward R. Allen, J. G. Barr, T. C. Moore, G. W. Quereau, L. D. Brady, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Kane County Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the county of Kane, and the state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscriptions to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof, and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars (\$100,000), with power to increase the same to two hundred thousand dollars (\$200,000), and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by laws to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation: may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state

of Illinois, or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and orders only. Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state. May hold and convey real estate.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper. Board of directors to consist of five.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full, and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Stockholders to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liabilities shall continue three months after an assignment of the stock and publication of a notice thereof in a newspaper published in the said county of Kane. Stockholders responsible, individually.

When act to be void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of directors' indebtedness. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

When act to take effect. § 12. This act shall be deemed a public act, and shall be in force from and after its passage, and shall be subject to future amendments and to any general law which may hereafter be passed on the subject of banking, trust or deposit companies. It is hereby expressly provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale. And it is also provided that no real estate that shall become the property of the corporation hereby created, except such as shall be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Redemption of real estate sold under deeds of trust.

APPROVED March 31, 1869.

In force March 26, 1869.

AN ACT to incorporate the Kankakee Bank.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That James McGrew, Isaac N. Dickson, Samuel C. Kenaga, Warren R. Hickox, Samuel N. Hathaway, James M. Perry and Thomas P. Bonfield, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Kankakee Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Kankakee, in the county of Kankakee, and state of Illinois.*

Open books for subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of

said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which share shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount capital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and, in computation of time, thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money, and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

May borrow money and receive deposits.

May loan on deeds of trust.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Minors and married women may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of

May purchase real and personal estate.

By-laws, rules
and regulations.

any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, which may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders
to pay in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders'
liability.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city of Kankakee, in the county of Kankakee, and state of Illinois.

When act to
be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of direc-
tors' indebted-
ness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the

amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 26, 1869.

AN ACT to incorporate the Kendall County Banking Company.

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Warren M. Sweetland, John A. Coy, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Kendall County Banking Company," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the county of Kendall, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books
for subscrip-
tion.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of
capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real, personal or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper

May borrow
money and re-
ceive deposits.

May loan on
deeds of trust.

and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

Letters of credit

Married women and minors may take stock.

§ 5. Married women and minors may, in their own name, subscribe for stock, and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May hold and convey real estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts, due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust; and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale. *And, provided, also*, that no real estate which may become the property of said corporation, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

To alter and amend rules and by-laws.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors

shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said of . . . , in the county of Kendall, and state of Illinois.

Stockholders'
liability.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of in-
debtedness of
stockholders.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Lacon Bank.

In force March
31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Washington F. Gapin, W. D. Fort, James St. C. Boal, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and coporate, by the name and style of "The Lacon Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Lacon, in the county of Marshall.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said

Open books
for subscription

corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of capital stock. § 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow money and receive deposits. § 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligation, not however to circulate as money; and may secure the payment of any loans, made to said corporation, in any way the directors of said corporation may prescribe.

May loan on deeds of trust.

Letters of credit.

Married women and minors may take stock. § 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposit in their own names; which stock and deposit shall be subject to their disposal and orders only.

Purchase, hold and convey real estate. § 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation; and to

purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its mangement, as are not inconsistent with the laws of this state.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said town of Lacon.

Liability of stockholders.

§ 10. This act shall be null and void unless said corporation shall organize and proceed to business within two years after the passage of this act.

When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

Indebtedness of director.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage; and shall be subject to future amendment, and to any general laws which may be passed by the state of Illinois on the subject of banking, trust or deposit companies. And it is expressly provided that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve

When act to take effect.

Redemption of property sold under deed of trust.

months after such sale. And it is also provided that no real estate that shall become the property of the corporation hereby created, except such as shall be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

APPROVED March 31, 1869.

In force April
19, 1869.

AN ACT to incorporate the Lebanon Bank.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Adolph Berger, Joseph Miller, Robert Allyn, F. A. Reuss, William Henrickschofen, and Wm. C. L. Liggett, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Lebanon Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Lebanon, in the county of St. Clair.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferred on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or

both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper, and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

May loan money on deed of trust.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and orders only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and hold, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state.

May hold and convey real estate.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors, their number.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into

Stockholders to pay up in full

said corporation at the time of the issue of such stock ; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively ; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said county of Saint Clair.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of directors.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED April 19, 1869.

In force March 25, 1869.

AN ACT to incorporate the Litchfield Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Richard W. O'Bannon, W. S. Palmer, Wesley Best, H. H. Beach, James W. Jeffries, William Simpson, John P. Davis, Wm. Weigraff, David O. Littlemire, T. Shore, Daniel P. Brokaw, P. B. Updike, W. C. Davis, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Litchfield Bank ;" and shall have a common seal, which they may alter or renew at pleasure ; power to plead or be impleaded, and defend and be defended, in all courts of law and equity ; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Litchfield, in the county of Montgomery, and state of Illinois.

Name and style.

Subscription books opened to capital stock.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock

thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof. Capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time, thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate: *Provided, however,* said corporation shall not at any one time hold real estate exceeding fifty thousand dollars in value; and shall have the power to convey the same, in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority, of the state of Illinois, or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits, left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations—not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe. May borrow money and receive deposits.

To loan on mortgages and deeds of trust.

Special regulations of trust fund and deposits.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposit in their own names; which stock and deposits shall be subject to their disposal and order, only. Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its May hold and convey real estate.

securities for the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same: *Provided*, that from all sales under deed of trust or other conveyance, redemption shall be allowed as now provided by law from sales made under decree for foreclosure of mortgage. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or the United States.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, which may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay up in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to double the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published in the said county of Montgomery, and state of Illinois.

When this act may be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act; and shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Limit of indebtedness of directors.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 25, 1869.

AN ACT to incorporate the Lockport Bank.

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George B. Martin, John F. Daggett, John Heck, Albert I. Ewen, John L. Norton, A. C. Paxon, Robert Miller, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Lockport Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Lockport, in the county of Will, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed shall be entitled to one vote, which may be given in person or by proxy.

Books to be
opened for sub-
scription.

§ 3. The capital stock of said corporation shall be thirty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which share shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or person or both, as the directors or managers of said corporation shall deem sufficient, and make secure the payment of such loans by deeds of trust, mortgage or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or the United States, or elsewhere; may make such special regulations in reference to

May borrow
money and take
deposits.May loan on
deeds of trust.

trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Married women and minors may take stock.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May purchase, hold and convey real estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business; and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease, sell and convey the same. Said corporation

May make, alter and amend by-laws.

may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except what may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deeds of trust.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and

the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said town of Lockport, in the county of Will, and state of Illinois.

Individual liability of stockholders.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

Indebtedness of director limited.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Manufacturers' Bank of Moline.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That S. W. Wheelock, John Good, Robert K. Swan, Henry W. Candee, Hiram F. Sickles, Charles W. Lobdell, and their associates and successors, and such other persons as may become stockholders in the association, are hereby created and declared and constituted a body corporate and politic, by the name and style of "The Manufacturers' Bank of Moline,"* and shall have a perpetual succession, a common seal, power to plead and be impleaded, to appoint all necessary servants, and to exercise all the powers necessary to carry out and execute the purpose and intent of this act.

Corporators.

Name and style.

§ 2. The capital stock shall be fifty thousand dollars, with power to increase the same to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shall be deemed as personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe. The incorporators, or a majority of them, may open books for the subscription of stock at such time and place as they may appoint; and when the sum of fifty thousand dollars is subscribed, and one-half of the same paid in, the said corpora-

Amount of capital stock.

Open books for subscription.

tors, or a majority of them, shall give notice to the stockholders of a time and place for a meeting to elect directors and organize said corporation; which said notice shall be given at least ten days previous to such meeting, in some newspaper published in Rock Island county. The stockholders may elect not less than five directors, who shall be stockholders, and shall hold their offices for one year, or until their successors are elected and qualified. When elected, the directors shall elect a president from their own body annually, shall appoint the necessary officers and agents for the corporation, and shall make such by-laws to control the business of the corporation as its interests may require. Said bank shall be located at Moline.

Five directors.

May borrow money and receive deposits.

Letters of credit.

May hold and convey real estate.

May loan on deeds of trust.

Redemption of property sold under deed of trust.

Declare dividends.

§ 3. The said corporation shall have power to borrow money or receive money on deposit, and to loan said money at any rate of interest not exceeding that now allowed by law to individuals, or to discount, in accordance with bank usages—and in the computation of time thirty days shall be a month, and twelve months a year—taking such security therefor, real or personal, as the directors of said corporation shall deem sufficient; may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt, designed to circulate as money.

§ 4. The said corporation shall have power to purchase and hold all such real and personal estate as may be required for the transaction of their business; to hold real estate as security for and in payment of loans and debts due or to become due to said corporation, and to purchase any real or personal estate at any sale to enforce its securities or the payment of debts due, of mortgages or deeds of trust, and hold said property, or to sell and convey the same, or any part thereof, at such a price and under such conditions as the board of directors may direct: *Provided*, that no real estate that may become the property of the corporation hereby created, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage: *Provided, also*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale.

§ 5. The board of directors shall have power to declare dividends on the stock of said corporation from time to time, and at any time after the accumulation of profits shall

amount to five per cent. on the amount of capital actually paid in: *Provided*, that no dividend shall be declared larger than ten per cent. per annum until the surplus fund shall have been increased to twenty per cent. of the capital stock of said corporation.

§ 6. The board of directors shall have power to call for the payment of the balance due on the subscriptions to the stock of this corporation at such times as they may deem proper; and in the event of the non-payment of the balance due from any stockholder on his stock within sixty days after due notice, the board of directors may, at their option, enforce the payment of such balance due, or sell, by public auction, to the best advantage, the amount of stock standing in the name of such non-paying stockholders to any person or persons; and the proceeds of such sale, after deducting the costs and expenses thereof, shall be paid over to such non-paying stockholder, who shall thereupon cease to be a stockholder in this corporation; and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges of and profits accruing or accrued to said shares of stock, and shall become liable for the payment of all calls then due, or thereafter made on said shares of stock.

Call for payments due.

Stock of delinquents to be sold.

§ 7. The stockholders shall be responsible in their individual property to an amount equal to their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability until after the fact of such assignment and name of the person to whom made, and the amount of said stock, shall have been advertised by posting a notice thereof in said bank, where all persons may take notice thereof, for at least thirty days subsequent thereto.

Stockholders' liability.

§ 8. The corporation thus created shall exist for the term of twenty-five years from the passage of this act, unless by a vote of two-thirds of its directors it may be surrendered by a settlement of all its liabilities, and a repayment of all shares to the lawful holders thereof within that time. Said corporation shall be subject to any general law of this state on the subject of banks and banking. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof, and to be in force from and after its passage.

Duration of corporation

When act to be void.

APPROVED March 31, 1869.

In force April
1, 1869.

AN ACT to incorporate the Marine Bank of Cairo.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Daniel Hurd, Robert W. Miller, Patrick H. Pope, Cicero N. Hughes, John H. Mulkey, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and*

Name and style. *corporate, by the name and style of "The Marine Bank of Cairo," with all the powers incident, necessary and useful to corporations, and, as such, are authorized to exercise all the powers requisite to carry out and execute all the purposes and intents of this act; shall have perpetual succession, and a common seal, which they may change and alter at pleasure; with power to plead and be impleaded, in all courts of law and equity; to sue, and may be sued; to contract and be contracted with; to have power to appoint all necessary assistants: Provided, this company shall organize within five years.*

Open books for subscription. § 2. A majority of the corporators hereby named may proceed to open books for subscription to the capital stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by persons subscribing to the capital stock thereof; and each share of the capital stock so subscribed for shall be entitled to one vote.

Amount capital stock. § 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be framed by said corporation, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferred on the books of said corporation, in such manner as its by-laws may prescribe; and a lien is hereby expressly given upon the stock or deposits of any person in any manner indebted to said corporation, either as principal, security or otherwise. Each stockholder in this corporation shall be held individually responsible, equally and ratably and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

May borrow money and convey real estate. § 4. This corporation shall have power to borrow money, and to loan money, within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to individuals, and to discount according to the usage of banks; to make such loans payable within or without the state, and to take such securities therefor, real or personal, or both, as the directors of the corporation may deem sufficient; and may secure the payment of such

loans by mortgage or other securities, either within or without the state; and said corporation shall also have power to take and receive any goods, chattels or effects of any sort or kind, by way of pledge or pawn or collateral security, for any loan or indebtedness due or to become due to said corporation.

§ 5. This corporation shall have power to receive on deposit or in trust such sum or sums of money as may from time to time be offered therefor by merchants, tradesmen, clerks, laborers, servants and others, to be repaid to such depositors, with or without interest, as may be agreed upon between said corporation and said depositor; to buy and issue and sell bills of exchange, commercial or bank credits, gold and silver coins, bullion, public stocks, uncurrent money, or other evidences of indebtedness; to open and keep current drawing accounts and mutual credits with its bank or commercial correspondents.

Money to be received on deposit or in trust.

§ 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business; and to take and hold any real estate, in trust or otherwise, as security for or in payment of any debt or debts due or to become due to the said corporation; to purchase real estate at any sale made in virtue of any loan, debt or mortgage made to or held by said corporation, or in which it is in any way interested; and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold, lease, and convey the same: *Provided*, that no real estate that may become the property of this corporation, except as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said company to sell and dispose of the same to advantage: *Provided, also*, that any real estate, sold under deed of trust or other conveyance given as security to said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale. Said bank shall be located in the city of Cairo, in the county of Alexander.

May hold and convey real estate.

Securities.

Redemption of property sold under deed of trust.

§ 7. The affairs of the corporation shall be managed by a board of not less than three directors, who shall be elected at such time and place and in such manner as may be prescribed by the by-laws, and shall hold their office for one year, and until their successors are elected and qualified.

Three directors.

§ 8. The directors shall have power to form by-laws for the management and control of the affairs of the corporation, not inconsistent with the laws of this state and the United States, and shall have the right to declare dividends out of the earnings of said corporation.

By-laws, etc.

Married women and minors may take stock.

§ 9. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits in their own names; which stock and deposits shall be subject to their disposal and order, only; and payment to them shall be deemed good and valid in law.

Acts of directors binding.

§ 10. All contracts and other instruments in writing which may be made or entered into by said corporation shall be subscribed by such officer or officers, agent or agents, as shall be authorized by the by-laws of the corporation, and, being so signed, shall be binding upon said corporation; and all such contracts and instruments in writing may be signed and carried on without the presence of the board of directors, by its officers, assistants and agents. Contracts and instruments to which said company may be a party shall be valid and binding, with or without the seal of said corporation attached.

Location.

§ 11. Said corporation to be located in Cairo, Alexander county, Illinois; and it will be lawful for said corporation to commence business when fifty thousand dollars of stock shall have been subscribed and ten per cent. of it paid into the treasury.

Subject to any future general law.

§ 12. The corporation shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

§ 13. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice, and shall take effect on and after its passage.

APPROVED April 1, 1869.

In force March 30, 1869.

AN ACT to incorporate the Massac Real Estate Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William R. Brown, William J. Ward, Jonathan C. Willis, William P. Browner and Amaziah D. Davis, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Massac Real Estate Bank," and shall have a common seal, which they may alter or renew at pleasure, power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Metropolis, in the county of Massac, and state of Illinois.*

Name and style.

Opening subscription books.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said

corporation, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock, so subscribed for, shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time, thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages, or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois, or of the United States, or elsewhere; may make such special regulations in reference to trust funds, or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Borrow money and receive deposits.

Loan money on trust deeds.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to pur-

May hold and convey real estate.

Alter and
amend by-laws.

Board of di-
rectors to con-
sist of five.

Stockholders
to pay up in full.

Stockholders'
liability.

Act, when void.

Limit of indebt-
edness of direc-
tor.

chase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state, or of the United States.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation, or its officers, may see proper.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Metropolis, in the county of Massac, and state of Illinois.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

AN ACT to incorporate the Monroe Banking Company.

In force March
29, 1862.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That W.* Corporators.
R. Morrison, A. Hoener, George Deitch, C. H. Rettler, C. Henkler, Paul C. Brey, John Gunlach, John Augerer, Fred. Hekler, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Monroe Banking Company;" and shall have Name and style.
a common seal, which they may alter or renew at pleasure, power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Monroe, and county of Randolph, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote. Open books for
subscription.

§ 3. The capital stock of said corporation shall be Capital stock.
twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and, in computation of time, thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages, or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois, Borrow money
and receive de-
posits.
May loan en
deeds of trust.

May issue letters of credit and other commercial obligations.

Women and minors may take stock.

May hold and convey real estate.

To make by-laws and regulations.

Real estate may be redeemed.

Board of directors to consist of five.

Stockholders to pay in full.

or of the United States, or elsewhere: may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificate of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of this corporation, except as may be reasonably necessary in the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into

said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at the said town of Monroe, or the county of Randolph, and state of Illinois. Stockholders
liability.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of indebtedness of director.

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

APPROVED March 29, 1869.

AN ACT to incorporate the National Banking Company.

In force March
27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles N. Holden, John H. Foster, Henry A. Paddock, A. C. Hessing, Charles B. Farwell, Henry Keep, James Forsythe, H. Z. Culver, George Stephenson, John B. Turner, William W. King and Benjamin F. Graves, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The National Banking Company;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois. Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the capital stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock there- Open books for
subscription.

of; and each share of stock so subscribed for shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said company shall be three hundred thousand dollars, with power to increase the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow and loan money and sell bills of exchange.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May hold and convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to said corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deed of trust.

Board of directors to consist of five.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders of the said corporation, and residents of said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 7. Before said corporation shall commence business, the whole of said capital stock shall have been subscribed, and the stockholders, respectively, shall have paid the several

amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the full amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make rules, regulations and by-laws not inconsistent with the laws of this state or of the United States.

To make rules and regulations.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders thereof shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until six months after an assignment of the stock and publication of a notice thereof in a newspaper published in the said city of Chicago.

Liability of stockholders.

§ 9. Nothing in this act shall be construed as to invest said company with power to do the business of a savings bank, and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under penalty of forfeiting its charter.

Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

Limit of indebtedness of directors.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Bank of Commerce of New Athens, St. Clair county, Illinois.

In force March 20, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William Schild, Andrew Hauft, Burnhard Haentzchel, Peter Deichman, William Baumann, Jacob Hoos, George Fries, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The*

Corporators.

Name and style.

Bank of Commerce," and shall have a common seal, which they may alter and renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the town of New Athens, county of St. Clair, and state of Illinois.

Open books for
s. subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of capital stock.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Borrow money
and receive deposits.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and, in computation of time, thirty days shall be deemed a month and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem

Loan money
on deeds of trust.

sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Letters of credit
and other commercial obligations.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order, only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business; and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

Real estate may be redeemed.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper. The said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or the United States.

Five directors.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stock to be paid in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of

Individual liability of stockholders.

a notice thereof in a newspaper published at the said town of New Athens, in the county of St. Clair, and state of Illinois.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Directors' indebtedness limited. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

In force March
31, 1869.

AN ACT to incorporate the Nashville Banking Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That P. E. Hosmer, T. B. Needles, W. S. Hay, Joseph Hefter and Daniel Hay, and their associates or successors, and such other persons as may become stockholders in the association, are hereby created and declared and constituted a body corporate and politic, by the name and style of "Nashville Banking Company, Washington County," and shall have a perpetual succession; a common seal; power to plead and be impleaded, sue and be sued; to appoint all necessary servants; and exercise all the powers necessary to carry out and execute the purposes and intent of this act. Said banking company shall be located at Nashville, in Washington county.

Subscription to capital stock. § 2. The capital stock shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars; and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferable on the books of said company, in such manner as its by-laws may prescribe. The corporators, or a majority of them, may open books for the subscription of stock, at such time and place as they may appoint; and when the sum of one hundred thousand dollars is subscribed, and ten per cent. of the same paid in, the said corporators, or a majority of them, shall give notice to the stockholders of a time and place for a meeting to elect directors and organize said corporation; which said notice shall be given at least ten days previous to such meeting, in some newspaper published in Washington county. The stockholders may elect five directors, who

Election of directors.

shall be stockholders, and shall hold their offices one year, or until their successors are elected and qualified. When elected, the directors shall elect a president from their own body, annually; shall appoint the necessary officers and agents for the corporation; and shall make such by-laws to control the business of the corporation as its interests may require.

§ 3. The said corporation shall have power to borrow money, or receive money on deposit, and loan the said money at any rate of interest not exceeding that now allowed by law to individuals; or to discount in accordance with bank usages—and in the computation of time, thirty days shall be a month, and twelve months a year—taking such security therefor, real or personal, as the directors of said corporation shall deem sufficient; may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt designed to circulate as money.

May borrow money and receive deposits and sell bills of exchange.

§ 4. The said corporation shall have power to purchase and hold all such real and personal estate as may be required for the transaction of their business; to hold real estate as security for and in payment of loans and debts due or to become due to said corporation; and to purchase any real or personal estate at any sale to enforce its securities or the payment of debts due of mortgages or deeds of trust; and hold said property, or to sell and convey the same, or any part thereof, at such a price and under such conditions as the board of directors may direct: *Provided*, that no real estate, beyond such as may be necessary for the transaction of its business, shall be held by said corporation for a longer period than may be necessary to enable said corporation to dispose of the same to advantage: *Provided, also*, any real estate sold under deed of trust or other conveyance held as security by said corporation may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, together with ten per cent. interest on same, at any time within twelve months after such sale.

May hold and convey real estate.

May loan on deeds of trust.

Redemption of property sold under deeds of trust.

§ 5. The board of directors shall have power to declare dividends on the stock of said corporation, from time to time, and at any time after the accumulation of profits of said corporation shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividends do not reduce the surplus of profits of said corporation below ten per cent. on the amount of capital actually paid in. But in no case shall the amount of any dividend be paid over to any stockholder, on his or their stock, until the

Dividends to be declared.

amount of fifty dollars per share has been paid into the said corporation.

Stock to be paid in full. § 6. The board of directors shall have power to call for the payment of the balance due on the subscriptions to the stock of this corporation, at such times as they deem proper; and in the event of the non-payment of the balance due by any stockholder on his stock within sixty days after due notice, the board of directors may, at their option, enforce the payment of such balance due, or sell by public auction, to the best advantage, the amount of stock standing in the name of said non-paying stockholder, to any person or persons; and the proceeds of such sale, after deducting the costs and expenses thereof, shall be paid over to such non-paying stockholder, who shall thereupon cease to be a stockholder in this corporation; and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing or accrued to the said shares of stock, and shall become liable for the payment of all calls then due or thereafter made on said shares of stock.

Definquent stock to be sold.

Increase of capital stock. § 7. At any time after the full payment of the original stock of one hundred thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount, not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock, *pro rata*, within such time as the directors may limit.

Deposits by minors or women, how disposed of. § 8. When any deposit [is] made to said corporation by a minor, or by a female being or hereafter becoming a married woman, the said corporation may pay such depositors any sums of money due them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

A misnomer not to invalidate § 9. A misnomer of said corporation in any deed, gift, grant or other instrument, contract or conveyance, shall not vitiate the same, if the corporation shall be sufficiently described therein to declare the intention of the parties.

Annual election of directors. § 10. The election of directors of this company shall be held annually, at the office of the company; and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the name and number of shares of each stockholder voting shall be indorsed on the ballot, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name in the books of the company; and he may vote in person or by proxy. Any omission or failure to elect directors shall not

impair in anywise the right of stockholders, depositors or others interested. The directors so elected shall hold until their successors are duly elected and qualified.

§ 11. That said corporation may have a common seal, which they may change or renew at pleasure; and that all deeds, conveyances or grants, covenants and agreements made by their president, cashier or other person, by their authority and direction, according to their instructions, shall be good and valid; and said corporation shall at all times have power to sue and may be sued, to plead and be impleaded, and defend, and shall be ruled to answer by the name and style of the corporation. Acts valid.

§ 12. The stockholders shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from said liability, until after the fact of such assignment and name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper printed in the county where this corporation is doing business and located, for the period of three months. Said company shall be subject to any general law of this state on the subjects of banks or banking. This act shall be void unless said company shall organize and proceed to business within two years after the passage hereof. This corporation shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies. Stockholders' liability.
Subject to future provisions.

§ 13. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 31, 1869.

AN ACT to incorporate the Normal Banking Company.

In force March 13, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That David Davis, Geo. W. Park, Robert E. Williams, Jesse W. Fell, John M. Snyder, O. M. Coleman, Alfred Orendorff, Richard Edwards, William A. Pennall and William M. Smith, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Normal Banking Company;" and shall have succession, a common seal, and power to plead and be impleaded, to sue and be sued, to appoint all necessary assistants; and may have, enjoy and exercise all the pow-* Corporators.
Name and style.

ers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.

Objects of the corporation.

§ 2. The general business and objects of this corporation shall be to receive, on deposit or in trust, such sum or sums of money as may from time to time be offered therefor, by tradesmen, merchants, laborers, servants and others, to be repaid to such depositors when required, at such times, with such interest, and under such regulations, as the board of directors may from time to time prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation is transacted.

First board of directors.

§ 3. The business of the corporation shall be managed by ten (10) directors; and the persons named in section one shall be the first directors thereof, and shall so continue until the first day of May, A.D. 1870, when their successors shall be chosen in the manner hereinafter provided.

Amount of capital stock.

§ 4. The capital stock of said company shall be one hundred thousand dollars, (\$100,000,) with power to increase the same to five hundred thousand dollars, (\$500,000,) to be prescribed and paid for in the manner provided by the by-laws to be formed by this corporation, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as its by-laws may prescribe.

May borrow money, and receive deposits.

§ 5. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time, thirty days shall be a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, either real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority, of the state of Illinois, or of the United States, or elsewhere; may make such special regulations in reference to trust funds, or deposits left for accumulation or safe keeping, as shall be agreed upon with the depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations—not, however, to circulate as money; and may secure the payment of any loans

May loan on deeds of trust.

May issue letters of credit, etc.

made to said company in any way the directors may prescribe.

§ 6. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient and useful in the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of loans and debts due or to become due to said company; to bid for and purchase real estate at any sale made in virtue or on account of any loan, mortgage or trust made to or held by or for the said company, or in which it is interested; and to receive and take, in satisfaction of any loan or debt, any real or personal estate, and to hold, use, improve, lease and convey the same. Any real estate sold under deed of trust, or other conveyance held as security by said corporation, may be redeemed [by] the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, together with ten per cent. interest on same, at any time within twelve months after such sale. No real estate, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to dispose of the same to advantage.

May hold and convey real estate.

Redemption of property sold under deed of trust.

§ 7. The election of directors of this company shall be held annually, at the office of the company; and the secretary shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for directors shall be by ballot, and the name and number of shares of each stockholder voting shall be indorsed on the ballots; and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name on the books of the company; and he or they may vote in person or by proxy. Any omission or failure to elect directors shall not impair in anywise the rights of stockholders, depositors, or others interested. The directors so elected shall hold until their successors are duly elected and qualified.

Annual election of directors.

Vote of stockholders.

§ 8. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits in their own names; which stock and deposits shall be subject to their disposal and order, only; and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Deposits of minors or married women, how disposed of.

§ 9. The board of directors shall have power to declare dividends on the stock of said association out of the profits of the business thereof, from time to time, as they shall deem for the interest of the stockholders; and shall have power to provide for the increase of the capital stock of this association, under the limits of this charter.

Dividends.

Stockholders
individually re-
sponsible.

§ 10. All the stockholders of said corporation shall be severally and individually liable to the depositors, to the amount of stock held by them, respectively; and such liability shall continue for six months after the sale and transfer of said stock by any stockholder; and all suits brought against any stockholder must be commenced within six months from the time he shall cease to be a stockholder.

To make rules
and regulations.

§ 11. Said corporation is hereby authorized to establish such rules, regulations and by-laws, for the management of their business, as they may deem proper, and repeal and alter the same at pleasure.

Duration of
corporation.

§ 12. This corporation shall exist for the term of fifty years next succeeding the first day of March, A.D. 1869, and shall be entitled to use all its corporate powers, rights and privileges for the period of three years thereafter, for the sole purpose of closing up its affairs.

§ 13. This act shall be deemed a public act, of which all courts and magistrates shall take notice, and shall take effect on and after its passage.

APPROVED March 13, 1869.

In force March
30, 1869.

AN ACT to incorporate the O'Fallon Banking Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles Tiederman, B. J. VanCourt, Joseph Penn, James H. Atkinson, Joshua L. Bond, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The O'Fallon Banking Company," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of O'Fallon, in the county of St. Clair, and state of Illinois.

Name and style.

Open books for
subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars; and shall be divided into shares of one hundred dollars each, which shall be deemed

personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits left for accumulation or safe-keeping as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Borrow money and receive deposits.

May loan on deeds of trust.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may in their own name subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Minors and married women may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their creditors,

May purchase real and personal estate.

Redemption of real estate sold under deeds of trust.

by the payment of the full amount of debt and costs, with ten per cent. interest on the same, at any time within twelve months after such sale: *And, provided, also,* that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said town of O'Fallon, or the county of St. Clair, and state of Illinois.

When act to be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of directors' indebtedness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

AN ACT to incorporate the Ottawa Banking Company.

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Fred-
erick A. Sherwood, Richard Thorne, Edwin R. Fay,
Alson Ward, John P. Anthony, John F. McKinley, Ed-
ward L. Herrick, and all such persons as shall become
stockholders in the corporation hereby created, and their
successors, shall be a body politic and corporate, by the name
and style of "The Ottawa Banking Company;" and shall
have a common seal, which they may alter or renew at
pleasure; power to plead and be impleaded, and defend and
be defended, in all courts of law and equity; to have and
exercise powers incident to corporate bodies. Said corpora-
tion shall be located in the city of Ottawa, in the county
of LaSalle, and state of Illinois.

Corporators.

Name and style.

Open books for
subscription.

§ 2. A majority of the corporators herein named may
proceed to open books for subscription to the stock of said
corporation, and shall, at the same time, or thereafter, des-
ignate a time and place for the first election of directors of
said corporation by parties subscribing to the stock thereof;
and each share of stock so subscribed for shall be entitled to
one vote.

Amount of
capital stock.

§ 3. The capital stock of said corporation shall be
fifty thousand dollars, with power to increase the same to
two hundred thousand dollars, and shall be divided into
shares of one hundred dollars each, which shares shall be
deemed personal property, subject to taxation, and shall be
transferable on the books of the corporation, in accordance
with the rules thereof.

May borrow
money and re-
ceive deposits.

§ 4. The said corporation shall have power to borrow
money, and to receive money on deposit, and pay interest
thereon, and to loan money either within or without this
state, at any rate of interest not exceeding that now or
hereafter allowed by law to private individuals, and to
discount loans—and in computation of time thirty days shall
be deemed a month, and twelve months a year—and to
make such loans payable either within or without this state,
and to take such securities therefor, real or personal, or
both, as the directors or managers of said corporation shall
deem sufficient, and may secure the payment of such loans
by deeds of trust, mortgages or other securities, either
within or without this state; may buy and sell negotiable
paper and other securities; may purchase and sell real
estate, and shall have the power to convey the same in any
mode prescribed by the by-laws of said corporation; may
accept and execute all such trusts, whether fiduciary or
otherwise, as shall or may be committed to it by any per-
son or persons or by the order or direction of any court
or tribunal, or other legally constituted authority of the

May loan on
deeds of trust.

Letters of credit.

state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money, and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Married women and minors may take stock.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names, which stock and deposits shall be subject to their disposal and order only.

Purchase, hold and convey real estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale to enforce its securities, or the payment of debts due, made by virtue of any process, mortgage or deed of trust; and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And provided, also*, that no real estate that may become the property of said corporation, except such as may be necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May loan on deeds of trust.

Property may be redeemed.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

Stockholders to pay in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time, unless the amount thereof shall be paid into

said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published at said city of Ottawa, in the county of LaSalle, and state of Illinois. Stockholders' liability.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own. Limit of directors' indebtedness.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Pacific Bank.

In force March 26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph W. Hilmer, William T. Rogan, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Pacific Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, in the county of Cook, and state of Illinois.* Corporators.
Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote. Open books for subscription

§ 3. The capital stock of said corporation shall be five hundred thousand dollars, with power to increase the same Amount of capital stock.

to one million dollars, and shall be divided into shares of one hundred dollars; which shall be deemed personal property, subject to taxation, and shall be transferable on the book of the corporation in accordance with the rules thereof.

May borrow money and receive deposits.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes in accordance with bank usage, receive money on deposit, and may also accept and execute all trusts which may be committed to it by any person, or by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May hold and convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his heir or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And provided*, also, that no real estate that may become the property, except such as may be necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be necessary to enable said corporation to sell and dispose of the same to advantage.

May loan on deeds of trusts.

Redemption of property sold under deed of trust.

Five directors.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Full amount of stock to be paid in.

§ 7. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make such rules, regulations and by-

By-laws, rules and regulations.

laws as are not inconsistent with the laws of this state or the United States.

§ 8. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until six months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Chicago, in the county of Cook, and state of Illinois.

Stockholders held responsible

§ 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving saving deposits, and from paying interest on deposits, under penalty of forfeiting its charter.

Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

§ 11. No director of said corporation shall be indebted to said [corporation] either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

Limit of directors' indebtedness.

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

When act to take effect.

APPROVED March 26, 1869.

AN ACT to incorporate the Pekin Banking Company.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Columbus R. Cummins, Ties Smith, C. J. D. Rupert, B. S. Prettyman, George Grigs, John B. Cohrs, Peter Wigherich, John Hergst and Gordis Cobleigh, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Pekin Banking Company," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Pekin, in the county of Tazewell, and state of Illinois.

Corporators.

Name and style.

Open books
for subscrip-
tion.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Amount of
capital stock.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow
money and re-
ceive deposits.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state; and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States or elsewhere;

May loan on
deeds of trust.

Special regu-
lations of trust
fund and de-
posits.

may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Letters of credit

Married women
and minors may
take stock.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May hold and
convey real es-
tate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and

hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease, sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Redemption of property sold under deeds of trust.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay up in full.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Pekin, in the county of Tazewell, and state of Illinois.

Liability of stockholders.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Act, when void.

Limit of in-
debtedness of
directors.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, for an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 31, 1869.

In force April
19, 1869.

AN ACT to incorporate the People's Bank.

Corporators.

Name and style.

Location.

Open books
for subscription

Capital stock.

May borrow
money and re-
ceive deposits.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William H. Hawkins, Edward R. Allen, W. B. Allen, Lorenzo D. Brady, T. C. Moore, G. W. Quereau and J. T. Barr, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The People's Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Aurora, in the county of Kane, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both,

as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other security, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with the depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

May hold and convey real estate.

Letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. The said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state.

May hold real estate for use or security.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be employed and appointed as said corporation or its officers may see proper.

Directors elected annually — privileges, powers, etc.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid in-

Stockholders to pay in full.

to said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Aurora.

When this act may be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Indebtedness of director.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED April 19, 1869.

In force March 27, 1869.

AN ACT to incorporate the People's Bank of Belleville.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Jacob Maurer, Charles F. Noelling, Joseph Abend, Charles Gooding, Frederick H. Pieper, Jacob B. Reutchler, Moritz Dobschuetz, Thompson A. Chenot, Peter Karr, Joseph Hausez, W. Maus, F. Ropiequet Amos, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The People's Bank of Belleville;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; and have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Belleville, and state of Illinois.*

Name and style.

To open books for subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscriptions to the stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof;

and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of capital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans, by deeds of trust, mortgages, or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of such loans made to said corporation in any way the directors of said corporation may prescribe. Any real estate, sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sales.

May borrow money and take deposits.

May loan money on deed of trust.

Special regulations for trust funds.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the trans-

May hold and convey real estate.

action of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. And said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually, by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Election of officers.

Stockholders to pay up in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full, and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of the stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of Belleville.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of directors.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, or individually, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 27, 1869.

AN ACT to incorporate the People's Bank of Bloomington.

In force March
4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Parke, Lawrence Weldon, Robert E. Williams, John L. Routt, Lyman Ferre, Benjamin F. Hoopes, Dwight Harwood, Almon B. Ives, George F. Dick, Norval Dixon, Charles E. Dodge, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The People's Bank of Bloomington," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Bloomington, in the county of McLean, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Books to be
opened for sub-
scription.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Capital stock.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable, either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or per-

May borrow
money and re-
ceive deposits.Computation
of time.May loan on
deeds of trust.May make
and execute
certain trusts.

Letters of
credit.

sons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

Married women
and minors may
take stock.

§ 5. Married women and minors may, in their own name, subscribe for stock, and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May hold
and convey real
estate.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or the United States.

Board of di-
rectors, their
number.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and duly qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders
to pay up in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders
responsible.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months

after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Bloomington, in the county of McLean, and state of Illinois.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of indebtedness of director.

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

APPROVED March 4, 1869.

AN ACT to incorporate the People's Bank of Freeport.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Louis F. Burrell, John S. Emmert, David H. Sunderland, John Burrell, Orlando B. Bidwell, I. H. Miller, Charles L. Carrier, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The People's Bank of Freeport," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Freeport, in the county of Stephenson, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Opening subscription books.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of capital stock.

Borrow money
and receive de-
posits.

Computation
of time.

Loan money
on trust deeds.

Special regu-
lations in refer-
ence to trust
funds.

May issue let-
ters of credit.

Married wo-
men and minors
may take stock.

May purchase,
hold and convey
real estate.

To loan on
mortgages and
deeds of trust.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase, and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state, or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within

twelve months after such sale : *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier ; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full ; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock ; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders to pay in full.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively ; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said city of Freeport, in the county of Stephenson, and state of Illinois.

Individual liability of stockholders.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good-faith, as his own.

Indebtedness of director limited.

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

APPROVED March 27, 1869.

In force March
25, 1869.

AN ACT to incorporate the Produce Exchange Bank of Staunton.

- Corporators.** SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William C. Shirley, John H. Hall, Lee A. Hall, James Davis, William Kidd and Azariah Boody, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by
- Name and style.** the name and style of "The Produce Exchange Bank of Staunton;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Staunton, in the county of Macoupin, and state of Illinois.
- Open books for subscription.** § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.
- Amount capital stock.** § 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.
- May borrow money and receive deposits.** § 4. The said corporation shall have power to borrow money, and to receive money on deposit, and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such
- May loan on deeds of trust.** loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate: *Provided, however,* said corporation shall not, at any time, hold real estate exceeding fifty thousand dollars in value; and shall have the power to convey the same, in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall be committed to it by
- Special powers granted.** any person or persons, or by the order or direction of

any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations in reference to trust funds or deposits, left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

May issue letters of credit and other commercial obligations.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same: *Provided*, that from all sales, under deed of trust or other conveyance, redemption shall be allowed as now provided by law in mortgage sales under decree for foreclosure. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States.

May hold and convey real estate.

§ 7. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Redemption of property sold under deed of trust.

Stockholders to pay in full.

§ 8. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, which may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Board of directors to consist of five.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an

Liability of stockholders.

amount equal to double the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the said town of Staunton, in the county of Macoupin, and state of Illinois.

Act, when void. § 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act; and shall be subject to the provisions of any general law hereafter passed on the subject of banking, trust or deposit companies.

Limit of indebtedness of directors. § 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own.

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

APPROVED March 25, 1869.

In force March
27, 1869.

AN ACT to incorporate the Red Bud Bank.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That John Brickey, C. W. Schriber, Mathias Huth, Emuel Berger, John H. Myer, William Snook, William Nelson, Edward Schneiderwind, B. C. F. Jansen, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Red Bud Bank;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded and defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Red Bud, in the county of Randolph, and state of Illinois.

Subscription books opened to capital stock. § 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Capital stock. § 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which

shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Borrow money
and receive de-
posits.

Loan money
on deeds of
trust.

Special regu-
lations for trust
funds.

Letters of credit
and other com-
mercial obliga-
tions.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Women and
minors may
take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be re-

May hold and
convey real es-
tate.

Redemption
of property sold
under deed of
trust.

deemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, further*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Individual liability of stockholders.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to an amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city of Red Bud, in the county of Randolph, and state of Illinois.

When act to be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of stockholders.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Scott County Banking Company.

In force March
30, 1862.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John R. Woods, Thomas Hollenbush, George G. Terry, David Skilling, Jno. Moses, David Watt, Joseph V. Carpenter, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Scott County Banking Company," and shall have a common seal which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended in all courts of law and equity; to have and exercise power incident to corporate bodies. Said corporation shall be located in the town of Winchester, in the county of Scott, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books for
subscription.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount of cap-
ital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans, by deeds of trust, mortgages and other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois

Borrow money
and receive de-
posits.

May loan on
deeds of trust.

Special regu-
lations.

Letters
credit, etc.

Married women
and minors may
take stock.

May hold and
convey real es-
tate.

Real estate may
be redeemed.

Board of di-
rectors to con-
sist of five.

*Stockholders
to pay in full.

or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its necessary management as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that shall become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to dispose of the same to advantage.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made

at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation, at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said town of Winchester, in the county of Scott, and state of Illinois. Stockholders' liability.

§ 10. This act shall be void, unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own. Limit of indebtedness of director.

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

APPROVED March 30, 1869.

AN ACT to incorporate the Sparta Bank.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Rosborough, William Addison, R. H. Rosborough, Samuel Leslie, James Gordon, Mathew Kirkwood, R. B. Little, W. R. Brown, and J. M. McCutcheon, their associates, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Sparta Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies; to appoint all necessary officers, servants and assistants; and be located in the city of Sparta, in Randolph county, in the state of Illinois. Corporators. Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; Open books for subscription

and each share of stock so subscribed for shall be entitled to one vote.

Amount capital stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars—to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company—and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said company in such manner as the by-laws of said company may provide.

May borrow money and receive deposits.

§ 4. The said corporation shall have power to borrow money, and to receive money on deposit and pay interest thereon, and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable, either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper, and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said company, in any way the directors of said company may prescribe.

May loan on deeds of trust.

Special reference to trust funds.

May issue letters of credit.

Married women and minors may take stock.

§ 5. Married women and minors may, in their own name, subscribe for stock and deposit money with said corporation and receive certificates of stock and of deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May hold and convey real estate.

§ 6. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans or debts due or to become due to said company; to bid for and purchase real estate, at

any sale, whether made in virtue or on account of any loan or mortgage or trust made to or held by or for said company, or in which it is interested, or otherwise; and to receive and take, in satisfaction of any loan or debt, any real or personal estate, and to hold, use, improve, lease and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance, held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, further*, that no real estate that may become the property of this corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

Property sold under deed of trust may be redeemed.

§ 7. The affairs of the company shall be managed by a board of directors, at least three in number, who shall be residents and freeholders of said county of Randolph. After the first election, as herein provided, the directors shall be elected by the stockholders, at such time and place and in such manner as may be established by the by-laws of said company. The directors of said company shall be elected annually, but any failure or omission to elect directors, shall in nowise impair or affect the rights and powers of directors holding over, or the rights or interests of the stockholders, depositors or others interested; and none but stockholders, residents and freeholders of said county, shall be directors.

Number of directors.

Election of directors.

§ 8. The directors shall have the right to frame by-laws for the appointment of other officers, agents and others, necessary for the company's service, and for regulating their own proceedings and the said company's operations, however, not inconsistent with the laws of this state or the United States.

By-laws, rules and regulations.

§ 9. The directors shall also have the right, in case any stockholder shall fail to pay any installment for thirty days after a call thereof, to declare the stock of such stockholder, so in arrears, forfeited to the company, together with the sums already paid thereon, by giving due notice, as the by-laws of said company may prescribe which may be in force when such stockholder subscribes for his or her stock, or sue for and recover the entire amount of subscription remaining unpaid; and shall have the right to declare dividends out of the earnings of said company.

May forfeit stock.

Collection of subscriptions to be enforced.

§ 10. Until the sum of ten thousand dollars shall have been actually paid in, on subscription to the capital stock of said company, said company shall not commence business; and this act shall be void unless said company organize and proceed to business within two years after the

Company to commence business.

Subject to future laws. passage hereof. The company hereby created shall be subject to the provisions of any general law of the state of Illinois, which may hereafter be passed, on the subject of savings banks or trust and deposit companies.

Stockholders' liability. § 11. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders thereof shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof in a newspaper published in said county of Randolph.

Directors' indebtedness limited. § 12. No director of said corporation shall be indebted [to said corporation,] either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 27, 1869.

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In force March
25, 1869.

AN ACT to incorporate the Sterling Bank.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William A. Sanbon, John S. Miller, John Sanbon, A. J. Matteson, W. H. Whipple, James M. Wallace, A. P. Smith, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Sterling Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Sterling, in the county of Whiteside, and state of Illinois.

Open books for subscription.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation; and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, with power to increase the same

to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and, in computation of time, thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate as money, and may secure the payment of any loans made to said corporation in any way the directors of said corporation may prescribe.

Borrow money and receive deposits.

Computation of time.

May loan on deeds of trust.

Special regulations in regard to trust funds.

Letters of credit, etc.

Deposits of women and minors.

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management as are not inconsistent with the laws of this state or the United States.

May hold and convey real estate.

By-laws, etc.

Five directors. § 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Election of officers.

Stock to be paid in full.

§ 8. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock and publication of a notice thereof, in a newspaper published at the said city of Sterling, in the county of Whiteside, and state of Illinois.

When act to be void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of indebtedness of director.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 25, 1869.

In force March 27, 1869.

AN ACT to incorporate the Tamaroa Bank.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. J. Fitzgerrell, Daniel R. Spencer, Frederick Williams, Henry F. Hemplemann, C. E. R. Winthrop, Edward V. Pierce,*

DeWitt C. Barber, Joel M. Sullivan, William Hammaik, Thomas M. Sams, Zebedee P. Curless, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Tamaroa Bank," and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, defend and be defended in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the town of Tamaroa, in the county of Perry, and state of Illinois.

Name and style.

§ 2. A majority of the corporation herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Open books for subscription.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

Amount capital stock.

§ 4. The said corporation shall have power to borrow money and to receive money on deposit, and pay interest thereon, and to loan money, either within or without this state, at any rate of interest, not exceeding that now or hereafter allowed by law to private individuals, and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve months a year—and to make such loans payable either within or without this state, and to take such securities therefor, real or personal, or both, as the directors or managers of said corporation shall deem sufficient, and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities; may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of this state or of the United States, or elsewhere; may make such special regulations, in reference to trust funds, or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not, however, to circulate

May borrow money and receive deposits.

May loan on deeds of trust.

Special regulations.

as money ; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

Married women
and minors may
take stock.

§ 5. Married women and minors may, in their own names, subscribe for stock, and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

May hold and
convey property

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate, as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate, at any sale to enforce its securities for the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter or amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state or the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and cost, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May loan on
deeds of trust.

Redemption of
property.

Five directors.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, which may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders
to pay in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

§ 9. Whenever default shall be made in the payment of any debt or liability contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them respectively, and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof, in a newspaper published at the town of Tamaroa, in the county of Perry, and state of Illinois. Stockholders' liability.

§ 10. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by said director in his own name, in good faith, as his own. Limit of directors' indebtedness.

§ 11. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. Act, when void.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Union Bank of Quincy.

In force March 28, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Henry Root, F. W. Jansen, James M. Pitman, Henry S. Osborn, Joseph Sibley, Thomas Payre, William Charles, E. M. Moffitt and Samuel R. Chittenden, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, and shall be known by the name of "The Union Bank of Quincy;" and by that name they and their successors shall have perpetual succession, and shall have a common seal (which may be changed at pleasure); and by its name it may make contracts, sue and be sued, complain and defend in any court of law and equity as fully as natural persons, and shall have power to appoint all necessary officers, clerks and agents in the city of Quincy, in the county of Adams, and elsewhere in the state of Illinois. Corporators.

Name and style.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and the directors shall have the power to commence business as soon as one hundred and fifty thousand dollars shall have been subscribed and twenty dollars per share paid thereon, in the manner hereinafter specified. Amount of capital stock.

§ 3. A majority of the corporators herein named shall be and are hereby authorized at any time within two years after the passage of this act, to open books for the subscrip- Open books for subscription.

tion of the capital stock of the corporation, in the city of Quincy, and to keep them open until the sum of one hundred and fifty thousand dollars shall have been subscribed; at which time, or as soon as convenient thereafter, they shall designate a time and place for the first election of the directors of said corporation by the parties subscribing for the capital stock thereof, and each share of stock so subscribed shall be entitled to one vote.

When payment
of stock shall be
made.

§ 4. The payment of the stock subscribed shall be made and completed by the subscribers at such time, place and manner as the said directors shall prescribe, and no person shall be a director unless he be a *bona fide* subscriber or stockholder, holding at least twenty shares free from all incumbrance of the corporation.

When stock
holders shall
vote.

§ 5. No subscriber of the stock of the corporation hereby created shall have the right to vote at the first election of the directors unless he shall have paid ten per cent. of the amount subscribed by him, to such agent as the corporators of this act may designate; nor shall any subscriber or stockholder have at any time the right to vote at any election held by virtue of this act, who shall be in default to the corporation for any payments, either in stock held by him or otherwise.

May borrow
money and dis-
count bills.

§ 6. The corporation hereby created shall have power to borrow and loan money on either real or personal security, and to discount bills, notes, checks, or any other evidence of indebtedness, and to issue bills of exchange, drafts, checks, bonds, certificates of deposit, and such obligations as may be requisite in the prosecution of the said banking business, and to allow thereon and receive therefor such rate of interest as may be agreed upon by the parties thereto, not to exceed the amount now allowed by law; and also to buy and sell bonds, drafts, bills of exchange, notes, or any other instruments in writing, gold and silver, either in coin or other shape or condition, or other metals or valuable thing, and to receive on deposit money, bonds, bank notes, gold and silver, in coin or otherwise, or any other thing of value, and also to do any other matter or thing that may be necessary or proper in the carrying on of a general banking business, except to issue paper to circulate as money; and to create, appoint and employ and establish such officers, agents and servants as shall be necessary to carry on the business of said corporation; and to pass such ordinances and by-laws as shall be necessary and proper for carrying into operation the powers granted by this act; but no by-laws of the corporation shall be passed without the consent of a majority of the directors, and shall not be inconsistent with the constitution and laws of this state.

May transact
general banking
business.

Appointment
of officers.

May purchase
and convey real
estate.

§ 7. It shall be lawful for the corporation hereby created to purchase and hold such real estate as may be convenient and useful in the transaction of its business, and

to take and hold any real estate, in trust or otherwise, as security for or in payment of loans and debts due or to become due to said corporation, to bid for and purchase real estate at any sale made by virtue of or on account of any loan or mortgage or trust made to, or held by or for, said corporation, or in which it is interested; and to receive and take in satisfaction of any loan or debt any real or personal estate, and to hold, use and improve, lease and convey the same: *Provided*, that no real estate, beyond such as may be necessary for the transaction of its business, shall be held by said corporation for a longer period than may be necessary to enable said corporation to dispose of the same to advantage; and all real estate sold by said corporation under deed of trust or other conveyance, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, together with ten per cent. interest on same, at any time within twelve months after such sale: *Provided, also*, that the stockholders in this corporation shall be individually liable to the amount of their stock for all debts of the corporation; and such liability shall continue for three months after the transfer of any stock on the books of the corporation.

May loan on
deed of trust.

§ 8. The said corporation shall be authorized to receive money from any person or persons who may wish to deposit the same. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits, which shall be subject to their order only. All deposits of money shall be used and improved in a manner not inconsistent with the laws of this state, and any rate of interest not exceeding that allowed by law shall be paid for such deposits.

Minors and
married women
may take stock.

§ 9. The said corporation may accept and execute all such trusts, whether fiduciary or otherwise, as may be committed to it by any person or persons, or by the order of any court or tribunal in the state of Illinois; may make such special regulations in reference to trust funds, deposits or savings, as shall best aid the depositors and parties interested by accumulating and increasing the same, allowing and receiving such rate of interest, not greater than that hereinbefore mentioned, as may be agreed upon; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt, to circulate as money.

Special regula-
tions.

§ 10. The stock and the affairs of the corporation hereby established shall be managed by a board of directors not less than five nor more than nine in number. In all elections of directors, and in deciding all questions at meetings of stockholders, each stockholder shall be entitled to one vote for each share; which vote shall be given by ballot.

Board of direc-
tors to consist of
five.

Stockholders may give their votes by proxies, duly authorized in writing, through a stockholder; but no officer, clerk, or teller or book-keeper of this corporation shall act as proxy, and no stockholder whose liability is past due shall be allowed to vote.

Election of officers.

§ 11. The directors chosen shall, as soon as may be after every annual election of directors, proceed to choose out of their own number a president and vice-president. The president shall perform such services and have such powers as may be conferred upon him by the by-laws of the corporation. In case of the death or resignation of the president, vice-president, or any of the directors, the vacancy may be filled by the board of directors; and in the event of the absence of the president, the vice-president shall preside, and have all the powers and perform all the duties of president. At all meetings of the directors three shall be a quorum to do business, which shall include either the president or vice-president.

To make rules and regulations.

§ 12. The said directors may, by by-laws, direct in what manner the business of the corporation shall be done; and they shall have power, subject to such by-laws, to appoint, from their own body, one or more assistants, to aid in the performance of the business of the corporation, with such compensation and allowances as they shall think proper; and they shall have power to declare and make dividends of the profits arising out of the business of the corporation, and fix, allow and pay out of the funds of the said corporation officers, agents and servants of said corporation, such wages, salaries and compensations as they shall think proper and reasonable.

Stock deemed personal property and transferable.

§ 13. The stock of the corporation shall be deemed personal property, and shall be assignable and transferable according to such rules and regulations as the board of directors shall from time to time make and establish.

Stock forfeited.

§ 14. The directors shall have the right, in case that any stockholder shall fail to pay any installment for thirty days after a call thereof, by publication or otherwise, to declare the stock of such stockholder, so in arrears, forfeited to the corporation, together with the sums already paid thereon, or, at their option, sue for and receive the entire amount of subscription remaining unpaid. General meetings shall decide whether such forfeited stock shall be merged into the common stock of the company or sold by auction thereat to the highest bidder.

Limit of subscription.

§ 15. Until the first election of directors by the stockholders shall have been held, it shall not be lawful for any one person to subscribe for more than two hundred shares of the stock of the corporation; and the directors shall be authorized to limit the number of shares which shall be held by any one person, and to alter and abolish such limits whenever they may deem it proper to do so.

§ 16. A misnomer of said corporation in any deed, gift, or other instrument, contract or conveyance, shall not vitiate the same, if the corporation shall be sufficiently described therein to declare the intention of the parties.

A misnomer not to invalidate act of corporation.

§ 17. All contracts and other instruments in writing which may be made or entered into by such officer or officers, agent or agents, as shall be authorized by the ordinances and by-laws of the corporation, and being so signed shall be binding upon said corporation; and all such contracts and instruments in writing may be signed and carried on, without the presence of the board of directors by its officers, assistants and agents.

Acts of officers to be binding.

§ 18. The books of said corporation shall be open to inspection of stockholders during all reasonable business hours, except during the months of January and July in each year, during which months general meetings of the stockholders shall be held, and a statement of the affairs of said corporation shall be laid before said meetings. No transfer of stock shall take place during the said months, to avoid confusion in preparing the list of stockholders and accounts, but transfers may be received immediately after said meetings, subject to the by-laws of said corporation.

Open books for inspection.

§ 19. This act shall be and is hereby declared a public act, and the same shall be, as such, liberally construed, and shall take effect and be in force from and after its passage.

APPROVED March 26, 1869.

AN ACT to incorporate the West Side Banking Association.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Silas M. Moore, S. B. Williams, H. W. Jones and J. W. Preston, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The West Side Banking Association;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of Chicago, county of Cook, and state of Illinois.

Corporators.

Name and style.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof;

May open books for subscription.

and each share of stock so subscribed for shall be entitled to one vote.

Capital stock.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; which [shares] shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

May borrow money and receive deposits.

§ 4. The said corporation shall have power to borrow money, buy and sell bills of exchange and other commercial obligations, loan money and discount notes, in accordance with bank usage; receive money on deposit; and may also accept and execute all trusts which may be committed to it by any person or by order of any court. Said corporation shall confine its business, exclusively, to a commercial and exchange banking business.

May purchase and convey real estate.

§ 5. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation; and to purchase real and personal estate, at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold or sell and convey the same: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary in the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May loan on deeds of trust.

Board of directors to consist of five members.

§ 6. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to make full payment.

§ 7. Before said corporation shall commence business the stockholders shall pay the several amounts subscribed, in full; and no increase of said capital stock shall be made, at any time, unless the amount thereof shall be paid into

said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock. Said corporation may make such rules and regulations and by-laws not inconsistent with the laws of this state or of the United States.

§ 8. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until six months after an assignment of the stock and publication of a notice thereof, [in a newspaper] published at the said city of Chicago, in the county of Cook, and state of Illinois. Liability of stockholders.

§ 9. Nothing in this act shall be construed as to invest said corporation with power to do the business of a savings bank; and the said corporation hereby created is expressly prohibited from in any way announcing or advertising itself as a savings bank, or as receiving savings deposits, and from paying interest on deposits, under a penalty of forfeiting its charter. Not to be a savings bank.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act. When act to be void.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director in his own name, in good faith, as his own. Limit of directors' indebtedness.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Winchester Bank.

In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Edward G. Miner, Robert Frost, Charles B. Hubbard, Joseph V. Carpenter, S. R. Powell, J. B. Young, James Brown, Charles Wilson, T. P. Rowen, and their associates and successors, and all such persons as shall become stockholders in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Winchester Bank," and shall have succession, a common seal, with power to plead and be impleaded, to sue and may be sued, to appoint all necessary assistants; and may have, enjoy* Corporators. Name and style.

and exercise all the powers necessary to carry out and execute all the purposes and intents of a savings, loan and trust corporation.

Objects of the corporation.

§ 2. The general business and object of this corporation shall be to receive, on deposit or in trust, such sum or sums of money as may from time to time be offered therefor, by tradesmen, merchants, clerks, laborers and others, to be repaid to such depositors when required, at such times, with such interest, and under such regulations, as the board of directors may from time to time prescribe; which regulations shall be posted up in some conspicuous place in the rooms where the business of said corporation shall be transacted.

First board of directors.

§ 3. The business of the corporation shall be managed by a board of directors; and the persons named in section one shall be the first directors thereof, and shall so continue until the first Monday in May, 1870, when their successors shall be chosen as hereinafter provided. Said company shall be located at Winchester.

Location.

Capital stock to be subscribed

§ 4. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, payable in installments, as the directors may from time to time elect, under such penalties as they may, in their discretion, adopt; and the directors are hereby appointed and authorized to superintend the subscriptions to the capital stock of the corporation; and it will be competent for said directors to commence the business of the corporation when the full amount of stock shall have been subscribed, and at least twenty-five per cent. of it paid into the treasury.

May loan money and discount.

§ 5. This corporation may loan money, at any rate of interest not exceeding ten per cent. per annum, or may discount in accordance with bank usage—taking such security therefor, either real or personal, as the directors may deem sufficient. Said corporation shall have power to borrow money, buy and sell exchange, bullion, bank-notes, government stocks, and other securities; but nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank-notes, for the purpose of a circulating medium.

Purchase, hold and convey real estate.

§ 6. It shall be lawful for this corporation to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of any debt or debts, due or to become due to the said corporation; to purchase real estate at any sale, made in virtue of any loan, debt or mortgage made to or held by said corporation, and to receive and take, in whole or in part satisfaction of any such loan or debt, any real estate, and to hold and convey the same.

§ 7. The stockholders of this corporation shall meet on the first Monday in May, 1870, and annually thereafter, and elect, by ballot, from their number, seven directors, to serve for the term of one year or until their successors are chosen. Each stockholder shall be entitled to one vote for every share of stock standing in his or her name, on the books of the corporation; and they may vote in person or by proxy. The name of each stockholder, so voting, shall be indorsed on the ballot, and a plurality of votes shall elect. The directors shall elect, annually, from their number, a president, vice-president, and secretary; the cashier may be selected from the stockholders by the directors. The directors shall make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of this corporation, and not inconsistent with this act, or with the laws of this state or of the United States.

Annual meet-
ing of stock-
holders.

Election of
officers.

§ 8. At any time after the full payment of the original stock of fifty thousand dollars, as hereinbefore provided, the directors may increase the capital stock of said corporation to any amount not exceeding two hundred thousand dollars, in shares of one hundred dollars each; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock. Stockholders shall have the option of subscribing to such additional stock, *pro rata*, within such time as the directors may limit.

May increase
capital stock.

§ 9. When any deposit is made to said corporation by a minor, or by a female being or hereafter becoming a married woman, the said corporation may pay such depositors any sum of money due to them, and their receipt or acquittance shall be a legal discharge to said corporation therefor.

Deposits, how
and to whom
paid.

§ 10. The stock of this corporation shall be deemed personal property, transferable only on the books of the corporation; and no transfer shall be valid while he is indebted to the corporation.

Stock deemed
personal prop-
erty.

§ 11. This corporation shall exist for the term of thirty years next succeeding the first of May, A. D. 1869, and shall be entitled to use all its corporate powers, rights and privileges, for the period of two years thereafter, for the sole purpose of closing up its affairs. The stockholders herein shall be responsible, in their individual property, in double the amount of their stock, to make good all losses to depositors or others; and no assignment of their stock shall release them from their liability until after the fact of such assignment, and the name of the person to whom made, and the amount of said stock, shall have been advertised in some public newspaper, printed in the county where the corporation is doing business and located, for the period of three months. This act shall be void unless said company shall organize and proceed to business within

Duration of
corporation.

Liability of
stockholders.

When act to
be void.

two years after the passage hereof. The said company shall be subject to any general law hereafter passed on the subject of banking, trust or deposit companies.

§ 12. This act shall be deemed a public act, of which all courts and magistrates shall officially take notice; and shall take effect on and after its passage.

APPROVED March 31, 1869.

In force March
30, 1869.

AN ACT to incorporate the Workingmen's Banking Company.

Corporators.

Name and style.

Open books for
subscription.

Amount of
capital stock.

May borrow
money and re-
ceive deposits.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John McMullen, Ernest W. Wider, Mortimer Millord, Frederick E. Schul, J. D. Herkimer, George W. Davis, Henry Scholl, James R. Miller, and all such persons as shall become stockholders in the corporation hereby created, and their successors, shall be a body politic and corporate, by the name and style of "The Workingmen's Banking Company;" and shall have a common seal, which they may alter or renew at pleasure; power to plead and be impleaded, and defend and be defended, in all courts of law and equity; to have and exercise powers incident to corporate bodies. Said corporation shall be located in the city of East St. Louis, in the county of St. Clair, and state of Illinois.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the stock of said corporation, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said corporation, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; which shares shall be deemed personal property, subject to taxation, and shall be transferable on the books of the corporation in accordance with the rules thereof.

§ 4. The said corporation shall have power to borrow money, and receive money on deposit and pay interest thereon; and to loan money, either within or without this state, at any rate of interest not exceeding that now or hereafter allowed by law to private individuals; and to discount loans—and in computation of time thirty days shall be deemed a month, and twelve month a year—and to make such loans payable either within or without this state; and to take

such securities therefor, real or personal or both, as the directors or managers of said corporation shall deem sufficient; and may secure the payment of such loans by deeds of trust, mortgages or other securities, either within or without this state; may buy and sell negotiable paper and other securities, may purchase and sell real estate, and shall have the power to convey the same in any mode prescribed by the by-laws of said corporation; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States, or elsewhere; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall be agreed upon with depositors or parties interested, for the purpose of accumulating or increasing the same; may issue letters of credit and other commercial obligations, not however to circulate as money; and may secure the payment of any loans made to said corporation, in any way the directors of said corporation may prescribe.

May loan on deeds of trust.

Letters of credit

§ 5. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and deposits in their own names; which stock and deposits shall be subject to their disposal and order only.

Married women and minors may take stock.

§ 6. The said corporation shall have power to purchase and hold such real estate as may be necessary for the transaction of a *bona fide* banking business, and to take and hold any real estate as security for and in payment of loans and debts due or to become due to the corporation, and to purchase real and personal estate at any sale to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, and to hold, use, improve, lease or sell and convey the same. Said corporation may make, alter and amend such by-laws, rules and regulations for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, that any real estate, sold under deed of trust or other conveyance held as security by said corporation, may be redeemed by the debtor, his, her or their heirs or creditors, by the payment of the full amount of debt and costs, with ten per cent. interest on same, at any time within twelve months after such sale: *And, provided, also*, that no real estate that may become the property of said corporation, except such as may be reasonably necessary for the transaction of a *bona fide* banking business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell and dispose of the same to advantage.

May hold and convey real estate.

Redemption of property sold under deeds of trust.

Board of directors to consist of five.

§ 7. The business of said corporation shall be conducted by a board of not less than five directors, to be elected annually by the stockholders, who shall hold their offices until their successors are elected and qualified. The directors shall be stockholders, and residents of the said county. Each share of stock shall be entitled to one vote, and may be cast in person or by proxy. The board of directors shall elect a president and cashier; and such other officers and agents may be appointed or employed as said corporation or its officers may see proper.

Stockholders to pay in full.

§ 8. Before said corporation shall commence business, the stockholders shall pay the several amounts subscribed in full; and no increase of said capital stock shall be made at any time unless the amount thereof shall be paid into said corporation at the time of the issue of such stock; and the whole capital stock, including such increase, shall not exceed in amount the actual value of the property of said corporation at the time of the issue of such increased stock.

Stockholders' liability.

§ 9. Whenever default shall be made in the payment of any debt or liability, contracted by said corporation, the stockholders shall be held individually responsible for an amount equal to the amount of stock held by them, respectively; and such liability shall continue until three months after an assignment of the stock, and publication of a notice thereof in a newspaper published at the said city of East St. Louis, in the county of St. Clair, and state of Illinois.

Act, when void.

§ 10. This act shall be void unless said corporation shall organize and proceed to business within two years after the passage of this act.

Limit of directors' indebtedness.

§ 11. No director of said corporation shall be indebted to said corporation, either directly or indirectly, at any time, to an amount greater than seventy-five per centum of the amount of the capital stock held by such director, in his own name, in good faith, as his own.

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

APPROVED March 30, 1869.

BANKS—NEW PRIVILEGES.

In force March 30, 1869. AN ACT to amend an act entitled "An act to incorporate the Merchants' Association of Chicago," approved February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the Merchants' Association

of Chicago," approved Feb. 20, 1861, be and the same is hereby amended, so that the name of the corporation thereby created is changed from "The Merchants' Association" to "The Hibernian Banking Association."

§ 2. That the affairs of the said corporation shall be managed by a board of not less than five nor more than thirteen directors, who shall be stockholders to an amount of not less than five hundred dollars each; and a majority of the directors so elected shall constitute a quorum for the transaction of business.

Board of directors to consist of five.

§ 3. That an annual meeting of the stockholders of said corporation shall be held on the second Monday of January of each year, for the election of directors and officers, and the transaction of such other business as may come before such meeting; and at such meeting, each share of stock shall be entitled to one vote.

Annual meeting of directors.

Election of officers.

§ 4. All parts of said act inconsistent with this act are hereby repealed.

Conflicting acts repealed.

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

APPROVED March 30, 1869.

BENEVOLENT SOCIETIES—INCORPORATED.

AN ACT to incorporate the Chicago Bakers' Relief Society, at Chicago, In force March 26, 1869.
Cook county, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick Roetz, Franz Erthop, Jacob Heissler, Joseph Whittmer, Franz Hauskel, Ludwig Zimmermann, Henrich Herbold, Fredrick Kehler, Robert Brandkuber, Anton Freitag, Louis Winterberg, and August Junge, and such other persons as shall, from time to time, become members of said society, are hereby incorporated and shall be a body corporate and politic, by the name and style of "Chicago Bakers' Relief Society," located at Chicago, Cook county, state of Illinois; and under that name shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, in all courts, both in law and equity in this state; and may have and use a common seal, and the same to alter and amend at pleasure.

Corporators.

Name and style.

May have and use a common seal.

§ 2. Said corporation shall have power to acquire, hold and convey property, real, personal and mixed, in all law-

May hold and convey real estate.

ful ways: *Provided*, that they shall not, at any one time, have or hold property exceeding in value fifty thousand dollars.

Benevolent
objects of asso-
ciation.

§ 3. The objects of said society are the promotion of the social interests of the bakers, the aiding of its sick members, and the relieving of the widows and orphans of its deceased members.

By-laws, rules
and regulations.

§ 4. Said corporation shall have the power to make all necessary rules and by-laws, for its management, not inconsistent with the laws of this state or of the United States.

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

APPROVED March 26, 1869.

In force March 27, 1869. AN ACT to incorporate the Benedictine Order in Chicago, Cook county, Illinois.

Preamble.

WHEREAS there exists, in the city of Chicago, county of Cook, and state of Illinois, an association, called "The Benedictine Order," being a society of religious men, living in community, devoted to charitable works and the education of youth, and whereof Leander M. Schnerr is prior, and Corbinian Gastbiehl, Agatho Stuebinger, Smitbert Demortean and Boniface Wimmer are members and associates; now, therefore, to enable said association more fully to carry out the objects and purposes thereof, and the objects and purposes of this act,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the said Boniface Wimmer, Leander M. Schnerr, Corbinian Gastbiehl, Agatho Stuebinger, and Smitbert Demortean, their associates and successors, are hereby created and constituted a body corporate and politic, by the name and

Name and style.

style of "The Benedictine Order;" and, by such name style, shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to take and hold, by purchase, gift, grant, devise or otherwise, from any person, persons or corporation, any property and estate, real, personal and mixed, and the same to manage, grant, sell, convey, mortgage, lease or otherwise dispose of; and to invest and loan out, upon interest, the funds of said corporation, and appropriate said funds for its benefit; to contract and be contracted with; 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, and for their removal, and concerning the property and affairs of said corporation, not inconsistent

May invest
and loan funds
on real estate.

Control the
property of the
association.

with the laws and constitution of the state of Illinois; also, to fix and change the time of meeting in and by such by-laws; the number, manner of election, qualification of officers, directors and members, and their powers and duties.

§ 2. The object of this corporation shall be of an eleemosynary nature, namely for the relief and support of sick, destitute and dependent persons, the maintenance of orphans, the care and education of youth, and the establishment of churches and the conducting services therein, as, also, the establishment of schools and school houses; and the said corporation shall have power to do whatever act or thing that may be necessary or proper to carry out its objects.

Aims and objects of the association.

§ 3. All conveyances and instruments in writing, made by said corporation, shall be executed by the prior and treasurer of said order, residing in the city of Chicago, under the corporate seal.

Who to make conveyances.

§ 4. That any person or persons, or corporation, now holding or hereafter to hold any estate, real or personal, or mixed, or any interest therein, in trust or for the use of the said order or any of the members, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, freed and discharged from all such trusts: *Provided*, that the said corporation shall appropriate the same to the same uses as the donors and grantors, by whom the same was originally given or granted, intended the same: *Provided, further*, that no private rights or vested interests shall be affected or in any way prejudiced by such conveyance to this corporation.

Property transferred to corporation.

§ 5. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or for the said corporation: *Provided*, that the intent of the party or parties shall sufficiently appear on the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or for said corporation.

No misnomer to defeat objects of association.

§ 6. Nothing in this act shall be construed to invest said corporation with any banking powers or privileges, or the right to receive money on deposit.

Not to be invested with banking powers

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

APPROVED March 27, 1869.

In force March 13, 1869. AN ACT to incorporate the Benevolent Society of the Free Methodist Church.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Joseph Travis, L. Bailey and C. E. Hanover, preachers, of the Free Methodist Church, and having a seat in the Illinois Conference of the same ; E. A. Kimball, O. P. Rogers and Benjamin Hackney, members of the same, and their successors, are here constituted a body politic and corporate, by
Name and style.	the name and style of "The Benevolent Society of the Free Methodist Church ;" and by that name and style they and their successors shall be known in law, and have perpetual succession, and be capable of suing and being sued, pleaded and being impleaded, contracting and being contracted with ; of having and using a common seal, and altering and renewing the same at pleasure ; of taking, holding, selling and conveying real and personal estate, and of doing whatever may be necessary or proper to carry out the objects of this act ; and shall have and possess all the powers incident to a corporation at common law.
May hold and convey real estate.	
Objects of the incorporation.	§ 2. The object of said corporation shall be the receiving, maintaining, investing and disbursing of a fund, for the support of the widows and the support and education of the children of deceased preachers of the Free Methodist church, and for such other benevolent purposes as the Illinois Annual Conference of the Free Methodist Church may, from time to time, by a three-fourths vote, direct.
Election of officers.	§ 3. There shall be six trustees of said corporation, three of whom shall be preachers, of the Free Methodist church, having a seat in the Illinois conference, and three lay-members of the same church, within the same conference. The corporators above named are hereby appointed trustees, until their successors, respectively, shall be elected as hereinafter provided. As soon after the passage of this act as may be, upon the call of any two of said corporators, there shall be a meeting of said corporators, held at the time and place mentioned in said call ; at which meeting the said corporators who are preachers of said church shall provide, by lot, who of their number shall hold his office
Term of office.	for the term of three years, who for the term of two years, and who for the term of one year ; and, at the same meeting, the said corporators who are lay-members of said church shall do the like ; and said corporators, as such trustees, shall hold their offices, respectively, as shall be so decided. At each annual meeting of the said conference it
Annual meeting of trustees.	shall elect two trustees, one of whom shall be a preacher of said church, having a seat in the Illinois conference, and the other a lay-member of said church within said conference, who shall succeed to the trustees whose term of office shall then expire, and who shall thereafter hold their offices for the term

of three years and until their successors shall be duly elected in like manner. In case of a vacancy among said trustees, by death, resignation or otherwise, the same may be filled by the remaining trustees, until the next annual meeting of said conference, when the vacancy shall be filled by the conference for the remainder of the unexpired term. Said trustees shall perform the duties of their office without compensation.

When vacancies occur, how filled.

§ 4. The affairs of said corporation shall be managed by said trustees; and for that purpose they shall have power to choose their own president and secretary (who shall be chosen by ballot, annually, from their own numbers), and other officers and agents, and prescribe their duties; and to make such ordinances and by-laws, from time to time, as they shall deem necessary or proper—the same not being inconsistent with this act or the laws of this state. Said corporation may acquire, by gift, purchase, grant, devise, bequest, or other conveyance, any real or personal property, for the purposes of said corporation, and may lease, mortgage, sell, convey and otherwise dispose of any property belonging to said corporation, in such manner as such trustees may deem best.

Trustees to manage affairs of corporation.

May receive gifts, grants, bequests, etc.

§ 5. The income only arising from the property of said corporation shall be disbursed by said trustees in carrying out the objects of said corporation, unless they shall be authorized from time to time, by a vote of said conference, to apply and disburse the principal or any part thereof. All moneys belonging to said corporation, not required to be disbursed to carry out the objects thereof, shall be invested by said trustees in real estate or other property, bonds of the United States of America or of this state, or of municipal and public corporations within this state, or they may be loaned, upon bond or note, to be secured by mortgage upon real estate of double the value of the amount of the sum loaned. Nothing, however, in this act shall be so construed as to authorize said corporation or said trustees to engage in the business of banking.

Incomes.

Funds may be invested in real estate.

Not to do a banking business.

§ 6. This act shall take effect and be in force from and after its passage, and shall be deemed a public act; and shall be construed liberally in favor of said corporation, so as to advance its objects.

When act to take effect.

APPROVED March 13, 1869.

AN ACT to incorporate the Cairo St. Patrick's Benevolent Society.

In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the members of the Cairo St. Patrick's Benevolent Society, in* Corporators.

- the city of Cairo, and county of Alexander, and all persons who shall hereafter become associated with them, are hereby constituted a body politic and corporate, by the name of
- Name and style.** "The Cairo St. Patrick's Benevolent 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 such powers and privileges as may be necessary to fulfill the objects of their incorporation.
- Objects of the corporation.** § 2. The objects of this corporation shall be the affording its members mutual assistance in the hour of adversity, disease, sickness and death, and all other such benevolent and charitable purposes as the society may, in its by-laws and constitution, appoint, direct or sanction.
- Officers.** § 3. The officers of this corporation shall be a president, vice-president, secretary, treasurer, steward, and a finance committee of five members of the society—all of whom shall be chosen annually, by ballot, at such time and in such manner as may be prescribed in the constitution or by-laws, and shall hold their offices for one year or until their successors are elected and qualified: *Provided*, that any officer may be removed by a vote of two-thirds of the members.
- Duties of the executive committee.** § 4. The president, vice-president, secretary, treasurer, steward and finance committee shall, together, constitute an executive committee, the powers and duties of which may be prescribed in the by-laws of the society.
- May hold and convey real property.** § 5. This corporation shall have power to define the powers and duties of its officers, appoint such committees and inferior officers and agents, and adopt such by-laws, as it may deem necessary for its well-being, good government and the fulfillment of the ends for which it is created; and it 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, and to grant, bargain and sell, convey and demise, let or place out at any interest, or otherwise dispose of the same, for the use and benefit of said corporation, in such manner as shall seem most beneficial thereto and in furtherance of its objects. Said corporation shall not own and hold personal or real estate to exceed in value the sum of seventy-five thousand dollars.
- Bond of treasurer.** § 6. Said corporation may require bond and satisfactory security of its treasurer, for the faithful performance of his duties as such officer.
- Present constitution in force.** § 7. The constitution and by-laws heretofore adopted by said Cairo St. Patrick's Benevolent Society, and now in force, which are not inconsistent with this act, or with the laws of this state or of the United States, shall remain and

continue in force from and after the passage of this act, until altered by said society; and all personal property and effects, of any kind, now held by said society, or by any person, 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 its name.

§ 8. This corporation shall not be dissolved so long as there shall remain ten members disposed to perpetuate it; and if, at any time, it should be dissolved, whatsoever property may be in the possession of or in any way belonging to it, shall not revert to the original donors, but shall be donated to such benevolent and charitable purpose as the society may direct.

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

APPROVED March 27, 1869.

AN ACT to incorporate the Centenary Camp Meeting Association of Joliet in force April 15, 1869.
District.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Otis Hardy, Abel Bliss, John Crawford, Harvey Evans, Elijah L. Brayton, Russell Seager, Joseph Lewis, John S. Jessup, John S. McGrath, trustees, and their successors in office, be and they are hereby created and constituted a body politic and corporate, under the name and style of "The Centenary Camp Meeting Association of Joliet District," and henceforth shall be known by that name and style, and have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire and hold such property, real and personal, as shall be necessary for carrying into successful effect the objects of said association; to have and use a common seal; to make and alter, from time to time, such by-laws as they may deem necessary for the proper management and control of the property, grounds and personality of such association, its officers and servants: *Provided*, such by-laws are not inconsistent with the constitution and laws of this state and of the United States.

§ 2. The object of said association shall be to furnish convenient and accessible grounds, within the town of New Lenox, in the county of Will, in said state of Illinois, for the holding of camp meetings, under the direction and authority of churches, in connection with the Rock River Conference of the Methodist Episcopal Church, in said state; and for that purpose the said association is hereby empowered to purchase, or acquire by donation, a tract of land in said town of New Lenox, of not exceeding forty acres, and the

same to improve, adorn and fit up for use as aforesaid, at its discretion.

Annual election of trustees.

§ 3. Said association may elect, at the annual camp meeting to be held during the year A. D. 1869—or, in default of such meeting being held, at the first camp meeting held after the passage of this act—nine trustees, of said association, three of said trustees to hold their office for the term of one year, three to hold office for two years, three to hold office for the term of three years, and until their successors shall be elected; and thereafter, at the annual meetings of said association, said association may elect trustees of said association to fill vacancies occasioned by the death, removal, resignation or expiration of office of any trustee—which trustees shall hold office for the term of three years and until their successors shall be appointed; and the persons who shall have the right to vote, at such elections, shall be the pastors of the several charges in the said Joliet district, and every person owning lots or parts of lots on the said grounds under the control of said association.

Term of offices.

Appointment of officers.

§ 4. The said trustees shall have power to appoint a president, vice-president, secretary and treasurer, from their number, and to employ such agents and servants as may be necessary for the purpose of carrying out the object of said association.

Police regulations for their government.

§ 5. The said trustees and their successors, and the officers and servants of said association, shall each and every one of them, during the occupancy of the grounds of said association by religious assemblies, be vested with police powers, with authority to arrest, upon view, all persons guilty of any breach of the peace, disorderly conduct, disturbance of such religious assembly, infraction of the published rules of said association or of any offense against the laws of this state, and take such offenders before any justice or justices of the peace in Will county, to be dealt with according to law; and such justice or justices are hereby authorized to hold courts on said premises.

Prohibit sale of liquors.

§ 6. The said association shall have power and are hereby vested with authority to prohibit, upon its grounds, and for a space of one hundred and sixty rods in width on all sides of their grounds, the selling or giving away of any and all fermented, vinous or spirituous liquors, and to prohibit huckstering and the selling of all articles calculated to disturb religious meetings; and may, under its police powers above conferred, arrest any person in the act of so selling or giving away any such liquors, or huckstering or selling any articles, to the disturbance of such meetings, and take him or her before a justice of the peace, to be dealt with according to the provisions of section (7) seven of this act.

Penalty for selling liquor.

§ 7. Any person who shall be guilty of selling or giving away any fermented, vinous or spirituous liquors, or

selling any articles, to the disturbance of such meetings, contrary to the provisions of any by-law of said association, enacted under the provisions of section (6) six of this act, shall be subject to a fine of not exceeding fifty (\$50) dollars for each and every offense, recoverable before any justice of the peace of said county of Will.

§ 8. No person shall be liable as an offender against any of the provisions of this act, or any by-law of said association, unless the said association shall have posted, in a conspicuous place or places, the full tenor of such by-law or provision against which such alleged offense shall have been committed. Notice to be given.

§ 9. This act shall be in force from and after its passage.
IN FORCE April 15, 1869.

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

EDWARD RUMMEL, Sec'y of State.

AN ACT to incorporate and legalize the incorporation of the Chicago Sick Relief Association. In force March 15, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said association, organized under an act of the legislature of this state, entitled "An act for the incorporation of benevolent, educational, literary, musical, scientific and missionary societies, including societies formed for mutual improvement, or for the promotion of the arts," approved the 24th day of February, A.D. 1859, be and hereby is declared to be a legally existing and organized body corporate and politic; and J. G. Gindele, president, John Feldkamp, vice-president, Charles Rietz, treasurer, Charles Knobelsdorff, secretary, Fritz Metzke, Hermann Kaestrier, Louis Jaeger, Charles Salzmänn, Gustav Rueprecht, directors, being the present officers and directors of the said association under its constitution and by-laws, and such other persons as now are or may hereafter be associated with them as stockholders, shall have perpetual succession, under the name and style of "The Chicago Sick Relief Association;" and by that name may sue and be sued, plead and be impleaded, in all courts of law or equity in this state. Organization.
Officers, etc.
Name and styl

§ 2. Said association shall have all the powers, rights and privileges, and shall be subject to all the duties, obligations, limitations and restrictions, mentioned and enumerated in their constitution, except so far as the same shall be affected, changed or modified by this act, and are Powers.

not inconsistent with the laws and constitution of this state or of the United States.

Present officers
to hold over.

§ 3. The present officers of said association shall continue to be the officers of said association, the same as if this act had not been passed; and the officers of said association, and their term of office, and the mode and manner of electing the same, and their duties, shall be as prescribed in said constitution.

May borrow
money and hold
real estate.

§ 4. Said association shall have power to borrow money, and to execute promissory notes or bonds, or to issue evidences of indebtedness, and to execute such mortgages or other pledges of its personal or real estate, in its corporate name, as may by its board of directors be deemed necessary to secure the payment of any indebtedness it may contract in the carrying on and discharge of its business under the said constitution; and also shall have power to receive and hold real estate, in value at any one time not exceeding one hundred thousand dollars, and convey the same, under such rules and regulations as may be adopted by its board of directors.

Amount of
capital stock.

§ 5. The capital stock of said association may be hereafter increased to fifty thousand dollars; and the directors may hereafter require that all subscriptions for stock heretofore or hereafter issued to be paid in cash.

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

APPROVED March 15, 1869.

In force March
9, 1869.

AN ACT to incorporate the Central Illinois Conference Preachers' Aid Society—a benevolent association organized for the relief of widows and orphans of deceased members of said association.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Richard Hauey, Pierce T. Rhodes, Adam C. Higgins, Francis M. Chaffee, John P. Brooks, and their successors in office, and all others who may be associated with them as members of the corporation hereby created, shall constitute a body corporate, by the name of "The Central Illinois Conference Preachers' Aid Society;" and by that name shall have perpetual succession, and as such may sue and be sued, implead and be impleaded, appear, prosecute and defend, in any court of record or other court or place whatsoever; and may have a common seal.

Name and style.

Directors.

§ 2. The persons above named in the preceding section shall constitute and are hereby created a board of directors for said society, and shall hold their offices until the time of the next annual session of the Central Illinois Confer-

ence of the Methodist Episcopal Church, at which time their successors shall be elected by the members of said society, and annually thereafter, at each annual session of said conference: *Provided*, that such directors shall hold their office until their successors shall have been elected, as provided for in this section. The duties of the board of directors hereby created shall be to execute, administer and carry into effect all by-laws, rules and regulations that may be made by said society for the government and management of the business of the society. Said corporation shall have power to make, alter and amend such by-laws, rules and regulations, for its management, as are not inconsistent with the laws of this state or of the United States: *Provided*, said society shall not hold real estate to exceed fifty thousand dollars in value.

Annual election.

Limited am't of real estate.

§ 3. This society shall have power to render such financial assistance to the families of deceased members of the society as may be determined by said society; and the sole object of said society, in the management of its business, shall be to render assistance as aforesaid; nor shall any dividend of the means of the society, or any part thereof, ever be made, inconsistent with the provisions of this section.

Object.

§ 4. Said society shall have power and authority to receive, retain, and dispose of in such way and manner as may be provided for by the by-laws, rules and regulations of the society, any donation, grant, annuity, trust or bequest, either of money, property or real estate: *Provided*, that no such donation, grant, annuity, trust or bequest shall be disposed of otherwise than by a vote of two-thirds of the members of said society, assembled in a regular annual meeting of the society.

May hold and receive real estate.

§ 5. The office of the society, for the transaction of business, shall be at the place of residence of the secretary of the board of directors.

Location of office.

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

APPROVED March 9, 1869.

AN ACT to incorporate the Druid Relief Association of Quincy, Illinois. In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William Bader, Francis Drude, Frederick Jarraud, Andrew Eckert, August Scheineman, George Baesser and John Erdman, of Quincy, Illinois, and all such other persons as now are or shall be hereafter members of any grove of the

Corporators.

Name and style.	<p>United Ancient Order of Druids of the state of Illinois, hereafter associated with them, be and they are hereby created a body politic and corporate, by the name and style of "The Druid Relief Association of Quincy, Illinois;" and by that name they and their successors shall have perpetual succession, and be capable in law of contracting and being contracted with, suing and being sued; of having, using and changing a common seal; of purchasing, or receiving by gift, bequest or donation, property of all kinds, and to sell and convey the same at pleasure: <i>Provided, however</i>, that the said corporation shall not at any one time hold real, personal or mixed property to an amount exceeding in value one hundred thousand dollars.</p>
Objects of the corporation.	<p>§ 2. The sole object and purpose of this corporation shall be to furnish and provide pecuniary aid and relief to the widows and children of members of subordinate groves of United Ancient Order of Druids of the state of Illinois and of this corporation at the time of their death; and to the end that the benevolent purposes of this corporation shall not be diverted, any and all persons who now are or hereafter shall be members of any grove of United Ancient Order [of] Druids of the state of Illinois, in good standing at the time, shall, upon his or their application, and compliance with the lawful rules and regulations of this corporation, be received as members thereof; but none but Druids shall become members of this corporation.</p>
Managers.	<p>§ 3. The members of said corporation shall each year elect from their number not less than three nor more than eleven, as a board of managers, whose duty it shall be to manage and direct the affairs and business of said corporation. The board may from time to time appoint and discharge such other agents or officers of said corporation as to them seems best.</p>
How funds may be raised.	<p>§ 4. Said corporation shall have power, by assessment upon the members thereof, to raise a fund to be paid to the widow and children of any person dying whilst a member of this corporation. The sum so to be paid shall in no one case, however, exceed the sum of fifteen hundred dollars.</p>
To establish by-laws and regulations.	<p>§ 5. Said corporation shall have the power to make and adopt all such by-laws, rules and regulations as to the majority of the members thereof shall seem best, and the same to alter or abolish at pleasure—not repugnant to the constitution of this state or the United States.</p>
Bond and security of officers	<p>§ 6. All funds of said corporation shall be held and paid out for the purposes aforesaid, in such manner as shall from time to time be provided by the by-laws, rules and regulations thereof, and not otherwise. Said corporation shall have power to take bond, with security, from any or all of its officers and agents, for a proper discharge of the duties of their office.</p>

§ 7. Any member of this corporation who shall hereafter be expelled, for misconduct on his part, from the grove to which he may belong, by final judgment, shall thereupon cease to be a member of this corporation. Members may be expelled.

§ 8. That the term "widow and children," as used in this act, shall be held to include such other persons as shall be members of the family of any member of this corporation at the time of his death, and dependent upon him for support. A salary may be allowed to the secretary of said corporation, but to no other officer or agent. The corporation may from time to time loan out any surplus funds it shall have on hand, and take security for the payment thereof, with interest. Surplus funds.

§ 9. This act shall be construed liberally for the accomplishment of the objects thereof, and shall be deemed and taken to be a public act, and shall take effect and be in force from and after its passage.

APPROVED March 31, 1869.

AN ACT to incorporate the Friendly Sons of St. Patrick's Society of the city of Galesburg. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John W. Walsh, Michael Carey, John B. Hickey, Patrick Slatery, Patrick Bunn, Daniel Farrell, Maurice Maloney, and Robert Maguer, and such other persons as are now members of an association, in the city of Galesburg, called the Friendly Sons of St. Patrick's Society of the city of Galesburg, and such other persons as may, from time to time, become members of the corporation hereby created, are hereby made and constituted a body politic and corporate, with perpetual succession, by the name and style of "The Friendly Sons of St. Patrick's Society of the City of Galesburg;" and by that name 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 and places whatsoever, with full power to acquire, hold, occupy, enjoy and convey all real and personal estate, not exceeding in value ten thousand dollars. They may have a common seal, and alter and renew the same at pleasure. They may adopt a constitution, rules, by-laws and regulations, to further the objects of this incorporation, not repugnant to the constitution of this state or of the United States—all in such manner as shall to them, from time to time, seem necessary; and they may annex to the breach thereof such penalty, by fine, dismissal or expulsion. Corporators.

Name and style.

May hold and convey real estate.

Penalties for misconduct.

sion, as they may deem fit; and the constitution, by-laws, rules and regulations, heretofore adopted by the society aforesaid, shall be in force for this corporation till others are adopted.

Objects of the corporation.

§ 2. The object and purpose of said corporation shall be to extend relief and aid to its members in case of sickness, and to bury deceased members, and to aid the widows and orphans of deceased members.

Membership.

§ 3. To qualify persons to become members of this corporation, they shall be citizens of the United States of America, or have declared their intention to become such, and they shall be of good moral character.

APPROVED March 15, 1869.

In force March 25, 1869.

AN ACT to incorporate the Hibernian Benevolent Society of the city of Bloomington.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John H. Regan, Philip Ryan, Luke Nevin, Michael Martin, and Peter McGrain, and their associates, are hereby constituted

Corporators.

Name and style.

a body corporate and politic, by the name and style of "The Hibernian Benevolent Society of the City of Bloomington," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said corporation, as fully and completely as natural persons might or could do.

Objects of the corporation.

§ 2. The object and purpose of said corporation shall be to extend relief and aid to its members, in case of sickness or infirmity, and bury deceased members.

May hold and convey real estate.

§ 3. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate for the use of and for the advancement of the purposes of said corporation; and may rent, lease, sell, convey or in anywise dispose of the same, according to the by-laws of said corporation: *Providing*, such real and personal property shall not exceed, in value, twenty-five thousand dollars.

Officers of the corporation.

§ 4. The officers of said corporation shall be a president, vice president, recording secretary, corresponding secretary and treasurer, who shall compose a board of trustees, to be elected annually, and by ballot. The said election shall take place on the first Thursday in January, in each and every year, and the officers elect shall take their places

Election.

at the first regular meeting; and the persons in the first section of this act mentioned shall compose the first board of trustees, and shall continue in office until the first Thursday in January, one thousand eight hundred and seventy, and until their successors are elected and qualified; and in case of any vacancy in either of said offices, by death, resignation or otherwise, the board of trustees shall have power to fill such vacancy until the next annual election; and it shall require a majority of said board to constitute a quorum for the transaction of business.

Vacancies.

§ 5. To qualify persons to become members of the said corporation, they shall be citizens of the United States of America (or, at least, have declared their intention to become such), of good moral character, under the age of fifty years, and laboring under no bodily disease calculated to shorten life. A resident of Bloomington, having the above qualifications, may become a member by the payment of such sum as may be prescribed by the by-laws of said corporation.

Membership.

§ 6. Said corporation is hereby authorized to establish such rules and regulations and by laws, for the management of their business, as they may deem proper, and repeal and alter the same at pleasure.

To make rules and regulations.

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

APPROVED March 25, 1869.

AN ACT to incorporate the Hospital of the Sisters of the Poor of the Order of St. Mary, of Quincy. In force March 4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Sister Paula Nellison, Sister Eusebia Mertius, Sister Elizabeth Schneider and Sister Anna Esner, and their associates and successors, are hereby created a body politic and corporate, by the name of "Hospital of the Sisters of the Poor of the Order of St. Mary, of Quincy," for the purpose of establishing and maintaining a hospital in the city of Quincy, in county of Adams, state of Illinois; and by that name they and their successors shall have perpetual succession, with power to contract, to sue and be sued, to take and receive, by grant, deed and devise, bequest or otherwise, property, real, personal and mixed, and to have, hold and enjoy and convey the same; to make rules and regulations and adopt by-laws, for the government and management of said hospital, not inconsistent with the laws of this state and of the United States; and to do all other acts necessary for*

Corporators.

Name and style.

the beneficial conducting and management of said hospital.

Trustees.

§ 2. The persons mentioned in the first section shall constitute the board of trustees of said corporation, with power to fill any vacancies that may occur in their own body. And this act shall take effect and be in force from and after its passage.

When act to take effect.

APPROVED March 4, 1869.

In force March 25, 1869.

AN ACT to incorporate the Illinois Seamen's Friends' Society.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That D. W. Whittle, D. L. Moody, J. V. Farwell, John K. Stearns, Geo. High, B. F. Jacobs, Chauncey T. Bowen, Rev. Robert Patterson, Rev. R. T. Burns, Charles E. Cheney, Orrington Lunt, and such other persons as may hereafter become associated with them, shall be and are hereby incorporated a body politic, by the name of "The Illinois Seamen's Friends' Society," and by that name shall have perpetual succession, and power and authority to contract and be contracted with, to sue and be sued, and all the common law powers of a corporation necessary or convenient to the accomplishment of the objects of such corporation.

Name and style.

May hold and convey real estate.

§ 2. The corporation hereby created may acquire, by purchase, gift, devise or otherwise, and may hold, transfer, mortgage and convey real estate and personal property, to be held and used for the purpose of furnishing aid and relief to sailors, and the establishment of a sailors' home, with religious privileges and all things appertaining thereto; and said property, real and personal, shall be exempt from taxation.

Board of directors, their duties.

§ 3. The affairs of the society shall be conducted by a board of eleven directors, a majority of whom shall constitute a quorum, and their duties and manner of election shall be prescribed by the by-laws of said society.

Meeting.

§ 4. The said society shall have power to make, from time to time, such by-laws, rules and regulations as shall be judged expedient and proper for the election of officers, prescribing the duties and functions of the same, for the appointing of times and places of meetings, filling vacancies in office, and for the proper management of the affairs of said society, so as to best accomplish the general objects of the same.

First board of directors.

§ 5. This corporation shall always remain a benevolent and religious society, and no portion of its property or funds shall ever be used for the benefit or profit of the in-

corporators, directors or members thereof. The within named corporators shall constitute the first board of directors.

§ 7. This act shall take effect and be in force from and after its passage, and is hereby declared to be a public act.

APPROVED March 25, 1869.

AN ACT to incorporate the LaSalle Priests of the Congregation of In force March
Missions. 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mark* Corporators.
Anthony, James Knoud, and Michael Cavenagh, priests, of the Roman Catholic faith, and members of the congregation of the mission, residents of the town of LaSalle, in the county of LaSalle, and state of Illinois, and John Hayden, a priest, of the same faith, and visitor of the said congregation of the mission, their successors, and such other priests of the said congregation of the mission as may, from time to time, and at all times, be located and residing in the said town of LaSalle, be and they are hereby declared and constituted a religious and eleemosynary body corporate, by the name and style of "The LaSalle Priests of the Congregation of the Mission," to be located at LaSalle, in the county of LaSalle, and state of Illinois; and, by that name and style, shall have perpetual succession; shall be capable, in law, to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction; may have a common seal, and alter the same at pleasure; and may, by purchase, gift or devise, receive, acquire, hold and convey property, real, personal and mixed, in all lawful ways. Name and style.

§ 2. The officers of said corporation shall consist of a president, secretary and treasurer. The parish priest of St. Patrick's church, in said town of LaSalle, shall be, *ex-officio*, president of said corporation. The president, secretary and treasurer shall constitute and be called, "The Board of Administration;" and all property, real, personal and mixed, now owned and possessed by the priests of the said congregation of the mission, in said county of LaSalle, shall be vested in said board of administration, and their successors in office, for the use and benefit of said corporation forever. And the said board of administration, for the time being, shall have power, by the president and secretary, under the seal of said corporation, to execute deeds of conveyance of and concerning the estate and property herein authorized to be held by such corporation; and such Election of officers.
Deeds of conveyance.

deeds of conveyance shall have the same effect as like deeds made by natural persons: *Provided*, that no deed or conveyance shall be made of any estate, held as aforesaid, so as to defeat or destroy the interest or effect of any grant, donation or bequest which may be made to such corporation; but all grants, donations and bequests shall be appropriated and used as directed by the person or persons making the same.

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

APPROVED March 27, 1869.

In force March
31, 1869.

AN ACT to incorporate the Newsboys' and Bootblacks' Home.

Preamble.

WHEREAS an association has heretofore been formed, in the city of Chicago, Illinois, for the purpose of providing a house for the indigent boys, and said association has established an institution called the Newsboys' and Bootblacks' Home; therefore,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That N. S. Bunton, O. S. Hough, Seneca Kimbark, G. S. Skinner, and G. K. Hubbard, their associates and successors, are hereby declared and created a body corporate and politic, by the name and style of "The Board of Directors of the Newsboys' and Bootblacks' Home," and by that name (unless, by vote of said board of directors, modified by prefixing to "Newsboys'" the name of some benefactor—in which case, by that name so modified) shall have perpetual succession; shall be capable, in law, to contract and be contracted with, sue and be sued, implead and be impleaded, within all courts of competent jurisdiction; may receive, by gift, purchase, and hold real estate and personal property and effects suitable to the carrying out of the objects contemplated in this act; may make such constitution, regulations and by-laws as may be requisite for its government, and for carrying out the objects contemplated, not contrary to the constitution or laws of the United States or of this state, and may alter the same at pleasure.

Name and style.

May hold
and convey real
estate.

Present con-
stitution to be
in force.

§ 2. The constitution and by-laws of said association, now in operation, shall govern the corporation hereby created until regularly altered or repealed by said board of directors; and the present officers of said association shall continue to be officers of the corporation hereby created until their respective terms of office shall regularly expire or be vacated.

§ 3. This act shall be a public act, and be in force from and after its passage.

APPROVED March 31, 1869.

AN ACT to incorporate the Presbyterian League of Chicago.

In force March
29, 1869.

WHEREAS certain persons are desirous of associating themselves together, under the above name and style, for the purpose of promoting the advancement of evangelical religion, in Chicago, by the planting and fostering of Presbyterian churches in the said city and its suburbs; and, whereas, it is desirable that they should be able to hold funds or real estate as a corporate body, that the same may be more securely managed and remain in perpetuity; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Armour, E. S. Wells, Henry W. King, Franklin D. Gray, Daniel A. Jones, William Osborne, Benj. V. Page, Albert Y. Averill, and Milford D. Buchanan, be and they are hereby constituted a body politic and corporate, by the name and style of "The Presbyterian League of Chicago," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do or perform all such acts and things as are or may become necessary for the advancement of the purposes of said incorporation, as fully and completely as a natural person might or could do.

§ 2. The officers of the said corporation shall be a president, three vice-presidents, a secretary, a treasurer, a board of managers, an executive committee and a board of trustees, consisting of nine members. These officers, except the trustees, shall be elected and hold office in the manner prescribed for in the written constitution of said league. The first members of the board of trustees shall consist of the persons whose names are recited in this act, and the board shall be divided into three equal classes, in the order in which their names are recited, as aforesaid: the first class to continue in office three years from the first Tuesday in April, 1869, the second class for six years, and the third class for nine years from the same date. The successors of the several classes shall be elected by the board of managers, and shall hold office for term of nine years. All vacancies in the board of trustees, occurring from the death or resignation of members, or their removal from the city of Chicago, shall be filled by the board of managers:

Preamble.

Corporators.

Name and style.

Officers.

Term of office.

Vacancies.

Provided, however, that no person shall be elected a trustee who has not been previously nominated at a regular meeting of the board of managers: *And, provided, also,* that members of the board of trustees, whose term of office has expired, may continue to act until their successors shall have been chosen. The officers aforesaid shall give such bonds or securities, for the faithful performance of the duties of their respective offices, as the board of managers shall require, for the purposes recited in the preamble to this act.

May hold and
convey real es-
tate.

§ 3. The said corporation, through its trustees, may and shall have power to receive, take and hold, as well by gift, purchase, deed, devise or bequest, or otherwise, any real estate, not exceeding in value seven hundred and fifty thousand dollars, or personal estate, for the exclusive uses and purposes herein contemplated, whether the same be purchased by or deeded to or given, devised, bequeathed or conveyed directly to said corporation or to its trustees, or otherwise, for the use of said corporation.

Loan funds.

§ 4. The said corporation shall have power to make by-laws, rules and regulations, not inconsistent with this act, for donating or loaning any of the funds belonging to said corporation, for the purposes named above only; and, in the latter case, may demand and receive such securities as may be agreed upon to secure the due return of any loan so made by the said corporation.

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

APPROVED March 29, 1869.

In force March
10, 1869.

AN ACT to incorporate the Schleswig-Holstein Mutual Aid Society.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick Karstens, Peter Sachan, Henrich Henrichs, Peter Chansen, Theodore Boteluhö, Henrich Kiene, Julius Peters, Chr. Voss, Johan Koib, and all other persons who are now members of a certain association, lately formed in the city of Chicago, county of Cook and state of Illinois, under the name of the Schleswig-Holstein Mutual Aid Society, for the purpose of promoting the social and mental culture of its members, and of practicing a system of kindness and charity towards each other by aiding their members, in sickness and distress, and by providing for the decent burial of their dead, be and they are hereby created a body politic and corporate, under the name and style of "The Schleswig-Holstein Mutual Aid Society," and by that name

Name and style.

they and all such persons as shall hereafter be admitted members thereof, according to the constitution, rules and regulations of said society, shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend, in all actions at law and in equity in all courts whatsoever; and be capable, in law, of taking and holding, by purchase, grants, gifts, devise and otherwise, real and personal property, for the use of said society, to any amount not exceeding in value ten thousand dollars; and the said society, by their said name and style, and for the use thereof, shall have power to sell and convey the real and personal estate of said society, and to loan the money thereof, and to take promissory notes, bonds, mortgages and other evidences of indebtedness, to secure the same; to have and use a common seal, and to alter the same at pleasure; to make, and from time to time to alter, as they may think proper and expedient, a constitution and by-laws for said society, declaring the time of electing the officers of the said society and the manner thereof, the number and duties of such officers, and containing generally such other provisions, for the good government of said society, as to them may seem proper, not inconsistent with the laws of the land. Nothing in this act shall be construed to invest said society with the power to do a banking business, by receiving deposits or making discounts, or with any banking power or privileges.

Amount of
capital stock.

Election of
officers.

§ 2. The constitution, by-laws and proceedings of said society shall be entered, by the proper secretary of the said society, in a book kept for that purpose; and such book shall, on all proper occasions, be open to inspection and examination of any member of the society, and shall be evidence of the matters therein contained in all courts of law and equity.

Books of record.

§ 3. The office and meetings of said society shall be held in the city of Chicago; and at all elections each member, who is not in arrears with his dues to the society, shall be entitled to vote, and a majority of all votes cast shall make an election.

Office, etc.

§ 4. The said society may, from time to time, determine what amount of annual and other contributions shall be assessed upon and be paid by its members; and, on the failure of a member promptly to pay such assessments, made in the manner pointed out by the constitution, by-laws and regulations of said society, when so called for, such member may be proceeded against by suit, in the name of the society; and, in addition, the membership of such delinquent member may be declared forfeited, at the pleasure of the society.

Assessments,
how made.

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

APPROVED March 10, 1869.

In force March 29, 1869. AN ACT to incorporate the Sisters of Loretto, of Chicago, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Mary Ferdinand McSweeney, Jane Frances O'Brien, Mary Emineldes Courtney, Mary Aloysius Spalding, Mary Patricia Hardy, Mary Agnes Daley, Mary Magdalene Gilligan, and Mary Joseph Atkin, and their successors, appointed in accordance with the rules and constitutions of the Sisters of Loretto of Chicago, state of Illinois, be and the same are hereby constituted and established a body corporate and politic, with perpetual succession, by the name and style of "Sisters of Loretto of Chicago, State of Illinois," and by this name shall be competent to contract and be contracted with, in all matters relating to their association; shall have a common seal, the device of which they may form and change at their pleasure; shall be capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, in all courts of law in this state or the United States, with full power and authority to acquire, possess, hold, use and enjoy, by gift, grant, devise, purchase or otherwise, real estate and personal property, and shall have power to sell, convey, mortgage and dispose of the same in any manner the said corporation or their successors, appointed as aforesaid, shall deem best, for the interest of the corporation and the furtherance of the educational purposes for which this corporation is created. The said corporation and their successors shall have full power and authority to make, ordain, establish and put in force such by-laws, rules and regulations as they may deem proper, for the conduct of schools under their care and control, and the efficient government of their own board and the officers appointed thereby: *Provided*, such by-laws be not contrary to the laws and constitutions of this state and the United States.

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

APPROVED March 29, 1869.

In force March 31, 1869. AN ACT to incorporate the Swedish Immigrant Association of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That P. F. Fristedt, J. P. Hogberg, C. J. Steinquist, Carl Nordell, J. W. Marelius, N. Berglund, P. Rohdin, E. Marelius, W. Linsdstrand, Charles Wilson, Hans P. Gryden, and Fredrick Peterson, and such other persons as shall, from time

to time, become members of the corporation hereby created, are hereby made, constituted and created a body politic and corporate, with perpetual succession, under and by the name and style of "The Swedish Immigrant Association of Chicago," and by that name and style they and their successors shall be capable, in law, of contracting and being contracted with, of suing and of being sued, of defending and of being defended, in all courts and places and in all matters whatsoever, with full power to acquire, hold, occupy, enjoy and convey all real and personal estate, not exceeding in value the sum of ten thousand dollars. The said corporation may adopt a common seal, and the same may alter, break and renew at pleasure; and the said corporation may adopt a constitution, rules, by-laws and regulations, not repugnant to the constitution of the United States or of this state, to carry on the business of said corporation—all in such manner as shall, from time to time, appear to the members of said corporation to be necessary or convenient for the transaction of its business.

Name and style.

Rules, by-laws and regulations.

§ 2. It shall be the object and purpose of this corporation to encourage, further and facilitate immigration from Europe to the United States, to protect immigrants from imposition, upon landing in the United States, and to aid and assist them in securing employment and new homes in this country.

Objects of the corporation.

§ 3. The capital stock of said corporation shall be ten thousand dollars, to be divided into one hundred shares of one hundred dollars each; and said corporation may proceed to organize, and to carry out the objects of this incorporation, whenever the sum of twenty-five hundred dollars shall have been subscribed of the capital stock thereof.

Amount of capital stock.

§ 4. The office of the corporation hereby created shall be in the city of Chicago; and from and after its organization it shall have power to elect officers, agents and servants, who shall hold their offices for such length of time, and their duties discharge in such manner as shall, from time to time, be established by the constitution, by-laws, rules or regulations of said corporation. And this act shall take effect and be in force from and after its passage.

Location of office.

When act to take effect.

APPROVED March 31, 1869.

AN ACT to incorporate the Uhlich Evangelical Lutheran Orphan Asylum. In force March 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph Hartmann, Louis Haas, Herman Bergfeld, John K. Harmon, John Henry Muhlke, Froderick Letz, John L. Dietz,*

Corporators.

Name and style. John H. Bartels, and Ernst Uhlich, and their successors in office, be and they are hereby constituted a body corporate and politic, under the name and style of "The Uhlich Evangelical Lutheran Orphan Asylum," and by such name and style shall have perpetual succession, with power to sue and be sued, implead and be impleaded; and shall be capable, in law, of taking and holding, by gift, grant, devise or otherwise, any property, real, personal or mixed, and of purchasing, holding, leasing and conveying the same; and shall have power to execute all such trusts as may be confided to said corporation, and to take, hold, use, manage and dispose of all trust property which may in any manner come to said corporation, charged with any trusts, in conformity therewith; to have and use a common seal, and change the same at pleasure; to make such by-laws as from time to time may be deemed necessary, for the government and regulation of said orphan asylum, its trustees, servants, inmates and concerns, and the same change at pleasure: *Provided*, the same are not inconsistent with the constitution and laws of this state.

May hold and convey real estate. § 2. Said constitution shall have power to establish and maintain, within the limits of the city of Chicago, an orphan asylum, under the name of the Uhlich Evangelical Lutheran Orphan Asylum of Chicago, for the support and education, first, of orphans of the Evangelical Lutheran church of Chicago, of which the Rev. Joseph Hartmann is now pastor; second, orphans of members of such Evangelical Lutheran churches of Chicago as said corporators or their successors may see fit to admit to the benefit of such institution. All orphans admitted to said institution shall be subject to the rules and regulations of the corporation or trustees of said asylum, from time to time enacted, for the government and discipline thereof, and may be instructed in morality and in such branches of education, useful knowledge and industry as shall be deemed best suited to their age and capacity.

Aims and objects of the association. § 3. The board of trustees of said corporation shall be the legal guardians of all children that, by the provisions of this act, shall be surrendered to the said corporation, and they may, in their discretion, indenture such children to an honorable trade or employment; but in all cases provision shall be made, in the indenture by which such children are bound to service, for securing an education proper and fitting for the condition and circumstances in life of such children.

Duty of trustees § 4. In case of the death or legal incapacity of the father of a child or children, entitled as aforesaid to admission to said asylum, the mother shall be considered his or their legal guardian, for the purpose of making a surrender of them to the charge and custody of said corporation; and in all cases where the person or persons legally authorized to act as the

Guardianship of children.

guardian of any child or children, entitled to admission as aforesaid, are not known, and where both parents are dead, the judge of the county court of Cook county may, at his discretion, surrender such child to said corporation.

§ 5. The above named corporators shall be the first First board of trustees. board of trustees of said asylum, and, by lot, shall be divided into three classes, each class to be composed of three trustees—the first class and their successors to hold their office for one year, the second for two years, and the third for three years, from the first Tuesday of July next. The said trustees of said corporation, hereafter to be chosen, shall be elected by the members of the Evangelical Lutheran Church of Chicago, of which the Rev. Joseph Hartmann is now pastor, whose house of worship is located on the corner of LaSalle and Ohio streets, in the city of Chicago, and organized under the name of the “First United Evangelical Lutheran Congregation;” and no change of pastor, name or location of said church shall abrogate such right of election. A meeting of the members of such church shall be held, Vacancies, how filled. annually, on the second Tuesday of July, of each year, for the election of trustees whose place is made vacant by limitation, death or otherwise; at which meeting an account of the financial affairs of said corporation shall be rendered, by said trustees, to said church; and at such meeting said board of trustees shall nominate, from the members of said church, twice the number of trustees to be elected; and from the persons so nominated the members of said church present shall elect, by ballot, the trustees so to be chosen. All of said trustees shall hold their office until their successors are chosen and qualified. In case of a vacancy in said board of trustees, at any time, by death or otherwise, the remaining trustees shall choose a qualified person or persons to fill such vacancy, who shall hold such office until the next annual election; but no trustee shall be allowed to receive, from the property or funds of said corporation, any compensation for his services as such trustee.

§ 6. Said board of trustees may appoint, elect, and at pleasure remove such teachers, officers, agents and servants as to them may seem meet, and shall have, possess and exercise all needed and convenient power for the furtherance of the objects of this corporation. Appointment of officers, etc.

§ 7. All property, while owned by said corporation, for the support, use and maintenance of said asylum, shall be Exempt from taxation. exempt from taxation.

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

APPROVED March 10, 1869.

BENEVOLENT SOCIETIES—NEW PRIVILEGES.

In force March 25, 1869. AN ACT to amend an act entitled "An act to incorporate the Board of Directors of the Foreign and Domestic Missionary Society of the Cumberland Presbyterian Church of the United States."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven of an act entitled "An act to incorporate the Board of Directors of the Foreign and Domestic Missionary Society of the Cumberland Presbyterian Church of the United States," approved February 16th, 1865, be and the same is hereby amended, by striking out all in said section after the word "mixed," in the fourth line of said section, so that said section, after being so amended, will read as follows, viz: "Section 7. The board hereby created shall have power to purchase and hold, or receive by gift, grant or devise, and hold for the interest of the corporation, any property, real, personal or mixed: *Provided*, that no real estate which may become the property of this corporation, except such as may be reasonably necessary for the transaction of its business, shall be held by said corporation for a longer period than may be reasonably necessary to enable said corporation to sell or dispose of the same to advantage."

Act amended.

May hold and convey real estate.

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

APPROVED March 25, 1869.

In force March 31, 1869. AN ACT for the benefit of the Chicago Erring Women's Refuge for Reform, and the House of the Good Shepherd, of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the fines collected by the city of Chicago from the keepers, inmates and visitors of houses of prostitution, and from any person in any way connected therewith, shall be set aside by said city of Chicago for the sole use and benefit of the Chicago Erring Women's Refuge for Reform, and the House of the Good Shepherd, in said city, and shall be equally divided between said two institutions.

Appropriation of fines, how disposed of.

Transfer funds.

§ 2. The board of trustees of said Erring Women's Refuge, and the superior and assistant of said House of the Good Shepherd, shall have power to draw, monthly, upon

said fund, by their respective checks—that of the former to be drawn by the president, and countersigned by the secretary, and that of the latter to be drawn by the superior, and countersigned by the assistant superior; said checks to be drawn upon the treasurer or other custodian having said moneys in control or possession.

§ 3. Each of the aforesaid institutions shall render an annual account of the expenditures and receipts to the common council of said city. Report to city council.

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

APPROVED March 31, 1869.

AN ACT to amend an act entitled "An act incorporate the Chicago Home for the Friendless." In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Act amended.

fifth section of the said act to which this act is an amendment be and the same hereby is so amended, that, in addition to the powers therein and thereby given and granted to said corporation, to take and hold real estate and personal property, the said corporation may receive, take and hold, either by purchase, gift, devise, bequest or otherwise, any real or personal estate, in trust or otherwise, for any use or purpose for which the same may be purchased, given, granted, bequeathed, devised, acquired or conveyed: *Provided*, that the same shall be for benevolent, charitable, educational or religious purposes; and all such real and personal property shall be at all times exempt from taxation. And the said corporation is hereby vested with full power and authority to execute, carry out and manage any trust, condition, power or authority connected with or appendant or appurtenant to any such grant, bequest, devise or acquisition of any such real or personal estate.

May hold and convey real estate.

§ 2. That, in addition to the power and authority, contained in said fifth section, to alien or lease, the said corporation is hereby authorized and empowered to make, execute and deliver mortgages, or deeds of trust in the nature of mortgages, upon the property held by it, in the same manner and way as it is therein authorized to alien and lease the same for a longer term than two years. Execute mortgages and deeds of trust.

APPROVED March 24, 1869.

In force March 27, 1869. AN ACT supplemental to an act entitled "An act to incorporate the Hibernian Benevolent Society of Chicago."

Objects of the corporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any ticket or other device, issued by and in the name of the Hibernian Benevolent Society of Chicago, the possession of which, upon presentation, will admit the holder to the privileges of any banquet, ball, excursion or picnic, gotten up under the auspices of said society, shall be deemed and is hereby declared to be property to the full value of such amount as any such ticket or other device shall show, on its face, as the price of admission to any banquet, ball, excursion or picnic, gotten up as aforesaid.

Misconduct.

§ 2. Any person, intrusted by any officer or member of said society with the sale of tickets of admission to any banquet, ball, excursion or picnic, gotten up as aforesaid, who shall fail to make proper return of the proceeds of the sale of the same, in lawful money, and the return of so many of such tickets as may remain unsold, to the proper officer of said society, may, at the option of said society, be sued before any court of competent jurisdiction, and said court shall render judgment in favor of said society for such amount as the aggregate number of tickets, proven to the satisfaction of the court to be unaccounted for by any such person, would realize if each of said tickets was sold for the price of admission, as aforesaid, as shown on the face of said ticket.

§ 3. This act shall be deemed a public act, and shall be in force from and after the passage and approval thereof.

APPROVED March 27, 1869.

In force March 30, 1869. AN ACT to amend an act entitled "An act to incorporate the Springfield Home for the Friendless."

Misdemeanor, fine and penalty for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person shall enter the dwelling house or inclosed grounds around the same, after having been requested not to do so by any officer, manager or employee of the institution, or shall remain in said house or grounds after a request, made by any of the persons aforesaid, to depart, the party so offending, in either case, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding twenty-five dollars.

Kidnaping.

§ 2. If any person or persons shall kidnap or entice away from the home any child, in the care and custody

of the corporation according to its charter, or if any person shall advise or encourage another to do so, the person or persons so offending, in either case, shall be deemed guilty of a misdemeanor, and on conviction shall severally be fined in a sum not exceeding one hundred dollars.

§ 3. The justices of the peace of Sangamon county, and the police magistrates of the city of Springfield, shall severally have jurisdiction of the offenses aforesaid. In case of conviction, it may be made a part of the judgment that the offender be committed to the county jail until the fine and costs be paid. The fine, when collected, shall be paid into the treasury of the home aforesaid, as part of the common fund for support of the children. Jurisdiction of magistrates.
Fines, etc.

§ 4. This act shall take effect and be in force from the date of its passage.

APPROVED March 30, 1869.

BREWERIES.

AN ACT to incorporate Dick and Brothers' Quincy Brewery Company. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Matthew Dick, John Dick, Jacob Dick, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "Dick & Brothers' Quincy Brewery Company," and by that name they and their successors shall be known and have succession; may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure. Corporators.
Name and style.

§ 2. The capital stock of said company shall be two hundred and fifty thousand dollars, with power to increase the same to one million dollars, to be subscribed and paid for in manner hereinafter mentioned, which said capital shall be divided into shares of one thousand dollars each; and shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe. Amount capital stock.

§ 3. The object of said company is, and it is hereby empowered to purchase, acquire and incorporate the brew- May hold and convey real estate.

ery established and now owned by the said Matthew Dick, John Dick and Jacob Dick, copartners under the firm name and style of "Dick & Brothers," in the city of Quincy, county of Adams, and state of Illinois; and, also, to acquire, purchase, manufacture, sell and deal in malt, hops, beer, ale, wines, spirituous, fermented and distilled liquors.

May borrow
money and pay
interest.

§ 4. It shall be lawful for the said company to acquire, purchase and hold, or sell and dispose of such real estate as may be reasonably necessary for the transaction of its business, and also to borrow money and pay interest thereon, and to make and execute bonds, bills, mortgages and other securities and evidences of indebtedness as may be necessary for the carrying on of the business mentioned in section three of this act, and may also take security from its customers and others upon real or personal property or chattel interests for current accounts, including accruing and future indebtedness, and also to bid in or purchase any real estate or other property or chattel interest at any judicial or other sale made by virtue of any debt, security, trust or power, made or vested in or held by or for the said company, and to receive and take in satisfaction of any debt or security, any real estate, and to hold and dispose of the same for its own use and benefit.

Board of di-
rectors.

§ 5. The affairs of said company shall be managed by a board of directors of at least three, all of whom shall be stockholders in the said company to the extent of five thousand dollars each, at the least. They shall hold their office for one year and until their successors shall be elected and qualified; and an election of directors shall be held by the stockholders when and so soon as one hundred thousand dollars of the capital stock shall have been subscribed and five per cent. paid thereon; and the said three named corporators, or any three corporators, shall be commissioners to open books for subscription to the capital stock, which shall be done within two years from and after the passage of this act, and the money or property or estate, real, personal or mixed, so received by the commissioners, shall be paid over, conveyed or transferred to the directors when elected.

Annual election

§ 6. The directors shall, annually, elect a president from their own body; they shall have the power, from time to time, in their discretion, to make, pass, alter, establish, rescind and re-establish such rules, regulations and by-laws for the government of said company and the management of its affairs and business, and for the appointment of a secretary, treasurer, and all such agents or attorneys as they may deem necessary and proper, and may prescribe their duties, fix their remuneration, require bonds, and do all other acts which may be deemed expedient to promote the interests of said company, not inconsistent with the

laws of this state or of the United States; but no by-laws of the said company shall be passed without the consent of a majority of the directors, and all the acts of the duly appointed officers and agents of said company, done and performed under authority of its by-laws, rules and regulations, shall be binding upon the said company. The bond from the treasurer shall not be less than twenty thousand dollars.

Acts binding.

§ 7. The election of directors of the said company shall be held annually, on the first Monday after the second day of January, in every year, at such place as the board of directors may appoint. Such election shall be by ballot. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name, on the books of said company, and may vote in person or by proxy.

Time and place of election.

§ 8. The directors shall have power to call for the balance due on the subscription of the stock of the company at such times and in such installments as they may deem proper, and in the event of the nonpayment of any call within sixty days after due notice (which may be by letter mailed to his or her address as it appears upon the stock-books of said company) it shall be lawful for the directors, at their option, to enforce such payment or to sell fairly, by public auction, the amount of stock standing in the name of such nonpaying stockholder to any person or persons, or to buy in the same for the benefit of said company, and the proceeds of such sale shall be paid over to such nonpaying stockholders, who shall, upon such sale, cease to be a stockholder in said company; and the purchaser or purchasers of such shares of stock shall have and enjoy all the rights, privileges, dividends and profits, accruing or accrued to, or in respect of the said shares of stock, and become liable for the payment of all calls then due or hereafter made on said shares of stock.

Installments.

Non-payment of stock forfeited.

§ 9. It shall be lawful for the directors of said company, from time to time, to make and declare and pay dividends upon the capital stock of said company, in such manner and in such amounts as they may deem most expedient for the interests of the said company.

Dividends, how and when declared.

§ 10. Said company shall keep in the office of its secretary proper books, in which shall be kept a full and correct record of the names and postoffice addresses of the stockholders, to be furnished by them, and of the amount of stock held by each and of all transactions thereof; also a record of the proceedings of the stockholders of said company, and of the proceedings of its board of directors and of its by-laws, rules and regulations, and of its business transactions, which books shall be subject to inspection at all reasonable times during business hours, by any stockholder or creditor of said company.

Duty of secretary.

§ 11. The said company hereby created shall exist for the term of ninety-nine years. The stock, property and

Duration of corporation.

effects thereof shall be subject to execution and sale for all debts due or owing by said company; but in no case shall any stockholder be personally liable beyond the amount of his subscription to the stock.

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

APPROVED March 25, 1869.

In force March
25, 1869.

AN ACT to incorporate the Northwestern Brewery Company.

- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Julius Roemheld, A. Lobeck and A. F. Stevenson, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate by the name and style of "The Northwestern Brewery Company," with all the powers incident, necessary and useful to corporations; and as such, are authorized to exercise all the powers requisite to carry out and execute all the purposes and intents of this act; shall have perpetual succession, and a common seal, which they may change at pleasure; and sue and be sued, and plead and be impleaded, in all courts of law and equity.
- Corporators. § 2. A majority of the corporators hereby named may proceed to open books for subscription to the capital stock of said corporation, and shall, at the same time or thereafter, designate a time and place for the first election of officers of said corporation, by persons subscribing to the capital stock thereof; and each share of the capital stock subscribed for shall be entitled to one vote.
- Name and style. § 3. The capital stock of said corporation shall be fifty thousand dollars, and may be increased, from time to time, to one million dollars, to be subscribed and paid for in the manner prescribed by the by-laws; and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferred on the books of said corporation in such manner as its by-laws may prescribe.
- Open books for subscription. § 4. The object of the said corporation is hereby declared to be to acquire, purchase, manufacture, sell and deal in malt, hops, beer, ale, porter, wines, spirituous, fermented and distilled liquors.
- Amount capital stock. § 5. It shall be lawful for the said corporation to acquire, purchase and hold, or sell, convey and dispose of such real estate as may be necessary for the transaction of its business; and also to borrow money and to pay interest thereon; and to make, execute bonds, bills, notes and
- Objects of the corporation.
- Purchase, hold and convey real estate.

mortgages, and other securities and evidences of indebtedness, as may be necessary for the carrying on of the business mentioned heretofore; and may also take security from its customers and others upon real or personal property or chattel interests, for current accounts, including accruing and future indebtedness; and also to bid in or purchase any real estate or other property, or chattel interests, at any judicial or other sale made by virtue of any debt, security, trust or power made to or vested in, or held by or for the said company; and to receive and take, in satisfaction of any debt or security, any real estate, and to hold and dispose of the same for its own use and benefit. Nothing in this act shall be construed to invest said corporation with any banking power or with power to loan money, or in any way to do a banking business.

Security on real estate.

§ 6. The affairs of the corporation shall be managed by a board of not less than three directors, who shall be elected at such time and place as may be prescribed by the by-laws; and shall hold their office for one year, and until their successors are elected and qualified.

Board of directors, how and when elected.

§ 7. The directors shall, annually, elect a president and other officers, as may be desirable, from their own body. They shall also have the power, from time to time, in their discretion, to make, pass, alter, establish, rescind, revoke, repeal and re-establish, by and with the consent of a majority of all the directors elected, however, only, such rules, regulations and by-laws for the government of the said new corporation and the management of its affairs and business, and for the appointment of a secretary, treasurer and all such agents, servants, attorneys as they may deem necessary and proper, and may prescribe their duties, fix their remuneration, require bonds, and to [do] all other acts which may be deemed expedient to promote the interests of said company, not inconsistent with the laws of this state or of the United States. All the acts of the duly appointed officers and agents of said company done and performed under authority of its by-laws, rules and regulations, shall be binding upon the said company.

Powers.

Compensation and duties of officers.

§ 8. In case of a vacancy occurring, by death, resignation or otherwise, in the number of directors, the remaining directors shall, at their next regular or special meeting, designate a person from among the other stockholders to be elected a director to supply such vacancy; and the person so designated and chosen by a majority of all the directors shall, if he accepts and qualifies, thenceforth act as director until a successor is duly elected at the annual election next following, and has duly qualified.

Vacancies, how filled.

§ 9. The said director shall have power, from time to time, and at such times and in such amounts as they may deem proper and expedient, to make assessments on the stockholders of said corporation, and to call for the pay-

Assessments.

ment of installments of the capital stock and balances due, and subscriptions for the same; and a written notification of each and every such call shall be posted up in a conspicuous place in the office of said company; and each stockholder shall also be notified thereof by a letter addressed and mailed to his, her or their address, as the same shall appear upon the stock books of said company. And in the event of the non-payment of any such assessment or call hereinabove provided for, it shall be lawful for the directors, at their option, either to enforce the payment of the amount so due and payable by legal proceedings, or to sell fairly at public auction, for cash, to the highest and best bidder therefor, the amount of stock standing in the name of such delinquent stockholder, or to buy in the same for the benefit of said company; and the proceeds of such sale shall be paid over to such delinquent stockholder, who shall, upon such sale, cease to be a stockholder in the said company, and whose share or shares shall, upon the books of the company, be transferred, by the secretary thereof, to such purchaser or purchasers of said forfeited stock or shares; which latter shall thenceforth have and enjoy all the rights, privileges, dividends and profits accruing and to accrue, to or in respect to or in respect of said shares of stock so purchased, and become liable for the payment of all calls and installments then due and thereafter to become due and payable on said shares of stock.

Stock forfeited.

Sale of delinquent stock.

Dividends.

§ 10. It shall be lawful for the directors of said company, from time to time, to make, declare and pay dividends upon the capital stock of said company, in such manner and such amounts as they may deem most expedient for the interests of said company.

Record kept,

§ 11. Said company shall keep, in the office of the secretary, proper books in which shall be kept a full and correct record of the names and post office addresses of the stockholders, to be furnished by them, and of the amount of stock held by each, and of all transfers thereof, and no transfer of any shares of capital stock shall be of any validity until the parties shall have caused the same to be entered by the secretary upon the books of the company; also, a record of the proceedings of the stockholders, and of the board of directors, and of the by-laws, rules and regulations and business transactions of said company; which books shall be subject to inspection, at all reasonable times during business hours, by any stockholder or creditor of said company.

§ 12. This act shall be a public act, and liberally construed, and take effect and be in force from and after its passage.

APPROVED March 25, 1869.

AN ACT to incorporate the Riverside Brewery Company.

In force March
25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Simon Powell, Joseph Haas, Isaac Waixel, Julius Jackson and Simon Haas and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Riverside Brewery Company," and by that name they and their successors shall be known and have succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Corporators.

Name and style.

§ 2. The capital stock of said company shall be two hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in manner hereinafter mentioned; which said capital shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws shall prescribe.

Amount of capital stock

§ 3. The object of said company is and it is hereby empowered to purchase, manufacture, sell and deal in malt, hops, beer, ale, wines, spirituous, fermented and distilled liquors.

Objects of the corporation.

§ 4. It shall be lawful for the said company to acquire, purchase and hold or sell and dispose of such real estate as may be necessary for the transaction of its business; and, also, to borrow money and to pay interest thereon, and to make and execute bonds, bills, notes, mortgages and other securities and evidences of indebtedness as may be necessary for the carrying on of the business mentioned in section three of this act; and may also take security from its customers and others, upon real estate or personal property or chattel interests for current accounts, including accruing and future indebtedness; and also to bid in or purchase any real estate or other property, or chattel interests at any judicial or other sale, made by virtue of any debt, security, trust or power made to or vested in or held by or for the said company, and to receive and take in satisfaction of any debt or security any real estate, and to hold and dispose of the same for its own use and benefit: *Provided*, that no real estate that may become the property of the corporation hereby created—except such as may be reasonably necessary for the transaction of its business—shall be held for a longer period than may be reasonably necessary for said corporation to sell and dispose of the same to advantage.

May purchase and convey real estate.

May take real estate for debt.

Board of directors to consist of five.

§ 5. The affairs of said company shall be managed by a board of directors of at least five, all of whom shall be stockholders in the said company; they shall hold their office for one year, and until their successors shall be elected and qualified; and an election of directors shall be held by the stockholders, when and so soon as one hundred thousand dollars of the capital stock shall have been subscribed and five per cent. paid thereon. Any five of the corporators herein named shall be commissioners to open books for subscription to the capital stock, which shall be done within ninety days from and after the passage of this act; and the money so received by the commissioners shall be paid over to the directors when elected.

Annual election of directors.

§ 6. The directors shall annually elect a president from their own body; they shall have the power from time to time, in their discretion, to make, pass, alter, establish, rescind and re-establish such rules, regulations and by-laws for the government of the said company and the management of its affairs and business, and for the appointment of a secretary, treasurer and all such agents and attorneys as they may deem necessary and proper; and may prescribe their duties, fix their own remuneration, acquire bonds, and do all other acts which may be deemed expedient to promote the interests of the said company, not inconsistent with the laws of this state or of the United States; but no by-laws of the said company shall be passed without the consent of a majority of the directors; and all the acts of the duly appointed officers and agents of the said company done and performed under authority of its by-laws, rules and regulations, shall be binding upon the said company. The bond from the treasurer shall not be less than ten thousand dollars.

Compensation of officers.

Election of officers.

§ 7. The election of directors of the said company shall be held annually, on the first Monday after the second day of April in every year, at such place as the board of directors may appoint; such election shall be by ballot. Every stockholder shall be entitled to one vote, for every share of capital stock standing in his or their name on the books of said company, and may vote in person or by proxy.

Delinquent stockholders.

§ 8. The directors shall have power to call for the balance due on the subscription to the stock of the said company at such time and in such installments as they may deem proper; and in the event of the non-payment of any call within sixty days after due notice, which may be by letter mailed to his or her address as it appears upon the stock book of said company; and it shall be lawful for the directors, at their option to enforce such payments or to sell fairly by public auction the amount of stock standing in the name of such non-paying stockholders, to any person or persons, or to buy in the same for the benefit of the said company; and the proceeds of such sale shall be paid over

Enforce payment of delinquent stock.

to such non-paying stockholders, who shall, upon such sale, cease to be a stockholder in the said company, and the purchaser or purchasers of such shares of stock shall have and enjoy all the rights, privileges, dividends and profits accruing or accrued to or in respect of the said shares of stock and become liable for the payment of all calls then due or thereafter made on said shares of stock.

§ 9. It shall be lawful for the directors of said company, from time to time, to make and declare and pay dividends upon the capital stock of the said company in such manner and in such amounts as they may deem most expedient for the interests of the said company. Dividends.

§ 10. Said company shall keep in the office of its secretary, proper books, in which shall be kept a full and correct record of the names and post office addresses of the stockholders, to be furnished by them, and of the amount of stock held by each, and of all transfers thereof; also, a record of the proceedings of the stockholders of said company, and of the proceedings of its board of directors, and of its by-laws, rules and regulations, and of its business transactions, which books shall be subject to inspection at all reasonable times during business hours by any stockholder or creditor of said company. Record of business transactions.

§ 11. The said company hereby created shall exist for the term of ninety-nine years; the stock, property and effects thereof shall be liable and subject to execution and sale for all debts due or owing by said company, but in no case shall any stockholder be personally liable beyond the amount of his subscription to the stock. Duration of corporation.

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

APPROVED March 25, 1869.

BRIDGE COMPANIES—INCORPORATED.

AN ACT to incorporate the Alton and Mississippi Bridge Company. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Silas W. Farber, Charles A. Caldwell, Daniel Ryrie, Moses G. Atwood, James T. Drummond, Thomas M. Hope, John H. Yager and Washington T. Miller, their associates and successors, are hereby constituted a body corporate and politic, by the name of "The Alton and Mississippi Bridge Company," for the purpose of constructing and maintaining a Corporators.

Name and style

toll bridge from any point on the Mississippi river within the city of Alton, in the state of Illinois, to any point opposite thereunto, in the state of Missouri, with suitable approaches to said bridge, and all convenient appendages and structures for the same. The said company shall have power to make and use a common seal, and to alter the same at pleasure; and such powers, rights, privileges and immunities as may be necessary or useful for the purposes of this act.

Amount of
capital stock.

§ 2. The capital stock of said company shall be one million dollars, and shall be divided into shares of one hundred dollars each; and the said capital stock may be increased from time to time, as a majority of the stockholders may direct, but not to exceed the sum of three million dollars.

Open books for
subscription.

§ 3. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of them, are authorized to open, or cause to be opened, subscription books for said company, at such times and places within the state as they may think proper; and when three hundred thousand dollars shall be subscribed, the said commissioners, or any three of them, may call a meeting of the stockholders, by giving ten days' notice in some newspaper published in Alton; at which meeting the stockholders may elect directors, and transact any other business.

Board of direc-
tors to consist of
five.

§ 4. The corporate powers of said company shall be vested in and exercised by a board of five directors, who shall be chosen by the stockholders, at such time and place as shall be fixed by the by-laws of said company, and shall hold their office for one year, and until their successors shall be elected and qualified. They shall elect one of their number president of said company, and may appoint other necessary officers and agents.

Transport per-
sons and prop-
erty.

§ 5. The said corporation may transport on said bridge, and approaches thereto, persons and property, by steam or otherwise, and may allow others so to do; and said bridge and approaches may be used for every description of travel, passage and transportation, under such rules and regulations, and for such tolls, as the directors thereof may prescribe, not to exceed those charged by the bridge chartered at East St. Louis. The said corporation may take, receive and collect such tolls for travel, passage and transportation over said bridge, and approaches thereto, or any part thereof, as its directors may from time to time determine.

May take ma-
terials for con-
structing bridge

§ 6. The said corporation shall have power to acquire title to land necessary for the construction of said bridge and approaches, and the same power to take materials from land in the vicinity, for the construction and maintenance thereof, and, for such purpose, shall have and may exercise all the powers conferred by any law of this state for acquiring right of way for railroads, public roads, or other pub-

lic uses—under which the said corporation may take and acquire property heretofore taken or acquired for such uses, as well as other property; and shall also have the right to protect the banks of the same, so far as may be necessary to keep the channel within the opening of the bridge, and for this purpose may take and acquire lands in the manner aforesaid.

§ 7. The said corporation may consolidate its property and franchises with the property and franchises of any bridge company authorized by the laws of Missouri to construct a bridge so as to connect with the one herein authorized, and, for that purpose, may make and execute all such agreements as it may deem expedient; and, after such consolidation, the corporation created hereby shall have all the powers herein granted. May consolidate with other companies.

§ 8. The said corporation may borrow money at any rate of interest, and may secure payment of its bonds or other indebtedness by mortgage or deed of trust of its property, tolls and franchises, in such manner as the directors may think fit. This bridge shall be commenced within two years, and finished within five years, or this act shall be void. May borrow money and secure payment of interest.

Commence.

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

APPROVED March 30, 1869.

AN ACT to incorporate the Illinois River Bridge and Transfer Company. In force March 15, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Luther A. Jones, Seth Thompson, Ebenezer B. Leonard, Henry Nenke, Frederick Erhardt, Charles S. Ebaugh, George Kuhl, Henry T. Foster, Francis H. Rearick, Abner Foster, Charles E. Yeck, M. H. Chamberlain, Charles J. Norbury, and their associates, successors and assigns, be and they are hereby incorporated and created a body politic and corporate, under the name and style of "The Illinois River Bridge and Transfer Company," with perpetual succession; may sue and be sued, plead and be impleaded, in any of the courts of this state; may have a common seal; may have a board of directors of not less than three, and may be increased to any number not exceeding fifteen. The incorporators above named shall be the first board of directors, and shall hold their offices for the term of one year after the organization of said company under this act; a majority of whom shall have power to make, alter and amend all needful rules and regulations to carry out and Corporators.

Name and style.

First board of directors.

accomplish the objects of this incorporation: *Provided*, said rules and regulations shall not be inconsistent with the laws of this state or of the United States.

Bridge for rail-
roads, etc.

Location.

May consoli-
date stock and
franchises.

Capital stock.

May condemn
land.

Own steam-
boats, etc.

Special grants.

Board of di-
rectors to con-
trol affairs.

§ 2. Said corporation is hereby authorized and empowered to build, construct, maintain and use a bridge or bridges, for railroad and other purposes, over the Illinois river, at any point they may select between where the lower boundary line of the city of Beardstown, in Cass county, intersects the Illinois river, and the intersection of the upper boundary line of the town of Frederick, in the county of Schuyler, with the Illinois river, in such manner as will not materially obstruct the navigation of said river, and to connect, by railroad or otherwise, said bridge or bridges with any road or roads, railroad or railroads, terminating at or approximating to said bridge or bridges, on either side of the said river; to unite and consolidate its franchises, stock and property, or any portion thereof, with any railroad or other company or corporation in this state.

§ 3. The directors of said corporation are hereby authorized to fix the number of shares of the capital stock of said corporation, and the amount of the same not to exceed one hundred thousand dollars; to borrow on the bonds of the company; to sell, lease or mortgage the whole or any part of the franchises or property of the corporation to any person, company or corporation; to take, condemn and acquire (in the manner prescribed by an act entitled "An act to amend the law condemning right of way, for the purposes of internal improvement," approved June 22, 1852, and the several acts amendatory thereof,) the right of way necessary for the construction of the improvements herein contemplated and authorized.

§ 4. This corporation are hereby authorized and empowered to own and operate steamboats and other water craft, for the purpose of conveying, transferring and delivering, from any point on the Illinois river to any other point thereof, and to or from any railroad terminating at or approaching the Illinois river within the limits named in section two of this act; also, any materials, workmen or employees, either of this corporation or of any railroad aforesaid, or any passengers, freight or other property of any railroad company, as aforesaid: *Provided*, nothing in this act shall be construed to grant any ferry privileges for any other purpose than as is expressly stated herein: *Provided, further*, that nothing herein shall be construed to prevent the Rockford, Rock Island and St. Louis Railroad Company from constructing and operating a bridge for railroad purposes exclusively.

§ 5. All the corporate powers of said corporation shall be vested in and exercised by a board of directors of not less than three nor more than fifteen, who shall be stockholders, and who, after the expiration of the term of office

of the first board of directors herein provided for, shall be elected annually by the stockholders, and shall hold their offices until their successors are duly elected and qualified. Said board of directors shall have power to fill any vacancies which may occur in said board, by death, resignation or otherwise.

§ 6. The said corporation is hereby authorized to de- Tolls, etc.
mand and receive reasonable tolls and charges for the pas-
sage of any person or property over said bridge or bridges,
or for the transferring or conveying from point to point
on said river, any railroad employees, passengers and
freight.

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

APPROVED March 15, 1869.

AN ACT to erect a toll bridge across the Kaskaskia river.

In force March
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* David Corporators.
W. Halbert and James W. Hughes, their heirs and assigns,
shall have full power and authority to build, construct and
maintain a bridge, of either iron, wire suspension, wood,
or of one or more floating keels, over and across the Kas-
kaskia river, at the town of New Athens, in St. Clair
county.

§ 2. That said bridge shall be so constructed as not to Not to Inter-
fere with navi-
gation.
interfere with the free navigation of the said Kaskaskia
river; and the said parties, so authorized to build such
bridge, shall have the exclusive privilege of building and
maintaining the same across said river, for one and one-
half miles above and two miles below the point at which
said bridge may be built, for forty years after the building
of the same: *Provided*, the said bridge shall be built within
six years from the passage of this act.

§ 3. No toll bridge shall be built across said Kaskaskia Monopoly for
forty years.
river, within one and one-half miles above and two miles
below said bridge, for the space of forty years: *Provided*,
that said parties shall comply with the provisions of this
act in relation to the erection and repair of said bridge
herein provided for.

§ 4. The said bridge company shall, in case they should When unable
to agree with
owners for land
or material, how
to proceed.
be unable to agree with the owner or owners of any real
estate, or any materials to be taken from the same, neces-
sary for the construction of said bridge, said company shall
proceed in obtaining the same in the same manner pre-
scribed by law for obtaining the right of way; and shall

have full power and authority to take, condemn and use all necessary lands or highways, for the purpose of reaching or making roads or levees leading to said bridge, and shall have power to use any levee, already made or hereafter to be made by the county of St. Clair, or have power to plank the same, as may be agreed upon by the county court of said county, for road or toll purposes, for the purpose of reaching said bridge; and, also, shall have power to construct and maintain a plank road or roads or bridge any stream or streams of water, for the purpose of reaching said bridge, and shall charge such tolls for traveling over the same as the county court of Saint Clair county shall establish.

Repair bridge.

§ 5. Said parties, their heirs or assigns, shall, at all times after the completion of said bridge, keep the same in good and sufficient repair and order, with a safe and convenient passage to and from the same, and allow a speedy passage across the same; and if any person, in crossing said bridge, shall sustain any injury or damage, either to himself, herself or 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.

Erect toll gates and houses, rates of toll, etc.

§ 6. Said parties, their heirs and assigns, are hereby authorized, after the completion of said bridge, to place toll gates and toll houses 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 of any kind, drawn by two horses, mules, asses or oxen, twenty-five cents; for each additional horse, mule, ass or ox, attached to such vehicle, five cents; for each one-horse wagon, carriage or cart, 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-five, not driven in a team or teams, five cents, and all over twenty-five three cents; for each head of swine or sheep, two cents; for each foot-man, five cents: *Provided*, said company may double the above rates of toll after nine o'clock in the evening and before day-light in the morning.

Penalty for last driving.

§ 7. Any person or persons, crossing said bridge faster than a walk, shall forfeit and pay 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.

Injury to the bridge, how recovered.

§ 8. If any person or persons shall willfully do or cause to be done any injury to said bridge or its abutments, piers, draws, appurtenances, or the passage or passages to or from the same, such person or persons so offending shall be liable to pay to said proprietor or proprietors not less than twice the amount of such injury—to be recovered by said party or parties, with costs of suit, in an action of trespass, in any court having competent jurisdiction thereof, or by in-

dictment in the circuit court, 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 six months, and pay the costs of prosecution.

§ 9. The said parties or successors shall have power to borrow money, not exceeding the actual cost of constructing said bridge, for the purpose of building said bridge or keeping the same in repair; may mortgage said bridge and its tolls for that purpose, and for no other purpose.

May borrow money to build bridge.

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

APPROVED March 30, 1869.

AN ACT to incorporate the Metropolis and Kentucky Bridge Company. In force March 23, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. Logan, John M. Crebs, Green B. Raum, William H. Green, A. J. Knykendall, J. C. Willis, William J. Ward, William McBean, W. P. Bruner, Geo. W. Brown, Alford Cutting, R. G. B. McKee, all of the state of Illinois, and Oscar Turner, John W. Ogilvie, and George Ratcliff, of the state of Kentucky, A. E. Burnside, of Rhode Island, Charles Gutline, of New York, David Tate, of Mississippi, be and they are hereby created a body politic and corporate, with perpetual succession, by the name of "The Metropolis and Kentucky Bridge Company," and by that name may sue and be sued, plead and be impleaded, in all the courts of this state and elsewhere, and shall have power of erecting and constructing a bridge across the Ohio river, at any point within the corporate limits of the city of Metropolis, or within one mile above or below said corporate limits, to such point opposite in the state of Kentucky as they may think proper.

Corporators.

Said company shall have and use a common seal; they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, the piers, abutments, toll houses, and necessary and suitable avenues leading to the said bridge; also, to borrow money, not exceeding the capital stock mentioned in this act, and to secure the same on such terms as may be agreed upon; shall also have power to ordain and establish such by-laws, rules and regulations which may be necessary for the well being of said government of said corporation: *Provided*, that the same shall not be contrary to the laws of the United States, the state of Illinois, and the state of Kentucky.

Name and style.

May hold and convey real estate.

Borrow money to build bridge.

Amount of capital stock. § 2. The capital stock of said company shall be three million of dollars, divided into shares of one hundred dollars each; and said incorporators, or any five of whom, shall have power and authority, upon written notice, to cause subscription books to be opened, at such time or place as they may agree upon, and cause said books to be kept open such length of time as they may prescribe, under the direction of such persons as they may designate: *Provided*, that they shall publish, in some paper in the county of Massac, state of Illinois, and the county of McCracken, state of Kentucky, the time and place at which the books for subscription of stock in said company shall be held; and if, at the end of such time, the whole amount of the capital stock has not been subscribed, the said corporators shall have power to organize with as much capital stock only subscribed as, in their opinion, will complete said bridge, and may order books to be opened at such other times and places, and may repeat the same as often as necessary, until the whole amount of stock is subscribed—giving such notice as they may deem reasonable: *Provided*, that any subscription to the capital stock of said company, made at any other time or any other place, shall be as valid in the person so subscribing as if made in the mode and manner prescribed: *And, provided, further*, that neither the state of Illinois nor county of Massac, or the city of Metropolis, shall have power or right to collect or levy off of said bridge company any taxes, until one year after said bridge shall have been completed.

Time and place for subscription

When stock not taken, to re-open books.

Stockholders' meeting, when. § 3. When five hundred shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them, then living, shall advertise for a meeting of the stockholders of said company, at the city of Metropolis, Illinois, giving ten days' notice of the time and place of such meeting, by publication in some paper published in the county of Massac; and the stockholders shall proceed to elect a president and six directors, who shall be stockholders in said corporation, and to elect or appoint such other agents or officers as they may deem necessary for the business of the corporation, and fix the salary to be paid the president, agents, and such other officers as they may deem entitled to receive salaries, and require such bonds of any such officers, with security and such conditions as they may prescribe; at which meeting each stockholder shall be entitled to one vote for each share of stock he, she or they may own in said company. The stockholders may vote in person or by proxy.

Election of directors.

Officers' salaries.

May extend railroad track over bridge. § 4. The said company may extend a railway over said bridge, with as many sets of tracks as may be deemed expedient; and shall have the right to fix reasonable rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon or car-

ried thereon, and upon goods and chattles, vehicles and animals passing thereon or carried on said bridge, including every other species of property not herein named ; and for this purpose toll gates may be erected at each or either end of said bridge, and the rates of toll shall be posted up in conspicuous places where toll is demanded ; that the said bridge company shall have power and authority to condemn any and all real estate for the location and erection of said bridge, or any toll houses, abutments, piers, anchor-pits or approaches to said bridges, that may be deemed necessary or convenient for the purposes of the corporation, in accordance with the provisions of the general laws now in force, or which may hereafter be in force, providing for the condemnation of lands for purposes of internal improvements ; and said company may contract and agree with the owner or owners of any land or lands they may need for the building of said bridge, and in case said company cannot agree with the owner or owners of all or any part of the land or lands, so as to procure the same by voluntary deed or act of such owner or owners, or if the owner or owners thereof or any or either of them be a *femme covert*, an infant, *non compos mentis*, unknown, or out of the country or state in which the property and lands be situated, the same may be taken, condemned and paid for, if any damages are awarded, in the manner aforesaid.

Erect toll gates
and houses.

Condemn lands.

§ 5. Should the capital stock of said company, as herein provided, prove insufficient for the purpose of this corporation, the board of directors shall have the right to increase the same to such an amount as will be required to fully carry out the purposes of this corporation. Individual companies and corporations, created by the laws of this state, or any other state of the United States, shall have the right to take stock in this corporation, and said company is authorized to make contracts with any railroad company in or out of this state, or to consolidate stock with any such railroad company, upon such terms as they may agree upon ; and the said company shall have the right to receive subscriptions to the capital stock in real or personal property, or choses in action, upon such terms as may be agreed upon, and to sell and convey all such property in as full and complete a manner as natural persons ; and the said company shall have the right to issue not exceeding three million of dollars mortgage bonds upon the property of said company.

When capital
stock is insuffi-
cient.

Consolidation
of stock.

§ 6. That after the first election of a president and directors of said company, there shall be an annual election of a president and directors of said company, as herein provided, on the first Monday in June in each year and every year thereafter, who shall hold their offices until their successors shall be elected and qualified ; and should the stockholders fail to elect a president and directors at the time

*Annual election
for directors.

herein provided, the majority of the stockholders shall have a right to elect such officers at any other time they may agree upon by giving twenty days' notice in some paper published in Massac county, Illinois.

Negotiate for
railroad and
other bridges.

§ 7. The said company shall have power to enter upon and negotiate for any chartered railway or other bridge companies' rights in this state or the state of Kentucky, on such terms as may be agreed upon between the parties, and to make compensation to the owners of such rights and privileges in the stock of said company, and shall have the power to issue bonds and sell the same for money, labor, materials and anything deemed necessary to be used in the construction of said bridge.

County may
take stock.

Issue bonds.

§ 8. The city of Metropolis, in the county of Massac, state of Illinois, and the county of Massac, may subscribe for and take stock in this company, and may issue bonds in payment for such stock of one hundred dollars each, bearing interest at the rate of ten per cent. or less, payable yearly on the first day of January of each year, and the bonds to run not longer than twenty-five years; and a tax of not more than one dollar on each one hundred dollars' worth of taxable property may be levied and collected in such town, city or county, per annum, to pay the installments on such stock, or to pay the interest and principal of bonds issued in payment for such stock: *Provided*, that no such subscription shall be made, no such bonds shall be issued and no such tax shall be levied unless a majority of the legal voters of said city or county shall vote for the same at an election to be held under the order of the corporate authority, in case of the city, and of the county court in case of the county: *Provided, further*, that a majority of legal votes at any such election shall be held as a majority of the legal voters of said city of Metropolis, or county of Massac; and the question of making a subscription, issuing bonds and levying taxes may be submitted as one question or as separate questions at such election; and either or all of said questions may be submitted to an election at any time, in the discretion of the authorities authorized to call such election, but no such election shall be held without at least thirty days' previous notice, to be given in the manner now required by law.

Submitted to
a majority vote.

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

APPROVED March 29, 1869.

AN ACT to incorporate the Moline and Rock River Bridge Company. In force April 16, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That S. W. Wheelock and Jonathan Hantoon, Ben. Harper and John M. Gould, and their associates, the present owners of the property and franchises of the Moline and Rock River Bridge Company, acquired by virtue of a sale had under a trust deed made by said company, on the 24th day of December, 1857, to John M. Gould, trustee, be and they are hereby created a corporation by the name of "The Moline and Rock River Bridge Company;" and as such, shall possess the rights, powers and franchises usually possessed by such corporations, and also all the privileges, powers and franchises at any time heretofore possessed by the Moline and Rock River Plank and Macadamised Road and Bridge Company, incorporated by an act approved Feb. 14, 1855, and all amendments thereto.

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

APPROVED April 16, 1869.

AN ACT to incorporate the Paducah and Illinois Bridge Company. In force conditionally.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That L. S. Trimble, L. M. Flourney, W. F. Norton, J. M. Bigger, T. J. Pickett, J. L. Allard, George Langstaff, of the state of Kentucky; A. M. West, Abram Murdock, of the state of Mississippi; David L. Phillips, William Butler, J. M. Campbell, S. S. Marshall, G. B. Raum, T. B. Blackstone, and J. J. Mitchell, of the state of Illinois; and A. E. Burnside, of the state of Rhode Island, be and they are hereby created a body politic and corporate, with perpetual succession, by the name of "Paducah and Illinois Bridge Company;" and by that name may sue and be sued, plead and be impleaded, in all the courts of this state, and elsewhere; and shall have power of erecting and constructing a bridge across the Ohio river, from some point within the corporate limits of the city of Paducah, to such point on the Illinois side as the said bridge company may select. Said company shall have and use a common seal; they shall also have the power to purchase and hold as much real estate as will be necessary and suitable for the site of said bridge, the piers, abutments, toll-houses and necessary and suitable avenues leading to the said bridge; also to borrow money, not exceeding the capital stock mentioned in this act, and

Borrow money to prosecute the work.

to secure the same on such terms as may be agreed upon; shall also have power to ordain and establish such by-laws, rules and regulations which may be necessary for the well being of said government of said corporation: *Provided*, that the same shall not be contrary to the laws of the United States, state of Kentucky, or state of Illinois.

Amount of
capital stock.

Open books
for subscription

§ 2. That the capital stock of said company shall be three million dollars, divided into shares of one hundred dollars each; and said corporators, or any six of whom, shall have power and authority, upon written notice, to cause books to be opened at such time or times, place or places, as they may agree upon, and cause said books to be kept open such length of time as they may prescribe, under the direction of such person or persons as they may designate: *Provided*, that they shall publish in some paper published in the city of Paducah, and Metropolis, Illinois, the time and place which the books for the subscription of stock in said company shall be held, and if at the end of such time, the whole amount of the capital stock shall not have been subscribed, the said corporators shall have power to order books to be open at such other times and places, and may repeat the same as often as necessary, until the whole amount of stock herein authorized shall have been subscribed, giving such notice as they may deem reasonable: *Provided*, that any subscription to the capital stock of said company, made at any other time or any place, shall be as valid in the person subscribing as if made in the mode and manner herein prescribed: *And, provided, further*, that the state of Illinois shall not have the power to levy and collect of said bridge company any taxes, until one year after said bridge shall have been completed.

No tax to be
paid for one year

Meeting of
stockholders.

Election of
officers.

§ 3. That when one thousand shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them then living, shall advertise for a meeting of the stockholders in said company, at Paducah, Kentucky, giving ten days' notice of the time and place of such meetings, by publication in some paper published in Paducah, Kentucky, and Metropolis, Illinois; and the stockholders shall proceed to elect a president and six directors, who shall be stockholders in said corporation, and to elect or appoint such other agents and officers as they may deem necessary for the business of the corporation, and fix the salaries to be paid to the president, agents, and such other officers as they may deem entitled to receive salaries; and require such bonds of any of such officers, with security, and with such conditions as they may prescribe; at which meeting each stockholder shall be entitled to one vote for each share of stock he, she or they may own in said company. The stockholders may vote in person or by proxy. The election of directors for said corporation shall be in the mode and manner prescribed by an

act of the legislature of the state of Kentucky, approved February 5, 1868.

§ 4. The said company may extend a railway over said bridge, with as many sets of tracks as they may deem expedient; and shall have the right to fix reasonable rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon, and upon all goods and chattels, vehicles and animals passing thereon, or carried on said bridge, and including every other species of property not herein named; and for this purpose, toll gates may be erected at each or either end of said bridge, and the rates of toll shall be posted up in conspicuous places where toll is demanded. That the said bridge company shall have all power and authority that may be deemed necessary to condemn any and all real property for the location and erection of said bridge, or any toll houses, abutments, piers, anchor pits or approaches to said bridge, or that may be deemed in any way necessary or convenient for the purposes of the corporation, in accordance with the provisions of the general laws now in force, or which may hereafter be in force, providing for the condemnation of lands for purposes of internal improvements.

May place railroad tracks on bridge.

Erect toll gates.

Condemn property.

§ 5. That should the capital stock of said company, as herein provided, prove insufficient for the purposes of this corporation, the board of directors shall have the right to increase the same to such an amount as will be required to fully carry out the purposes of this corporation. Individuals, companies and corporations created by the laws of this state, or any state of the United States, shall have the right to take stock in this corporation; and said company is authorized to make contracts with any railroad company in or out of this state, relative to the building of the bridge; and to make common cause with any railroad company in or out of this state, or to consolidate stock with any such railroad company, upon such terms as may be agreed upon; and the said company shall have the right to receive subscriptions to the capital stock of said company in real or personal property; or choses in action, upon such terms as may be agreed upon, and to sell and convey all such property in as full and complete a manner as natural persons. And the said company shall have the right to issue not exceeding three millions of dollars mortgage bonds upon the property of said company.

When capital stock insufficient.

Issue bonds.

§ 6. The said corporation may consolidate its property and franchises with the property and franchises of any bridge company, authorized by the laws of Kentucky to construct a bridge so as to connect with the one herein authorized, and for that purpose the said corporation may make and execute all such agreements as it may deem expedient; and after such consolidation, the corporation created thereby shall have all the power herein granted.

May consolidate franchises.

When act to
take effect.

§ 7. This act shall be held to be a public act, and shall be liberally and beneficially construed by all courts for the purposes and objects of its creation; and this act shall not take effect or be in force until after the legislature of the state of Kentucky shall have granted a charter to John A. Logan, John M. Crebs, G. B. Raum, A. J. Knykendall, William McBean, W. P. Bruner, George W. Brown, Alfred Cutting, William R. Brown, William J. Ward, and R. G. B. McKee, to build a bridge across the Ohio river, from the Kentucky shore, opposite or near the city of Metropolis, Massac county, Illinois, with equal rights and powers granted in this act.

APPROVED March 27, 1869.

In force Feb. 25, 1869. AN ACT to authorize the building of a bridge across the Illinois river at Peru.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Peter Bowers, Anton Birkenburl, William L. Huse, Samuel N. Maze, Daniel Holly, Benjamin Ream, David Hawley, George B. Hopkins and William B. Day, or a majority of them, and their associates, are hereby created a body politic and corporate, by the name and style of "The Illinois River Bridge Company, of Peru, Illinois," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all the courts of this state; contract and be contracted with; may make all needful by-laws and rules for the government of the said company, fix the amount 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 deemed necessary for that purpose.*

§ 2. The said company, after its organization, shall consist of all persons who shall become stockholders therein; and 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, the stock shall be represented by the supervisor of such town or the mayor of such city, under the direction of the city council.

§ 3. The said company, when organized, may construct and maintain a bridge across the Illinois river at Peru, Illinois, at the point where Hamilton street, in the city of Peru, if extended south, would intersect said river, or at any intermediate point between said Hamilton street and the east line of Plum street, in said city; and for the purpose of erecting such bridge, and all such embankments,

Erect toll gates
and other
houses.

toll houses, and dwelling houses for toll collectors, and such other works as may be necessary for said bridge, and other employees, the said company may use so much of said Hamilton street or Plum street, or of any intermediate street, and Water and south of Water street, on 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, and allow a speedy passage to all persons, with their animals and vehicles: *Provided*, that if said bridge shall be destroyed by fire or flood, said company shall be allowed a reasonable time to rebuild the same. Kept in repair.

§ 5. The said company are hereby authorized, after the completion of said bridge, to place a toll gate at either end of said bridge, and to 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, and for each additional horse, mule or ox, attached thereto, five cents; for each one-horse vehicle, ten cents; for each man and horse, five cents; for each hog or sheep, one cent; for each head of neat cattle, not attached to any vehicle, one cent; for each footman, three cents: *Provided*, that said company may double the above rates after nine o'clock p. m., and before day-light in the morning: *Provided, further*, that all persons having paid toll, and returning the same day, may return free of toll. Erect toll gates at either end.
Rates of toll.

§ 6. That said corporation hereby created, until the time the said bridge shall be erected, are hereby authorized and empowered to keep and maintain, across the Illinois river at Peru, a floating or boat-bridge, and to charge the same tolls for crossing over the same as are provided for by section five of this act, and until then shall keep and maintain such floating or boat-bridge or ferry boat; and, for that purpose, are hereby authorized to purchase or procure the same, to be kept and maintained under such arrangement they may deem it advisable to enter into, not contrary to the purposes of this act. May erect a floating bridge.

§ 7. That said bridge shall be deemed a public highway, within the meaning of the laws of this state providing for the punishment of persons injuring, obstructing or destroying public highways and bridges. Bridge deemed a public highway.

§ 8. The said company may, if deemed necessary, mortgage the said bridge for such an amount or amounts, and upon such terms, and in such manner, as they may agree upon in their articles of association. May mortgage bridge.

§ 9. Every person crossing such 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 thereof. Fast driving.

Not to obstruct
navigation.

§ 10. The said company shall build such bridge in such a manner, that it shall not materially obstruct navigation on said river; and they shall keep open a space at least one hundred and twenty feet, when boats or other water-craft navigating said river may wish to pass said bridge.

City may take
stock.

§ 11. That the city of Peru, in LaSalle county, is hereby authorized to subscribe to the capital stock of said bridge company any sum, not exceeding fifty thousand dollars, or to loan the credit of said city to not exceeding that amount, in aid of said bridge company; and the city council of said city are hereby authorized to make and issue the bonds of said city, 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 or politic: *Provided, however*, when any such subscription or loaning of credit is proposed to be made, it shall be the duty of the city council to order a vote of the taxable inhabitants of said city, who are entitled to vote in said city, by publication in some newspaper published in said city, stating that on a certain day—not less than fifteen days from the day of such publication—a vote of such taxable inhabitants of said city, who are entitled to vote therein, will be held at the city hall, in said city, or other place to be designated by the city council of said city, to decide whether the said city will so subscribe or loan its credit, as proposed by the city council—said publication expressing the amount proposed to be subscribed or for which the credit of the city is proposed to be loaned, and the amount and terms of the proposed loan, said vote to be taken by ballot, at the place designated for holding such election; and if a majority of the votes cast at such election shall be in favor of the proposition of the city council for such subscription or loaning of the credit of the city, then the same shall be made, otherwise not: *Provided, however*, in case such proposition shall not be adopted upon the first election, it shall be lawful for the city council to submit such proposition, or any proposition in relation to such subscription or loaning of the credit of the city, in the same manner, to a vote of the inhabitants of said city, so qualified and entitled to vote as aforesaid, whenever the city council shall deem it for the interests of said city so to do.

Another vote
may be had.

No other
bridge erected
for 20 years.

§ 12. No other bridge shall be built across the Illinois river, within two miles west or within the limits of the town of Peru, as now bounded, east of the location of the bridge so to be built, for the period of twenty 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; nor shall the city of Peru grant any charter for any ferry across the Illinois river, to be operated within the limits prescribed in section three (3) of this act, during the time herein limited for the building

and completion of said bridge, nor at any time thereafter if said bridge shall be so built during the continuance of the corporation hereby created.

§ 13. Said bridge company shall commence the erection of said bridge within one year, and complete the same within two years after this act shall take effect, or the rights conferred by this act shall cease and be of no effect. Commence in two years.

§ 14. Said corporation shall have the right to extend and maintain a roadway from the south end of said bridge to the bluff on the south side of the river, across sections twenty (20) and twenty-nine (29), and make all necessary bridges and crossings, so as to afford a convenient passage, for the purposes aforesaid, from said bridge to the said bluff on the south side of said river. Extend roadway

§ 15. That said corporation is hereby empowered to purchase, receive and hold such lands, real estate and materials as may be required to extend their roadway or embankment to the bluff on the south side of said river, across sections 20 and 29, and as may be necessary and requisite, in accomplishing the object for which said corporation is hereby created; and may, by their agents, engineers and surveyors, take possession of and use all such lands, real estate and materials as may be necessary for the construction and maintainance of said bridge, and the roadways and approaches thereto and appendages thereunto appertaining, and may also receive, take and hold such voluntary grants and donations of lands, real estate and other property as shall be made to such corporation, for the purposes aforesaid and in aid thereof; but whenever any such lands, real estate or materials shall be so taken and appropriated, for the purposes aforesaid, and the same shall not be given or granted to such corporation, or the proprietor or proprietors do not agree with such corporation as to the amount of damages or compensation which ought to be allowed and paid therefor, or shall not mutually agree on some person or persons to appraise the same, such damages or compensation shall be determined in the manner provided by an act of the general assembly of this state, entitled "An act to amend the law concerning the right of way for purposes of internal improvement," in force June 22d, 1852: *Provided*, that, in condemning the right of way for any approaches to said bridge, or any other property belonging to the owners or proprietors of the Illinois Bridge Company, incorporated by an act of the general assembly of this state, approved February 10th, 1857, the commissioners shall take into consideration the value of the property thus taken and condemned for the purposes to which it sought to apply the same. May purchase real estate and materials for roadway.

When damages cannot be agreed upon the within act to apply.

§ 16. This act shall be deemed a public act in all courts of this state, and shall be in force from and after the twenty-fifth day of February, A. D. 1869.

APPROVED February 19, 1869.

In force March 29, 1869. AN ACT to incorporate the St. Clair and Carondelet Bridge Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Gustave Körner, John Gundlack, William Capp, Frederick Hill, Stephen W. Miles, G. L. Ditch, J. W. Drury, R. G. Atlack, W. B. Quigley, A. Downen, Lafayette Warreck, Philip Eckard, J. S. Bargert, I. H. Wilson, Thomas H. Burgess, M. T. Horine, Dryden Rogers, Charles Frick, A. Körner, George Gundlack, John M. McCutcheon, and their associates, successors and assigns, be and are hereby created a body corporate and politic, under the name and style of "The St. Clair and Carondelet Bridge Company," for the purpose of constructing and maintaining a toll bridge, from any point or place on the Mississippi river opposite that part of the county of St. Louis, in the state of Missouri, lying south of the present city limits of the city of St. Louis and north of Jefferson Barracks, in said county, to the western line of this state, with suitable approaches to such bridge, and all convenient appendages and structures for the same. The said corporation shall have power to sue and be sued, plead and be impleaded, make and use a common seal, and the same to alter and renew at pleasure; and such other powers, rights, privileges and immunities as may be necessary or useful for the purposes of this act: *Provided*, that there shall be at least fifty thousand dollars expended in the construction of said bridge, during the year 1869.

Expended in 1869.

Amount of capital stock.

§ 2. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each; which shall be issued and transferred in such manner and under such conditions as the directors of said company shall, by the by-laws thereof, prescribe. The capital stock may be increased from time to time, as the stockholders holding a majority of the shares of said stock may direct.

Board of directors.

§ 3. The corporate powers of said company shall be vested in and exercised by a board of directors, consisting of not less than three nor more than thirteen persons, as the stockholders of said company may from time to time direct. The directors shall be chosen by the stockholders, at such time and place as may be fixed by the by-laws of

said company, and shall hold their offices for one year and until their successors are elected and qualified. They shall elect one of their number president of said company, and may fill any vacancy in the said board occasioned by death, resignation or otherwise, for the remainder of the term of office so becoming vacant; and may make such rules, regulations and by-laws, and appoint such officers and servants, as they may from time to time deem expedient: *Provided*, that at least one-half of the directors shall be residents of the state of Illinois.

Vacancies, how filled.

§ 4. The persons named in the first section of this act, or a majority of them, are hereby authorized to open or cause to be opened, subscription books, for the stock of said company, at such time and place, within or without this state, as they may think proper; and when three hundred thousand dollars shall be subscribed, the said corporators or any three of them may call a meeting of the stockholders, by giving ten days' notice, either by publication in some newspaper published in St. Louis, or by personal notice to each of the stockholders, of the time and place of such meeting, and at the same time the stockholders may elect directors and transact any other business. Meetings of stockholders may be held without as well as within this state, and may be called by the board of directors upon ten days' notice, as aforesaid. The president shall also have power, and it shall be his duty, to call a meeting of said stockholders, upon like notice, whenever requested so to do, in writing, by any five stockholders owning, in the aggregate, not less than fifty shares of said capital stock.

Open books for subscription.

Meeting of stockholders.

§ 5. The said company may transport on said bridge, and approaches thereto, persons and property, by steam or otherwise, and may allow others so to do; and said bridge and approaches may be used for every description of travel, passage and transportation, under such rules and regulations, and for such tolls, as the directors of the said corporation may prescribe. The said company may take, receive and collect such tolls, for travel, passage or transportation over said bridge and approaches, or either of them, or any part of either of them, as the directors may, from time to time, fix and establish: *Provided*, the rates charged for ordinary travel shall never exceed the rates prescribed in section five of an act entitled "An act to incorporate the Illinois and St. Louis Bridge Company," approved February 21, 1867.

Transport persons and property.

Collect tolls.

§ 6. The said corporation shall have power to acquire title to lands necessary for the construction of said bridge and approaches, and to take materials from lands in the vicinity, for the construction and maintainance thereof, and for such purposes, shall have and may exercise all the powers, conferred by any of the laws of this state, for acquiring right of way for railroads, public roads or other public uses,

May acquire title to lands.

Right of construction for 25 years.

under which the said corporation may take and acquire property heretofore taken or acquired for such uses, as well as other property. The said corporation shall have the exclusive right, for twenty-five years, of constructing a bridge in the county of St. Clair, opposite that portion of the county of St. Louis, state of Missouri, in section one of this act specified, over so much of the Mississippi river as is within the jurisdiction of this state, and shall also have the right to protect the banks of the same so far as may be necessary to keep the channel within the opening of said bridge; and, for that purpose, may take and acquire lands and materials in the manner aforesaid: *Provided*, if the bridge herein authorized is not commenced within two years, and completed within five years, this act shall be null and void.

May take land and materials.

Who may take stock.

§ 7. Any railroad company, town, city or county shall have power to take and subscribe for and to purchase and hold stock of said company, and may make such contracts and execute such securities, or other instruments, as said railroad companies, towns, cities and counties may, respectively, deem expedient, relative to such subscription or purchase, or to the construction or uses of said bridge.

May consolidate with other bridge companies.

§ 8. The said corporation may consolidate its property and franchises with the property and franchises of any bridge company authorized, by the laws of the state of Missouri, to construct a bridge, so as to connect with the one herein authorized; and, for that purpose, the said corporation may make and execute all such agreements as it may deem expedient; and after such consolidation the corporation created thereby shall have all the power herein granted.

May borrow money and issue bonds.

§ 9. The said corporation may borrow money, and issue its bonds or other evidences of indebtedness, bearing such rate of interest, and payable at such time or times and at such place or places, as its directors may think proper, and may secure such bonds or other indebtedness by mortgage or deed of trust of the property, tolls and franchises, in such manner as said directors may think fit; and may sell such bonds or other evidences of indebtedness in such manner and at such price as said directors may prescribe or agree upon.

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

APPROVED March 29, 1869.

BRIDGE COMPANIES—NEW PRIVILEGES.

AN ACT to amend an act entitled "An act to incorporate the Erie Bridge In force June Company," approved February 16th, 1865. 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of said act to incorporate said Erie Bridge Company, approved February 16th, 1865, be and the same is hereby amended so as to strike out, from among the names of the incorporators therein mentioned, the names of Ralph Sage and William S. Thomas, respectively, and insert, in lieu thereof, the names of James C. Hubbard and Levi Fuller; and that section two of said act be and the same is hereby amended, so that said James C. Hubbard and Levi Fuller shall, hereafter, be and act as two of the commissioners, as in said act provided for, to open books for and receive subscriptions to the capital stock of said company, in lieu of said Ralph Sage and William S. Thomas, two of the commissioners designated in said section two of said act. Act amended.
Sec. 2 amended.

§ 2. That section five of said act be amended, so that the time limited therein for the commencement of said bridge be and the same is hereby extended six years, and the time within which the same shall be completed, eight years, from and after the passage of this act. Sec. 5 amended.

APPROVED March 27, 1869.

AN ACT to amend an act entitled "An act for the construction of a bridge across Fox river, at Ottawa," approved February 23, 1867. In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four of the said act be stricken out.

§ 2. That the following be substituted for section four thus stricken out, viz: Said bridge and embankments, when completed, shall be maintained and kept in repair by the commissioners of highways of the towns of Ottawa and Rutland. And said commissioners of highways shall together constitute a joint board therefor. The amount necessary to keep said bridge in repair shall be reported by the board of commissioners mentioned in this section to said board of supervisors, and be levied and collected by said Substitute for section 4

board, as heretofore mentioned, and be paid to and expended by the board of commissioners in this section mentioned as the sum raised to construct the bridge was by the first named commissioners.

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

APPROVED March 27, 1869.

In force Feb. 19, 1869. AN ACT to authorize the towns of Ottawa, South Ottawa, Farm Ridge, Deer Park, Fall River and Grand Rapids, in LaSalle county, to purchase the Illinois river bridge, in the city of Ottawa.

Town meeting. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be held a special town meeting in each of said towns of Ottawa, South Ottawa, Farm Ridge, Deer Park, Fall River and Grand Rapids at the places where the last town meetings were holden in said towns, on Monday, the 1st day of March, A. D. 1869, at which meeting the question whether or not each of said towns is willing to purchase the Illinois river bridge of the Illinois River Bridge Company, as provided in this act, shall be submitted to the legal voters of said towns, respectively. The votes shall be by ballot, and the ballots shall be "For the purchase of the Illinois river bridge," and "Against the purchase of the Illinois river bridge." If a majority of all the votes cast in each town shall be for the purchase of said bridge, such town thus voting shall be bound to assist in the purchase and maintenance of said bridge, under the provisions of this act. And if any of said towns, except Ottawa, shall refuse, at said special town meeting, to join in the purchase, the remainder of said towns that shall have voted to buy the bridge shall proceed to buy the same, as hereinafter mentioned, and the portion of the purchase money herein allotted to such towns voting against the purchase shall be allotted to and apportioned to the other towns in proportion to the several sums to them in this act apportioned: *Provided*, that if the town of Ottawa shall refuse to join in said purchase, then and in that case this act shall be inoperative as to each of the other towns mentioned in this act.

Purchase bridge. When act inoperative. Supervisors of towns authorized to purchase bridge. § 2. The supervisors of the towns voting for the purchase of said bridge, and the assistant supervisor of the town of Ottawa, or a majority of them, are hereby empowered and authorized to purchase of the Illinois River Bridge Company their bridge and approaches and appurtenances thereto, at any sum not exceeding the sum of forty-four thousand two hundred dollars; and the supervisors and

town clerk of each of said towns shall issue the bonds of said towns for the payment of the share of each town according to the apportionment herein made, drawing interest at a rate not exceeding ten per cent. per annum, in such sums and to such persons as they may see fit, payable at such times, not exceeding three years after the date thereof, as the supervisors of said towns, or a majority of the same acting in their corporate capacity, as hereinafter provided, may determine.

§ 3. The said towns shall pay for said bridge in the following proportion, viz: Ottawa, twenty-six thousand two hundred dollars; South Ottawa, five thousand dollars; Farm Ridge, five thousand dollars; Deer Park, three thousand dollars; Grand Rapids, three thousand dollars; and Fall River, two thousand dollars, subject to the apportionments mentioned in the first section. How paid.

§ 4. Upon the conclusion of the purchase of said bridge, the supervisors of said towns, or a majority of them, shall certify to the county clerk of LaSalle county the amount that each of said towns is required to pay, and the board of supervisors of said county shall, at the first meeting after said certificate is filed, order the said respective amounts to be collected from said towns in the same manner as state and county taxes are collected, according to the assessed value of property; and the county clerk shall extend such tax upon the collector's books the same as other taxes; and the total amount for the payment of said purchase shall be assessed and collected in one year, unless the board of supervisors shall deem it proper to order said amount to be collected in one, two and three years. Assessments for payment of bridge.

§ 5. In order to secure the purchase of said bridge, and for its maintenance, any town in LaSalle county is authorized to vote a tax for that purpose, at any regular or special town meeting, in the same manner as provided by the general laws of the state for voting for road and bridge taxes; and such amount shall be applied in payment for said bridge, or for its maintenance, as occasion may require. Towns may vote tax.

§ 6. The supervisors of the towns voting to buy said bridge are hereby created a body corporate, by the name and style of "The Illinois River Bridge Commissioners," and by that name may sue and be sued, plead and be impleaded. The said corporation shall have two officers, viz: a president and secretary, who shall be chosen annually by a majority vote of the supervisors composing said corporation. The said corporation shall, as soon as said bridge shall be purchased, take charge of the same, keep in repair and maintain the same; and for that purpose may appoint any agent it may deem necessary. The said corporation shall hold its meetings in Ottawa, and keep a record of its proceedings. All questions shall be decided by a majority Supervisors created body corporate. Name and style
§ Officers chosen annually.

vote of said supervisors and assistant supervisor of the town of Ottawa.

Moneys to be paid by county treasurer.

§ 7. All moneys collected under this act shall be drawn from the county treasury by orders of said corporation, which orders shall be signed by the president and countersigned by the secretary. Such orders shall specify the purpose for which the money is to be paid and the name of the person to whom paid.

Repair bridge.

Towns to make proportionate payments.

§ 8. The said corporation shall annually certify to the county clerk of LaSalle county the amount of money necessary to keep said bridge in repair, and to maintain the same, and to rebuild the same whenever occasion may require; and the board of supervisors of said county shall order the county clerk to apportion said amount among said towns voting for the purchase of said bridge, and such other towns as said board of supervisors deem interested in said bridge, and in amounts proportioned to their interests, according to the assessed value of property of said towns as shown by the assessment roll of the year previous to the filing of said certificate; and the said amounts shall be extended on the collector's books and collected in the same manner as state and county taxes are collected: *Provided*, that any of said towns may apply to the board of supervisors for relief from a part or the whole of such assessment, and the board of supervisors may abate any part of said assessment or defer the collection for a reasonable time if they find that justice and policy require it.

Bridge to be public highway.

§ 9. The said bridge, after it shall have been purchased as herein provided, shall become a public highway for all persons to use for travel without charge; and the right of the Illinois River Bridge Company, under their charter and amendments, shall cease upon the payment of the same by bonds or otherwise.

When bridge company refuse to sell.

§ 10. Should the Illinois River Bridge Company, for any reason, refuse to sell their bridge for the sum before mentioned, then and in that case the corporation formed by this act shall have power to levy the respective sums apportioned to each of the towns named in this act in the manner before described, and with the money so raised build or cause to be built a bridge across the Illinois river, at any point within the corporate limits of the city of Ottawa that may be selected by said corporation; which bridge, when completed, shall be used, maintained and kept in repair as before provided in case of the purchase of the Illinois river bridge.

New bridge.

§ 11. This act is hereby declared to be a public act and shall take effect from and after its passage.

APPROVED February 19, 1869.

AN ACT to amend an act entitled "An act to erect a toll bridge across the Kaskaskia river," approved March 30th, A. D. 1869. In force April 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of David W. Halbert be stricken from said bill and the name of Charles Donebach be inserted in lieu thereof, and that he be entitled to enjoy all the rights and privileges granted by said bill, the same as if originally in the same. Donebach substituted for Halbert.

§ 2. This act to be in force from and after its passage.
APPROVED April 19, 1869.

AN ACT to reorganize the Vincennes Draw Bridge Company, and to establish and define its power and privileges, and to enable it to erect a toll gate, and to fix and collect rates of toll. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Vincennes Draw Bridge Company, whose bridge is built across the Wabash river at a point in Lawrence county in the state of Illinois, opposite Vincennes in the state of Indiana, be and is hereby authorized and empowered to erect and maintain a toll-house and toll-gate at or near the west end of said bridge in said Lawrence county, and that said company is also authorized and empowered to fix and establish, from time to time, the rates of toll which said company may demand and receive for the passage of all persons, wagons, carts, carriages, horses, cattle, sheep, hogs and other property, and make and establish all necessary and proper rules relating to the passage across said bridge of persons, vehicles and animals; but such rates of fare or toll shall not exceed the following, to-wit: For a four-horse mule or ox team, wagon, sled or cart, 50 cents; for a two-horse mule or ox team, wagon, sled or cart, 35 cents; for a single horse or mule wagon, dray, cart, buggy or sleigh, 25 cents; for each additional horse or mule attached, 10 cents; for each person and horse or mule, 15 cents; for each person on foot, 5 cents; for cattle, horses, asses or mules, 10 cents; for hogs, sheep or calves per head, 5 cents; and in similar proportion for all other kinds of conveyance or animals. Erect toll-gates and houses.

§ 2. Said company shall cause to be posted up in some conspicuous place on said bridge and in the toll-house, a painted, printed or written list of the rates of toll chargeable at said bridge for passing the same; and any person failing or refusing to pay such rates of toll as shall be fixed upon and properly chargeable for crossing said bridge, not exceed- List of rates, how posted.

Willful violations, how punished.

ing the rate herein before allowed and permitted to be charged, and every person who shall wilfully violate any of the rules or by-laws that said company may enact and establish: (*Provided*, the same shall be consistent with the laws of this state and of the United States, relating to the crossing of said bridge,) shall, for each offense, forfeit and pay to said company a sum not to exceed twenty dollars, to be recovered in a civil action before any justice of the peace of said Lawrence county.

Exclusive right for thirty years

§ 3. Said company shall, for the period of thirty years from and after the passage of this act, have the exclusive right to operate and maintain a bridge or ferry across said Wabash river at the point where said bridge is now located, and for a distance of three miles above and below said point:

Railroad bridge.

Provided, that nothing in this act shall be so construed as to prevent or exclude any railroad company from maintaining or operating any railroad bridge which is now built or may hereafter be built within said limits, and which is used exclusively for railroad purposes.

Taxation.

§ 4. The said bridge and its approaches and appurtenances belonging to said company are hereby declared to be personal property, and shall so be deemed, and shall be subject to taxation as such, and shall be subject to all the laws of this state as personal property.

Process.

§ 5. In all suits or actions at law or in equity which may be brought against said company, process may be served on said company by service thereof on the president or secretary thereof, or the agent of said company for collecting tolls. Nothing in this act shall be construed so as to release said company from any liability or indebtedness.

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

APPROVED March 30, 1869.

BUILDING COMPANIES — INCORPORATED.

In force April 15, 1869.

AN ACT to incorporate the Blue Island Land and Building Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Charles V. Dyer, L. P. Hilliard, Thomas S. Dobbins, Charles W. Weston, John F. Tracy, John B. Lyon, Charles H. Walker, James Milliken, Frederick H. Winston, and their associates, assigns and successors, be and they are hereby created a body politic and corporate, by the name and style of

"The Blue Island Land and Building Company," for the purpose of laying out a town in the townships of Lake, Calumet and Worth, or either of them, in the county of Cook, and buying, improving and selling land and town lots in said town, and in the townships of Lake, Worth and Calumet, and in the county of Cook; and by that name shall have succession for and during the term of twenty years from and after the passage of this act, and be capable in law and equity of suing and being sued, pleading and being impleaded, to contract and be contracted with, to adopt and use a common seal and alter the same at pleasure; to take by purchase, gift, grant, contract or devise, and hold, improve and sell real estate and personal property.

Name and style.

§ 2. The capital stock of said company shall be two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each. The capital stock may be increased to five hundred thousand dollars by a vote of two-thirds of the stock at any regular or called meeting of the stockholders.

Amount of capital stock.

§ 3. The said corporators may manage the affairs of said company until a board of directors is elected as hereinafter provided, and until such election shall be the directors of said company.

Directors.

§ 4. When one hundred and fifty thousand dollars of the capital stock is subscribed, the subscribers shall proceed to elect a board of not less than five nor more than nine directors, who shall have the power to elect their own president and other officers, and who shall hold their office for one year and until their successors shall be elected. The directors shall have power to fill vacancies in their board.

Election of officers.

§ 5. Said corporation shall have power to make by-laws, not inconsistent with the constitution and laws of this state or the United States, fixing the time and manner of holding meetings of stockholders and elections; defining the duties of its officers and servants; defining the manner of making calls upon the capital stock and regulating the transfer thereof, and the penalties for the non-payment of the same; and shall have the right and power to exchange with its stockholders the lands of said company for its capital stock, upon such terms and such prices as may, from time to time, be fixed by its board of directors and agreed upon by its said stockholders; and may also issue and exchange such stock for lands with such parties as may agree so to do—such capital stock not to be increased, however, without consent of the stockholders as before provided, and in no event to exceed the sum of five hundred thousand dollars as hereinbefore fixed; and generally shall have power to manage its affairs in such manner as to carry out the objects of this incorporation, and to promote the interests of its stockholders.

By-laws, rules and regulations.

May issue and exchange stock.

When act to
be void.

§ 6. This act to take effect and be in force from and after its passage, but to be void and of no effect unless said company shall be organized thereunder within six months from the passage thereof.

IN FORCE April 15, 1869.

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

EDWARD RUMMEL, Sec'y of State.

In force March
29, 1869.

AN ACT to incorporate the Franklin Home Building Company.

Organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, As follows:*

A company is hereby created, called "The Franklin Home Building Company," which shall constitute and is hereby constituted a body corporate and politic, and by the name aforesaid shall have perpetual succession; may be sued and sue; may plead and be impleaded; defend and be defended against, in all courts and places whatever; with full power and authority, by that name, to contract and be contracted with; to acquire, hold and possess, use and enjoy, and the same to sell and convey and dispose of all such real estate as is or may be necessary for the use of this corporation, or as may be deemed by the directors thereof proper and expedient to carry on the business and accomplish the object of this corporation or for the promotion of its interests; and may make, ordain and put into execution such by-laws, rules and regulations, not repugnant to the constitution of this state or of the United States, as shall be proper and necessary to carry into effect the provisions of this act and to attain and to accomplish efficiently the object of this company; and may have a common seal, and may alter or change the same at pleasure.

Objects of the
corporation.

§ 2. The object of this company shall be to purchase real estate and erect buildings on the same—that is, for every share one building.

Amount of
shares.

§ 3. The stock of this company shall consist of fifty shares, but may be increased by the board of directors to any number not exceeding one thousand shares.

Minors may
hold stock.

§ 4. Females and minors may hold stock in this company by trustees, and not otherwise.

Stock to be
deemed personal
property.

§ 5. The stock of this company shall be personal property, and shall be assignable and transferable according to such rules and regulations as the board of directors shall, from time to time, make and establish.

§ 6. Each stockholder or trustee of this company shall be entitled to one vote for each share of stock he holds in this company; but to enable a transferee of stock to vote, the transfer of such stock must have been recorded on the books of the company at least three months before the election; and in no case is a stockholder entitled to vote unless he has paid up all arrearages.

Stockholders
to pay arrear-
ages.

§ 7. The affairs of this company shall be managed by a board of nine directors, whose term of office shall be three years and until their successors are duly elected and qualified. The first board of directors shall divide themselves, by lot, into three classes of equal number each, the term of whose services shall, respectively, expire as follows: The first class in one year; the second class in two years, and the third class in three years. If a vacancy should occur in said board by removal from the state, ceasing to be a stockholder, dying, or refusing to act for the period of three months successively, or by resignation, the directors, or a majority of them present at any monthly meeting, shall choose another director to fill such vacancy, who shall remain in office until the next general election, at which his successor may be chosen.

Board of di-
rectors.

§ 8. The directors shall elect a president and vice-president from their own number, and shall appoint a secretary, treasurer, superintendent, and such other agents and assistants to aid in the business of the company; and to fix, allow and pay, out of the funds of the company, the officers, agents and servants of this company, such wages, salaries and compensation as they think proper and reasonable.

Compensation
of officers.

§ 9. All elections shall be by ballot, and the name and number of shares of each stockholder shall be indorsed on his ballot; those persons receiving the highest number of votes shall be declared elected; and in the event of a tie between two persons, the remaining members of the board shall, by resolution, decide who shall serve.

Elections.

§ 10. All officers and directors of this company must be stockholders, and their duties shall be prescribed and established by the by-laws.

All directors
must be stock-
holders.

§ 11. Each and every stockholder, for each and every share of stock that he or they hold in this company, shall pay the sum of five dollars as entrance fee, and the sum of five dollars every month thereafter, on a day to be fixed by the board of directors, to the secretary, or such other person or persons as shall, from time to time, by the laws and regulations of the company, be authorized to receive the same, until as many houses have been erected by the company as shares have been subscribed.

Entrance fee.

§ 12. Whenever the funds in the treasury shall warrant, the directors shall purchase lots of ground and cause a building to be erected on each, which, as soon as completed or some time before its completion, shall be adver-

May purchase
lots and erect
buildings.

Deeds of trust.

Erect buildings
and pay monthly
rent.

Stockholders
to pay in full.

When company
to close busi-
ness.

tised for rent to any one of the stockholders who will pay the highest monthly rent for the same: *Provided, however,* that no house shall be rented for less than ten per cent. interest on the original cost, and to no other person than a stockholder of this company. The successful bidder shall receive a deed for said house and lot, and the same shall be his property: *Provided,* he pays his monthly installment and rent until the dissolution of this company, and as a security of which payments he shall be required to execute a deed of trust on said house and lot to the company; and, also, keep the same insured and in good repair at his own expense, and pay all taxes and assessments lawfully assessed on and demanded of the same; and the directors may, in their discretion, cause a dwelling house to be erected for any stockholder in said company on unincumbered ground belonging to such stockholder or to the company and for his use: *Provided,* that such stockholder shall secure to the company, in such manner as the directors may require, a monthly rent of such house, which shall not be less than ten per cent. interest per annum on the original cost of said house and the valuation of the lot on which said house shall be erected. And said directors may also purchase from any stockholder of the company, or from any other person, any lot with the buildings and improvements on the same, and may convey the same to any stockholder upon his securing to the company, in such manner as the directors may require, a monthly rent for the same which shall not be less than ten per cent. interest per annum on the amount paid by said company for or on account of such lot, building, and improvements on the same; and such lots shall, thereafter, be held and treated as if the buildings and improvements on the same had been erected by this company. No stockholder who is in arrear with his monthly installment can purchase a house until he has paid all demands due against him; and if any house, when completed, is not taken by any of the stockholders, it may be rented to outsiders or conveyed to them as the board of directors may think proper.

§ 13. When as many houses have been built by the company as shares have been subscribed, and each and every stockholder has received as many houses as he holds shares, the company shall terminate and close. The true value of each share shall, after deducting all expenses, be credited to the accounts of the respective stockholders, and as not all the houses will be or can be of an equal value, and each one having been charged to the account of the respective stockholders, the difference thus appearing between the value of the house and the value of the shares shall be equalized by cash, as the case may require, and the property be released.

§ 14. A misnomer of this company in any deed, gift, grant, contract, conveyance, or other instrument, shall not vitiate or vacate the same, if the company shall be sufficiently described therein or referred to with sufficient distinctness to ascertain the intention of the parties. A misnomer not to invalidate

§ 15. The board of directors shall have the power to purchase, for the benefit of said company, at such rates as said board may determine, the share or shares of any stockholder desirous of withdrawing from said company. But no share of stock so acquired by said company or of which said company may become possessed by forfeiture or otherwise, shall be again reissued or sold, but the same shall be immediately canceled. Stockholders withdraw.

§ 16. On the second Monday in January, in each year, between the hours of ten in the forenoon and three in the afternoon, at the office of this company, in the city of East St. Louis, an election for directors, whose term of office has expired, shall be held, to serve for the term of three years and until their successors shall be duly elected. A written or printed notice of such election shall be given to each stockholder personally, or through the postoffice, at least ten days before the election; and if from any cause the election cannot be held on said day, it may be held on any other day to be appointed by the board. Election of officers.

§ 17. Charles Rantenburg, Henry Oebiki, John Trendley, Henry Schall, Christian Buepe, Benedict Franz and John B. Livingston, or any three of them, shall, within three months next after the passage of this act, open books of subscription for shares in the corporation hereby created; and as soon as fifty shares are subscribed and five dollars entrance fee, per share, paid thereon to the parties opening and holding the subscription books, respectively, notice shall be given to the stockholders, by publication in some newspaper published in East St. Louis, appointing a time and place for the first meeting of the stockholders and the election of the first board of directors; such notice may be given by any three of the above named persons and shall be given not less than ten nor more than fourteen days previous to the day of meeting. The entrance fees received by the said persons obtaining the subscription aforesaid shall, at once, after the election of said first board of directors, be paid over to them—said directors. Open books for subscription.

[§ 18.] This act is declared a public act, shall be construed liberally for the purposes therein expressed, and be in force from and after its passage. First meeting.

APPROVED March 29, 1869.

In force March
25, 1869.

AN ACT to incorporate the Northwestern Construction Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That such persons as shall become subscribers to the stock of the corporation hereby created, their successors and assigns, shall be and are hereby created a body politic and corporate, by
Name and style.	the name of "The Northwestern Construction Company," with all the powers necessary to carry out and effectuate the objects of said corporation, including the power to buy and sell real estate and personal property to such an extent only as may be necessary for the economical transaction of its business, as herein set forth, and with power to make loans and secure the same by bond or otherwise; to sue and be sued; contract and be contracted with; to have and use a common seal; and to use and exercise such other powers incident to a corporation as are requisite and necessary to carry out the objects of said corporation, as herein set forth. The chief office of said company shall be in the city of Chicago.
Objects of the corporation.	
Further objects.	§ 2. The objects of said corporation shall be the construction of railroads, canals, harbors, bridges, tunnels, and works of that character, including the construction of machinery, shops, mills, vessels, and all other efficient means necessary to carry on and complete such works; but nothing in this act shall be construed so as to invest said company with power to do the business of banking. Each stockholder shall be individually liable for the debts of said company to the amount of his stock therein, and said company shall organize within two years from and after the passage of this act, or this act shall be null and void.
Amount of capital stock.	§ 3. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same to one million dollars, to be paid for in the manner which may be prescribed by the by-laws which may be adopted by said company, it being expressly provided that the by-laws of said company must not be inconsistent with the laws of this state or of the United States. The stock of said company shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and be transferable on the books of said company, according to the by-laws adopted by said company.
Open books for subscription	§ 4. William F. Coolbaugh, John M. Corse and William P. Howard are hereby appointed commissioners to open books of subscription to the capital stock of said company, and shall at the same time designate a time and place for the first election of directors of said company by parties subscribing to the stock thereof, and each share of stock so subscribed for shall be entitled to one vote, and thereafterward stock shall be subscribed and paid for as provided in the by-laws of said company.

§ 5. The affairs of said company shall be managed by a board of directors, at least five in number, who shall be stockholders elected by the stockholders after the first election, at such time and in such manner as the by-laws of such company shall prescribe, and hold their offices until their successors are elected. They shall have and exercise all the powers hereby conferred on said corporation, and may elect such officers and appoint such agents and make such by-laws, rules and regulations, for carrying into effect the objects of this act, as they may deem expedient, with power to fill all vacancies.

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

APPROVED March 25, 1869.

AN ACT to incorporate the Union Building Association.

In force April 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That William F. Coolbaugh, Calvin T. Wheeler, Daniel Thompson, John V. Farwell, Heman G. Powers and Albert A. Munger, and all such persons as shall become stockholders in the company hereby incorporated, and their successors, are hereby constituted and created a body corporate and politic, under the name of "The Union Building Association," and by such name shall have perpetual succession; shall be capable in law to contract and be contracted with, sue and be sued, implead and be impleaded in all courts of competent jurisdiction; may have and use a common seal, and alter the same at pleasure; and have and enjoy all the powers and authority incident to corporations, for the carrying out of the object of said association.*

Corporators.

Name and style.

§ 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and the amount may be determined and increased or diminished from time to time, within that limit, by the board of directors thereof. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors may direct.

Amount capital stock.

§ 3. The object of said association is hereby declared to be the acquisition, care, use, rental and disposition of a certain building erected on the southwest corner of Washington and LaSalle streets, in the city of Chicago, and known as the "Union Building," and of the real estate whereon said building stands, or of the lease thereof; and said association is hereby given full power to carry out said object, and to purchase or in any manner acquire, receive, take

Objects of the corporation.

and hold, lease, use, rent or sell said building, and the said real estate, or the lease thereof; and in the use, rental or disposition of said property, to receive, take, hold, invest and divide all money, credits and effects arising therefrom.

Corporate powers vested in board of directors.

§ 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers as they may elect from their own number, and they may appoint such servants and agents, and make and adopt, change, alter or amend such by-laws, rules and regulations, as they may deem expedient for the government of said corporation, the management of its affairs, and the furtherance and obtainment of the object thereof. The board of directors shall consist, for the first year after the corporation is organized, of the persons named in the first section hereof, and thereafter of not less than four nor more than six stockholders, who shall be chosen each and every year by the stockholders, at such time and in such manner as the said corporation shall prescribe by its by-laws. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may occur in the board by death, resignation or otherwise.

Term of office.

§ 5. This act shall be a public act, and as such noticed in the courts, and shall take effect and be in force from and after its passage.

APPROVED April 9, 1869.

BUILDING COMPANIES—NEW PRIVILEGES.

In force April 15, 1869. AN ACT supplemental to an act entitled "An act to incorporate the Blue Island Land and Building Company."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* amount of land to be hereafter owned by the company above entitled shall not exceed at any one time the number of acres now owned by the incorporators in said bill named, in the towns of Calumet and Worth, in said county of Cook.

Supplementary act.

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

IN FORCE April 15, 1869.

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

EDWARD RUMMEL, *Sec'y of State.*

CEMETERIES—INCORPORATED.

AN ACT to incorporate the Big Rock Cemetery Association.

In force March
30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Thomas Meredith, Truman Wagner, Peleg S. Winslow, George W. Severance, and Henry Maltby, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of "The Big Rock 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.

Corporators.

Name and style.

§ 2. Said association shall have power to own real estate, not exceeding ten acres, which shall be exempt from taxation, and from attachment and execution.

Real estate ex-
empt from taxa-
tion.

§ 3. The object of said association shall be, exclusively, to acquire, lay out, inclose, ornament and maintain, a plat of ground, to be used as a burial place for the dead.

Ornament
grounds.

§ 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.

May sell lots,

§ 5. The proceeds of such sales, and other funds which may belong to 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 association.

Proceeds of
sale, how ap-
plied.

§ 6. The owners of lots in the cemetery shall, on the first Saturday of March, next, elect three trustees, who shall be owners of lots in the cemetery, who shall hold their offices for one year, and until their successors are elected; but at any time, any neglect to elect officers on said day shall not work a forfeiture of said corporation.

Election of
trustees.

§ 7. Every owner of one or more lots shall be a member of said corporation, and shall be entitled to one vote only. Absent members may vote by proxy.

Vote of mem-
bers.

§ 8. The trustees shall appoint one of their number to act as president, one as secretary, and one as treasurer. Said trustees shall also have power to appoint a sexton, and such other officers as may be necessary.

Appointment
of officers.

§ 9. Said corporation shall have power to establish and change by-laws and rules and regulations for their government, and the direction of their officers, prescribe their duties, and the management of its property and affairs.

Duties of off-
icers.

§ 10. The right of property to any lot or lots which may be purchased, shall be vested by certificate signed by the secretary, and recorded in a book kept by the secretary for

New certificate
issued.

that purpose ; and every transfer of such lots shall be made by surrendering such certificate to the secretary, who shall issue a new one in lieu thereof.

§ 11. This act shall take effect from and after its passage.

APPROVED March 30, 1869.

In force March
30, 1869.

AN ACT to incorporate the Blooming Grove Cemetery Association.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Henry Richmond, Moses Berry, Samuel Berry, Lemuel D. Washburn and Robert Boyce, and their associates, in the county of Montgomery, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of "Blooming Grove Cemetery Association," of Butler, Montgomery county, 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.</p>
Real estate exempt from taxation.	<p>§ 2. Said association shall have power to own and possess real estate, not exceeding twenty acres, which shall be exempt from taxation, attachment and execution.</p>
Objects of the corporation.	<p>§ 3. The objects of said association shall be, exclusively and solely, to lay out and inclose and ornament a plat or piece of ground, not exceeding twenty acres, as aforesaid, to be used as a burial place.</p>
Trustees and officers.	<p>§ 4. The officers of this association shall be a president, a treasurer, who shall act as secretary, a superintendent and two trustees, who shall be chosen by ballot on the first Monday of April, next, and biennially thereafter, and shall hold their offices until their successors are elected. Any neglect to choose officers on the day fixed upon by this act, shall not operate as a forfeiture of this act of incorporation.</p>
Sale of burial lots.	<p>§ 5. Said association shall have power to lay out said burial place, into lots of suitable size for family burial apartments, and sell and convey the same by a certificate of purchase, 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 by him for that purpose.</p>
Proceeds of sale, how applied.	<p>§ 6. The proceeds arising from the sale of said lots shall be paid into the treasury, to be appropriated according to the direction of said association.</p>
Vote of members.	<p>§ 7. Every person owning an interest in said cemetery shall be a member, and entitled to one vote. Absent members may vote by proxy.</p>

§ 8. It shall be the duty of the secretary, on the request of the president or the two trustees, to call a meeting of the members for the choice of officers to fill vacancies, or for transaction of any business pertaining to said association, by giving ten days' public notice in the manner prescribed by said association.

Meeting of trustees.

§ 9. 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, and prescribe their duties, and the management of their property and affairs.

Duty of officers

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

APPROVED March 30, 1869.

AN ACT to incorporate the Bluff Cemetery Association of Hillsboro. In force March 31, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* William C. Miller, Wooten Harris, Thomas Standring, Edward Y. Rice, and Aaron H. H. Rountree, and their successors, are hereby incorporated as an association, by the name and style of "The Bluff Cemetery Association," and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity.

Corporators.

Name and style.

§ 2. Said association shall have the management and control, for burial purposes, of the land on the bluff near Hillsboro, reserved by Hiram Rountree for a graveyard, and any lands contiguous thereto, which may be purchased for the purpose of a graveyard by said association; and shall have power to lay off, establish and control said grounds for a cemetery, in the vicinity of the bluff near Hillsboro; and shall have power, by suit before any justice of the peace, to recover penalties for any and all trespasses or injuries, committed or permitted on the grounds appropriated as a cemetery; to assess and collect, from owners of lots therein, such sums as may be necessary to be expended in repairing fences, or keeping the grounds in good order and condition.

Management of grounds.

Penalties for trespasses.

§ 3. Said corporation shall, on the first Monday in July, A. D. 1869, publish a call for the lot owners in said cemetery, as well as such other persons as may be interested by reason of having had their dead buried therein heretofore, to assemble at some suitable place, in Hillsboro, and elect five suitable trustees, who shall succeed said corporators as the legal representatives of the incorporation hereby created,

Election of trustees.

Failure to elect
trustees.

with all the powers hereby vested in them. And on the first Monday in July, biennially, thereafter, such election shall be ordered and held: *Provided*, that a failure at any time to elect such successors, shall not forfeit the rights of said incorporation, but the incumbents then holding shall remain charged with the duties and vested with the authority herein expressed, until such election shall take place, and their successors are elected: *And, provided, further*, in case of vacancy, by death or resignation of any corporator or trustee, the survivors of them may elect a successor.

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

APPROVED March 31, 1869.

In force March
29, 1869.

AN ACT to incorporate the Huntsville Cemetery Association.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That R. H. Mead, Charles Roberston, W. S. Nelson, N. Burmood and William Moore, and their associates, in the village of Huntsville and vicinity, in the county of Schuyler, and state of Illinois, and their successors, be and they are hereby constituted a body politic and corporate, by name and style of "The Huntsville Cemetery Association;" and by that name shall have perpetual succession, and all powers, rights and privileges and immunities incident to a corporate body.

Name and style.

Real estate ex-
empt from taxa-
tion.

§ 2. Said association shall have power to purchase and hold real estate, not to exceed ten acres, which shall be exempt from taxation and also from attachment and execution.

Objects of the
corporation.

§ 3. The object of said association shall be, exclusively, to lay out, inclose, 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.

Lay out lots of
ground.

§ 4. Said association shall have power to lay out the burial place into lots of suitable size for family departments, and sell the same—the purchaser of any lot using the same for burial of the dead, and for no other purposes whatsoever.

Proceeds of
sale, how ap-
plied.

§ 5. The proceeds of any sale or any other funds which may come into the possession of the association shall be appropriated and used in purchasing and laying out the grounds and improving and ornamenting same, or in other objects connected with the corporation.

Officers, how
elected.

§ 6. The officers of the association shall consist of a president, who shall act as treasurer, and four trustees, who

shall hold their offices for the term of two years, and until their successors are elected. The election for officers shall be held on the first Tuesday in April, biennially; but any failure to elect officers at the proper time shall not operate as a forfeiture of this act of incorporation.

§ 7. Every member holding one or more lots shall be a member, and entitled to one vote—only absent members being entitled to vote by proxy. Vote of members.

§ 8. The right of possession 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 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 one. Right of possession.

§ 9. Said corporation shall have power to establish and change by-laws and prescribe rules and regulations for the government of said association; and its officers shall have power to assess the owners of such lots such sums of money as may be necessary to keep fence or walls of said cemetery in repair, and other purposes connected with the association. May change by-laws, etc.

§ 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 association, 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 ten days' public notice thereof. Duties of officers.

§ 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. Action of trustees.

§ 12. Said trustees 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, 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 the said board of trustees. Record of meetings. Register of burials.

§ 13. A subscription of three dollars shall constitute a member of said association; and said burial lots in said cemetery, after having been surveyed and platted, shall be appraised before they are offered for sale by said board; and no lot shall be sold for less than the appraised value of same. What constitutes membership.

§ 14. That this act be a public act, and shall take effect from and after its passage.

APPROVED March 29, 1869.

In force March
27, 1869.

AN ACT to incorporate the Lanark Cemetery Association.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That G. H. VanVechten, J. L. Sprogle, B. Noble, Milo Trescott, E. H. Dengue, R. P. Wales, Mahlon Martin, E. Welch, G. W. Sherwood, E. Stover, A. G. Moffett, J. R. Howlett, James Compton, George Reasoner, D. W. Dame, and all such persons as shall hereafter become or be owners of stock or proprietors in the association hereby created, are hereby created a body politic and corporate, by the name and style of

Name and style. "The Lanark Cemetery Association," for the purpose of establishing and maintaining a cemetery, for the burial of the dead, at or near the village of Lanark, in Carroll county, in this state; and by that name shall have perpetual succession, and be capable of suing and being sued, plead and be impleaded in law and equity, of contracting and being contracted with, and may make and use a common seal and alter the same at pleasure; and may acquire, hold and sell real and personal estate, for the purposes of this act; and may do, generally, all such things as are incident to a corporation or necessary to give full effect to this act; and may make by-laws, rules and regulations, consistent with this act, for the government and well ordering of said association, and its officers, property and affairs.

Board of managers. § 2. All the corporate powers of said association shall be vested in and exercised by a board of managers, consisting of five persons, members of said association. That said G. H. VanVechten, J. L. Sprogle, B. Noble, Milo Trescott, E. H. Dengue, R. P. Wales, Mahlon Martin, E. Welch, G. W. Sherwood, E. Stover, A. G. Moffett, J. R. Howlett, James Compton, George Reasoner, D. W. Dame, are hereby constituted the first board of managers until their successors are elected and qualified as hereafter provided.

Election, where held. An election for managers shall be held at the village of Lanark, on the first Monday of May, one thousand eight hundred and sixty-nine, and thereafter biennially on the first Monday of May. Every board of managers, after the first election, shall hold office for two years, and until their successors are elected. Each stockholder shall, at such elections, have one vote. The voting shall be by ballot, and either in person or by proxy, authorized in writing—the board, for the time being, or a majority thereof, appointing [such person] for judge, and such person for clerk, as they shall choose. A majority of votes cast shall decide the election, and a certificate in that behalf, under the hand of the judge and clerk, shall be sufficient evidence in all places of such election and its results. Vacancies in the board during any term, may be filled by a majority of remaining managers; and if, at any time, no election shall be held on

the day, respectively, hereinbefore specified, the election may, notwithstanding, be held at such time as may be provided for in that behalf by the by-laws.

§ 3. *Provided, always, that it is hereby enacted*, that whenever the number of the members of the association shall not exceed five, then, and from thenceforth, and until the number shall again exceed five, and until managers be elected at an ordinary election, or a special one to be called in that behalf, the corporate powers of said association shall vest in and be exercised by the remaining members of said association, or their legal guardians during minority, as managers: *Provided, also*, that if, at any time, there shall be no member who can legally act as manager, the corporation shall not thereby be dissolved, but the circuit court of Carroll county may, on application, appoint a manager or managers for the time being. Legal guardians shall be entitled to exercise all rights and privileges, under this act, for minor members, and may hold office during the minority: *Provided, also*, that when all burial lots of the cemetery of the association shall be sold or disposed of by said association, then, immediately upon the happening of that event, and from thenceforth, the holders of said lots shall become, be and constitute the corporation aforesaid, with all the same rights, powers, duties and privileges, under this act, as far as may be, and so far as the same shall remain unexpended, as were vested in the original members.

Number of members required to form association.

Guardians may act for minors.

§ 4. The board of managers shall choose a president out of their own number, and may appoint such other officers and employees as they may deem necessary—all of whom, except the president, shall be removable at pleasure; and the board may prescribe and vary, from time to time, the duties of its several officers, and their compensation and fees; and if a treasurer be appointed, he shall enter into, procure and give to the association such bonds or other securities, relative to his duties, as the board may require and approve.

Board to appoint officers.

§ 5. The board of managers shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting of grounds, for cemetery purposes, under this act, and may issue certificates representing interests of subscribers in the property held by the association; and, in the proceeds of the sales of burial lots, and the individual interests represented by such certificates, shall be assignable and transferable only in such way as the managers for the time being may, from time to time, direct; and such individual interests are hereby declared to be personal estate, and the managers shall have authority to call in and demand, from the subscribers, the sums respectively subscribed by them, at such times and in such installments as they may deem proper, and either to compel the payment of such installments or to declare all the es-

May purchase grounds for burial purposes.

Proceeds of sale.

tate and interest of the defaulting subscriber, respectively, and all previous payments, if any, forfeited to the association; and it shall be lawful for the managers to receive, at their option, such real or personal property, at an equitable valuation, in payment of subscriptions, as they may deem available for the purposes of the association; and no subscriber shall be liable for the debts of the company in a greater amount than the interest actually owned by him at the time.

Liability of members.

May purchase grounds.

§ 6. The association are hereby empowered to acquire, by purchase, exchange or otherwise, real estate, for cemetery purposes, in or near the village of Lanark, aforesaid; and shall have power to sell or otherwise dispose of such part of the real estate they may be compelled to purchase, in order to obtain their cemetery grounds; and power is hereby further given to said association, from time to time, to acquire, by any of the means aforesaid, and add to their cemetery, any lands adjoining thereto; but said cemetery and additions shall not comprise more than one hundred

Village of Lanark may subscribe.

acres.
§ 7. The village of Lanark, by its president and board of trustees, is hereby authorized to subscribe and pay to said company a sum, not to exceed two thousand dollars, to aid in carrying out the purposes and intent of this act.

Objects of the corporation.

§ 8. The association are hereby required to inclose and at all times keep inclosed their cemetery grounds, with a good and sufficient fence; and they are hereby authorized and empowered to ornament their said grounds as they shall think proper, and to erect thereon such buildings, inclosures or structures as they may deem advisable; and to lay out said grounds into burial lots of one or more sizes, and into ways and alleys, (setting apart a sufficient portion for the free burial of the poor and the stranger,) and to cause their said grounds to be surveyed and platted; and that plat, having been attested by the surveyor and acknowledged by the president, before any officer having authority to receive acknowledgments of deeds, may be recorded in the recorder's office of Carroll county; and such recording shall have the same virtue and effect, as far as may be, as the recording of town plats, and shall operate as a legal vacation of all former roads, streets or alleys passing through the same; and, except as is provided for by this act, no road, street, alley or right of way, whether public or private, shall be laid out or condemned through said grounds.

For free burial.

Dispose of lots.

§ 9. The association shall have power to sell and dispose of the burial lots, in fee simple, on such terms and with such conditions, if any, for the permanent care and preservation of the same, or of the cemetery or any part thereof, as they may agree upon with purchasers; and to make such regulations, from time to time, for the government of lot-holders and visitors to the cemetery, as they may deem necessary.

§ 10. All burial lots sold to individuals shall be indivisible, but may be held in undivided shares, and shall, to the number of four to each individual, be free from taxation and from execution and attachment; and the cemetery grounds, together with the personal property of the corporation actually used or held by the corporation for burial purposes, or subservient thereto, or for the general uses of the lot-holders, shall likewise be exempt as above.

Lots indivisible and exempt from taxation.

§ 11. A certificate of purchase, signed by the president and attested by the secretary, and under the corporation seal, shall be a sufficient conveyance to and evidence of title in any purchaser, without more; and no purchaser shall transfer his estate or interest, without the consent of the managers. Burial lots shall be held for the purpose of sepulture only, and no lot-holder shall permit interment in or upon any lot, held by him, for compensation.

Certificate evidence of title.

§ 12. The association shall keep records of all their purchases, sales, orders, elections, proceedings and transactions; which shall be open, at all reasonable times, to the inspection of the members.

Records kept.

§ 13. The said corporation may take and hold any grant, donation, devise or bequest of property, real or personal, upon trust, to apply the same or the income thereof, under the direction of the board of managers, for the improvement or embellishment of the cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or grave-stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot of said cemetery, or for improving said cemetery in any other manner, consistent with the design and purposes of this act, according to the terms of such grant, donation, devise or bequest.

Gifts, grants, etc., how applied.

§ 14. *It is further enacted*, that the board of managers shall have power, in case they deem it proper to do so, to levy upon each lot sold, in said cemetery, an annual tax, not exceeding the sum of three dollars per lot, for the purpose of paying the expenses of keeping the cemetery grounds in good order and of keeping up the fences, and shall further have power and control over the improvements and shrubbery of each lot sold, so as to prevent the streets and alleys of said cemetery from being obstructed by trees or shrubbery.

Annual tax.

What improvements are not permitted.

§ 15. *It is further enacted*, that no person shall be allowed to place, erect or construct upon any cemetery lot any objectionable, indecent or obscene tomb-stone, vault, grave-jewel, monument, engraving or device. The board of managers shall have the power to treat the same as a nuisance, and cause the same to be removed from the grounds of said association, and, if done by or with the consent of the owner of the lot, then, on repetition of the same or a like offense, the board may declare such lot forfeited to

the association, which shall thereupon repossess the same as of their former estate.

§ 16. This act shall be a public act, and shall take effect from and after its passage.

APPROVED March 27, 1869.

In force March
27, 1869.

AN ACT to authorize the county superintendent of schools of LaSalle county to sell a part of the school land in town thirty-one north, range five east, in LaSalle county, to be used as a cemetery.

School land
may be sold.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county superintendent of schools of LaSalle county be and is hereby authorized to sell a part of section sixteen, in town thirty-one north, range five east, in said LaSalle county, not exceeding five acres, to said town thirty-one north, range five east, in said LaSalle county, for the purpose of using the same as a public cemetery, for the benefit of the inhabitants of said town.

§ 2. That the county superintendent, in making said sale, shall be governed, in all respects, by the laws now in force for the sale of common school lands in the state of Illinois.

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

APPROVED March 27, 1869.

In force April
19, 1869.

AN ACT to incorporate the Lutheran Cemetery Association of Hillsboro.

Corporators.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jacob Cress, Jacob Beck, and Isaac S. Blackwelder, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Lutheran Cemetery Association of Hillsboro," and by that name shall have perpetual succession, and shall have all the rights and powers and privileges, liabilities and immunities incident to a corporate body.

May hold real
estate.

§ 2. Said association shall have power to own real estate, not exceeding fifteen acres, and personal property, not exceeding in value, at one time, five hundred dollars; which shall be exempt from taxation and from attachment and execution.

Objects of the
corporation.

§ 3. The object of this association shall be, exclusively, to lay out and inclose and ornament a plat of ground, to be

used as a burial place for the dead, and sell lots for the purpose of burying the dead.

§ 4. The proceeds of such sale and other funds which may come into the possession of this association, shall be appropriated and used in inclosing the grounds and improving and ornamenting the same, and in objects connected with the association. Proceeds of sale

§ 5. The persons named in the first section of this act shall act as trustees of the association for two years from the first day of March, A. D. 1869, and until their successors are elected and qualified. Trustees.

§ 6. Every person holding one lot or more shall be a member of this association, and be entitled to one vote only; and absent members shall have power to vote [by] proxy. Who entitled to vote.

§ 7. The owners of lots, on the first Saturday of March, A. D. 1871, and every two years thereafter, shall elect three persons to act as trustees of said association, who shall serve for two years and until their successors are elected and qualified; and no neglect to elect trustees on said day shall be considered a forfeiture of this act of incorporation. Trustees, how elected.

§ 8. The trustees may make all necessary by-laws and regulations for the laying out and keeping in repair said cemetery, and shall appoint such officers or agents as may be necessary, and define their duty and fix their compensation. Power and duty of trustees.

§ 9. The right of property to any lot or lots which may be purchased shall be vested, by certificate of purchase, signed by the secretary and recorded in a book kept for that purpose by the secretary; and every transfer of said lots shall be made by surrendering such certificate to the secretary, who shall destroy the same and issue a new certificate therefor and record the same. Right of property.

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

APPROVED April 19, 1869.

AN ACT to incorporate the Mount Hope Cemetery Association.

In force March 29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That F. W. S. Brawley, John F. Smith, John W. Shaffer, David H. Sunderland, James Mitchell, Charles L. Currier, C. J. Fry, Thomas J. Turner, and Wm. F. Brewster, and all such persons as shall hereafter become or be owners of stock or proprietors in the association hereby created, are hereby cre-* Incorporators.

Name and style. ated a body politic and corporate, by the name and style of "The Mount Hope Cemetery Association," for the purpose of establishing and maintaining a cemetery for the burial of the dead, at or near the city of Freeport, in Stephenson county, in this state; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in law and equity; of contracting and being contracted with; and may make and use a common seal, and alter the same at pleasure; and may acquire, hold and sell real and personal estate, for the purposes of this act; and may do, generally, all such things as are incident to a corporation or necessary to give full effect to this act; and may make by-laws, rules and regulations, consistent with this act, for the government and well ordering of said association and its officers, property and affairs.

Corporate powers, how vested. § 2. All the corporate powers of said association shall be vested in and exercised by a board of managers, consisting of three persons, members of said association. The said W. F. S. Brawley, John F. Smith, and W. F. Brewster, are hereby constituted the first board of managers.

Elections. Every board of managers shall hold office for two years and until their successors are appointed. An election for managers shall be held at the city of Freeport, on the first Monday in May, one thousand eight hundred and sixty-nine, and thereafter biennially on the first Monday of May. Each stockholder shall, at such elections, have one vote. The voting shall be by ballot, and either in person or by proxy authorized in writing—the board for the time being, or a majority thereof, appointing such person for judge and such person for clerk of election as they shall choose. A majority of votes cast shall decide the election; and a certificate in that behalf, under the hand of the judge and clerk, shall be sufficient evidence in all places of such election and its result.

Vacancies. Vacancies in the board, during any term, may be filled by a majority of remaining managers. And if, at any time, no election shall be held on the day, respectively, hereinbefore specified, the election may, notwithstanding, be held at such time as may be provided for in that behalf by the by-laws.

Action, when proper number not elected. § 3. *Provided, always, and it is hereby enacted*, that whenever the number of the members of the association shall not exceed three, then and from thenceforth and until the number shall again exceed three, and until managers be elected at an ordinary election or a special one, to be called in that behalf, the corporate powers of said association shall vest in and exercised by the remaining members of said association or their legal guardians, during minority, as managers: *Provided, also*, that if at any time there shall be no member who can legally act as manager, the corporation shall not thereby be dissolved, but the circuit court of

Stephenson county may, on application, appoint a manager or managers for the time being. Legal guardians shall be entitled to exercise all rights and privileges under this act for minor members, and may hold office during the minority: *Provided, also,* than when all burial lots of the cemetery of the association shall be sold or disposed of by said association, then immediately upon the happening of that event and from thenceforth the holders of said lots shall become, be and constitute the corporation aforesaid, with all the same rights, powers, duties and privileges, under this act, as far as may be, and so far as the same shall remain unexpended, as were vested in the original members.

Legal guardians to act for minors.

§ 4. The board of managers shall choose a president out of their own number, and may appoint such other officers and employees as they may deem necessary—all of whom, except the president, shall be removable at pleasure; and the board may prescribe and vary, from time to time, the duties of its several officers and their compensation and fees; and if a treasurer be appointed he shall enter into, procure and give to the association such bonds or other securities relative to his duties as the board may require and approve.

Appointment of officers.

§ 5. The board of managers shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting of grounds for cemetery purposes under this act; and may issue certificates, representing interests of subscribers in the property held by the association, and in the proceeds of the sales of burial lots; and the individual interests represented by such certificates shall be assignable and transferable only in such way as the managers for the time being may from time to time direct; and such individual interests are hereby declared to be personal estate; and the managers shall have authority to call in and demand from the subscribers the sums respectively subscribed by them, at such times and in such installments as they may deem proper, and either to compel the payment of such installments or to declare all the estate and interest of the defaulting subscribers, respectively, and all previous payments thereon, if any, forfeited to the association; and it shall be lawful for the managers to receive, at their option, such real or personal property, at an equitable valuation, in payment of subscriptions, as they may deem available, for the purposes of the association; and no subscriber shall be liable for the debts of the company in a greater amount than the interest actually owned by him at the time.

Improvement of grounds.

Power to collect subscriptions.

§ 6. The association are hereby empowered to acquire, by purchase, exchange or otherwise, real estate for cemetery purposes in or near the city of Freeport aforesaid, and shall have power to sell or otherwise dispose of such part of real estate they may be compelled to purchase, in order to obtain their cemetery grounds; and power is hereby

May purchase, hold and convey real estate.

further given to said association, from time to time, to acquire, by any of the means aforesaid, and add to their cemetery any lands adjoining thereto; but said cemetery and additions shall not comprise more than one hundred and sixty acres.

City may subscribe for stock.

§ 7. The city council of the city of Freeport is hereby authorized to subscribe and to pay to said company the sum of three thousand dollars, to aid in carrying out the purposes and intent of this act.

Erect structures

§ 8. The association are hereby required to inclose, and at all times keep inclosed, their cemetery grounds with a good and sufficient fence; and they are hereby authorized and empowered to ornament their said grounds, as they shall think proper, and to erect thereon such buildings, inclosures or structures as they may deem advisable; and to lay out said grounds into burial lots of one or more sizes, and into ways and alleys, (setting apart a sufficient portion for the free burial of the poor and the stranger,) and to cause their said grounds to be surveyed and platted; and that plat, having been attested by the surveyor and acknowledged by the president, before any officer having authority to receive acknowledgments of deeds, may be recorded in the recorder's office of Stephenson county; and such recording shall have the same virtue and effect, as far as may be, as the recording of town plats, and shall operate as a legal vacation of all former roads, streets or alleys passing through the same; and, except as is provided for by this act, no road, street, alley or right of way, whether public or private, shall be laid out or condemned through said grounds.

Title of lot's.

May sell lots in fee simple.

§ 9. The association shall have power to sell and dispose of the burial lots, in fee simple, on such terms and with such conditions, if any, for the permanent care and preservation of the same, or of the cemetery, or any part thereof, as they may agree upon with purchasers; and to make such regulations, from time to time, for the government of lot-holders and visitors to the cemetery, as they may deem necessary.

Lots indivisible and exempt from taxation.

§ 10. All burial lots sold to individuals shall be indivisible, but may be held in undivided shares, and shall, to the number of four to each individual, be free from taxation and from execution and attachment; and the cemetery grounds, together with the personal property of the corporation actually used or held by the corporation for burial purposes or subservient thereto, or for the general uses of the lot-holders, shall likewise be exempt, as above.

Certificate of sale sufficient title.

§ 11. A certificate of purchase, signed by the president and attested by the secretary, and under the corporation seal, shall be a sufficient conveyance to and evidence of title in any purchaser, without more; and no purchaser shall transfer his estate or interest, without the consent of the managers. Burial lots shall be held for the purpose of sep-

ulture only; and no lot-holder shall permit interment in or upon any lot held by him, for compensation.

§ 12. The association shall keep records of all their purchases, sales, orders, elections, proceedings and transactions, which shall be open, at all reasonable times, to the inspection of the members. Keep records.

§ 13. The said corporation may take and hold any grant, donation, devise or bequest of property, real or personal, upon trust, to apply the same, or the income thereof, under the direction of the board of managers, for the improvement or embellishment of the cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot of said cemetery, or for improving said cemetery in any other manner, consistent with the designs and purposes of this act, according to the terms of such grant, donation, devise or bequest. May hold real and personal property.

§ 14. *It is further enacted*, that the board of managers shall have power, in case they deem it proper to do so, to levy upon each lot sold in said cemetery an annual tax, not exceeding the sum of two dollars per lot, for the purpose of paying the expenses of keeping the cemetery grounds in good order and of keeping up the fences; and shall further have power and control over the improvements and shrubbery of each lot sold, so as to prevent the streets and alleys of said cemetery from being obstructed by trees or shrubbery. Annual tax.

§ 15. *And it is further enacted*, that no person shall be allowed to place, erect or construct upon any cemetery lot any objectionable, indecent or obscene tombstone, vault, grave-jewel, monument, engraving or device. The board of managers shall have the power to treat the same as a nuisance, and cause the same to be removed from the grounds of said association; and, if done by or with the consent of the owner of the lot, then, on repetition of the same, or like offense, the board may declare such lot forfeited to the association, which shall thereupon repossess the same as of their former estate. Objectionable structures.

§ 16. That any person who shall willfully destroy, mutilate, deface, injure, cut, break, loosen, tear up or remove any tomb, monument, stone, vault, ornament, fence, tree, shrub, flower, plant, railing, building or object whatever, in or about the said cemetery, or in any avenue, lot or part thereof, or shall shoot or discharge any gun, pistol or fire arms, or fire works, or other missiles, within the limits of said cemetery, or shall cause any shot or missile to be discharged into or over any portion of said cemetery, or shall violate any of the rules made and established by the said association, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before Penalty for violations of regulations.

Fines

Actions of trespass may be instituted.

any justice of the peace of Stephenson county, be punished by a fine of not less than five dollars nor more than one hundred dollars and costs, or by such fine and imprisonment in the county jail of said Stephenson county for not less than one nor more than thirty days, and shall stand committed until such fine and costs are paid—one-half of such fine to go to said association, and the other half in the manner provided by law for the disposition of fines; and nothing herein contained shall deprive the said association from maintaining an action of trespass for the recovery of damages occasioned by any injury resulting from a violation of the provisions of this act, or of the rules established by the association, as aforesaid; which said damages, when recovered, shall be applied in repairing the injuries so made. And to enable the said association to enforce the provisions of this section, power and authority are hereby given to the superintendent, and gate keeper, or any agent of said association, to arrest on any day of the week, without process, any person or persons found within the grounds of said association, or within eighty rods thereof, who, to their knowledge, may have committed any offense against the provisions of this section or of the rules established by said association, as hereinbefore provided, and carry such offender before any justice of the peace in Stephenson county, who shall, thereupon, proceed to hear and determine the case; and, in case of guilt, impose such fine and penalty as the nature of the case may require, pursuant to the provisions herein contained.

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

APPROVED March 29, 1869.

In force April 1, 1869.

AN ACT to vest the title to the Mount Pulaski Cemetery in the president and trustees of the town of Mount Pulaski.

Title.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the title to the land in the cemetery known as "The Mount Pulaski Cemetery," in Logan county, Illinois, and bounded as follows, to-wit: Beginning at the northwest corner of the northeast quarter of the northwest quarter of section 14, township 18 north, of range 2 west of the third principal meridian, and running from thence south 48 chains and 8 links, thence east 21 rods, thence north 48 chains and 8 links, thence west 21 rods, to place of beginning, be and the same is hereby vested in the president and trustees of the town of Mount Pulaski, for the use of the public.*

§ 2. It is hereby expressly provided, that no vested or private right of any person or persons, whomsoever, shall, in any way, be impaired or affected, in said cemetery, by the provisions hereof; and it shall be the duty of said president and trustees, upon request of any person or persons having any vested rights in said cemetery, or the friends or relatives of any deceased person or persons who may be interred in said cemetery, to execute and deliver to the party or parties entitled a deed or deeds, under the seal of said town of Mount Pulaski, conveying to such party or parties such lot or lots as he, she or they may be entitled; and such deed shall vest the title to such lot or lots in such grantee or grantees, and their heirs and assigns, for burial purposes; and it is hereby expressly provided, that the legal heirs of all deceased persons, who may be interred in said cemetery, shall be considered as having vested rights in and to the lot or lots in which such deceased person shall be so interred. The reasonable costs and expenses for making such conveyance shall, in all cases, be paid by the party or parties making such application.

Vested rights not to be impaired.

Issue deeds.

Legal heirs.

§ 3. Said president and trustees shall have power to lay off all said cemetery into such lots, streets and squares as they may deem proper; and shall, also, have power to sell and convey all lots not now owned or occupied by private parties or the title to which shall not be vested in private parties, under the provisions hereof; and shall, also, have the right and power to purchase or receive, by grant or otherwise, and hold lands, in addition to and adjoining the grounds in said cemetery, not exceeding fifteen acres, and to lay out the same into lots, streets and squares, suitable for the burial of the dead, and to sell and convey the same; and all deeds of conveyance, under the provisions hereof, by said president and trustees, shall be signed by the president of the board and countersigned by the town clerk; and the grantees of all lots, under the provisions hereof, their heirs and assigns, shall use them for burial purposes only.

Power of trustees in disposing of grounds.

May purchase and lay out other lands.

§ 4. The said president and trustees shall have power to make all such ordinances, rules, by-laws and regulations, for the management and government of said cemetery, the burial of the dead, and the protection of the same, and to impose such penalties for violations of such ordinances, rules, by-laws and regulations, as are not inconsistent with the constitution and laws of this state or of the United States.

To make by-laws and regulations.

§ 5. The proceeds arising from the sale of lots, under the provisions hereof, shall be applied towards paying the necessary and reasonable expenses incurred by said president and trustees, under the provisions hereof, and in beautifying and making such improvements upon said cemetery as they shall deem necessary and appropriate.

Proceeds of sale

Taxes on lots.

§ 6. Said president and trustees shall have power, at any time, to levy and assess upon the owners of lots in said cemetery a *pro rata* assessment or tax, sufficient to maintain and preserve said cemetery and its inclosures, in good order and repair, and shall have power to collect such assessment or tax, by action of debt, before any court having jurisdiction.

Exempt from taxation.

§ 7. All the lands in said cemetery and appurtenances shall be exempt from taxation.

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

APPROVED April 1, 1869.

In force March 31, 1869.

AN ACT to incorporate the Mount Vernon Cemetery Association.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Noah Johnson, John S. Bogan, W. Duff Green, Samuel K. Casey, James M. Pollock, James M. Pace, T. B. Tanner, Charles H. Patton, Thomas H. Hobbs, Stephen T. Shattan, James D. Johnson, Jeremiah Taylor, Joel T. Watson, John C. Gray and Wm. Maddox, and such others as they may hereafter associate with themselves, be and they are hereby created a body politic and corporate, in fact and in name, by the style and title of "The Mount Vernon Cemetery Association"; and by that name shall have perpetual succession, and be capable of suing and being sued, of contracting and being contracted with, of pleading and being impleaded, in any court of law and equity in the state of Illinois; and they and their successors may have a common seal, and make and alter the same at pleasure; and do such other acts and things as are incident to a corporation and not inconsistent with the constitution and laws of the state of Illinois.

me and style.

Managers.

§ 2. The said persons, above named, shall constitute the board of managers of the said association, and shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting of grounds for cemetery purposes, as contemplated by this act; and may issue certificates, representing the interests of subscribers in the property held by the association and in the proceeds of the sale of burial lots; and the individual interests represented by such certificates shall be assignable and transferable only in such way as the managers for the time being may, from time to time, direct; and such individual interests are hereby declared to be personal estate; and the said managers shall have authority to call in and demand

Installments of subscription.

from the subscribers, respectively, such sums of money by them subscribed, at such times and in such payments or installments as they shall deem proper, and to compel the payment of installments so demanded by a forfeiture of any interest of any subscriber refusing to pay any such installment, or by the sale by them of such part of his or her interest as may be necessary to pay the same, or to compel the payment thereof by suit at law or in chancery; and it shall be lawful for the said managers to receive, at their option, such real estate or personal property, at an equitable valuation, in payment of subscriptions, as they may deem available for the purposes of the association; and no subscriber shall be liable for the debts of the company in a greater amount than the interest actually owned by him at any time.

§ 3. The said managers of the association, and their successors, shall have power and authority, in the name of the said association, to obtain possession of real estate, by purchase, exchange or otherwise, for cemetery purposes, provided said cemetery grounds shall not be at a greater distance than two miles from the public square in the town of Mount Vernon, in the county of Jefferson, and state of Illinois, and to hold the same, to an amount at no time exceeding five hundred acres, and to sell, exchange or dispose of any part or parcel of land that they may be compelled to purchase, in order to obtain such grounds as may be actually needed for burial purposes.

May purchase
real estate.

§ 4. The said managers, and their successors, shall have authority to lay out and ornament, for cemetery purposes, such grounds as they may acquire, as aforesaid; to make and have recorded in the recorder's office of Jefferson county, in the state of Illinois, a plat of such grounds and of such additions thereto as they may make at any time; and the filing of such a plat for record shall operate as a legal vacation of any former plat or subdivision of the same; also, to erect such buildings, tombs, inclosures, or other structures, as they may deem advisable; and to build and make convenient roads and walks from the said town of Mount Vernon to the said cemetery grounds; to arrange and dispose of burial lots, on such terms and on such conditions, for the permanent care and preservation of the cemetery or any part thereof, as they may agree upon with purchasers, and to convey the same by good and sufficient deeds; to make such by-laws and regulations, relative to the election and duties of managers and their successors, the appointment of officers and agents, and their several duties and compensation; and to make such rules and regulations, from time to time, for the government of lot-holders and visitors to the cemetery, as they may deem necessary.

Lay out and
ornament
grounds.

To arrange and
dispose of lots
and make deed
therefor.

Lots held in individual shares.

§ 5. All lots sold for burial purposes by said association, when conveyed by the corporation to individual proprietors, shall be indivisible, but may be held and owned in individual shares, and shall be free from taxation and execution and attachment: *Provided*, that no one person shall, at any one time, hold more than four lots so exempt. All estate, real, personal and mixed, held by the company, used by the association for burial purposes, or for the general uses of lot-holders or subservient to burial uses, and which shall be platted and recorded as cemetery grounds, shall likewise be exempt as above.

To be held for purposes of sepulture only.

§ 6. Every lot sold for burial purposes shall be held by the proprietors for the purpose of sepulture only, and shall be transferable only by the consent of the managers; and no lot-holder shall permit interment in or upon any lot held by him, for a consideration.

Embellish and adorn grounds.

§ 7. The said association may take and hold any grant, donation or bequest of property, real or personal, upon terms to apply the same or the income thereof, under the direction of the managers, for the improvement or embellishment of the said cemetery or for the erection, repair, preservation or removal of any tomb, monument or grave-stone, fence, railing or other erection, or for the planting and cultivating of trees, shrubs, flowers or plants in or around any cemetery lot or lots, or improving the premises in any other manner, consistent with the design and purpose of this act, according to the terms of such grant, donation or bequest.

Imprisonment for desecrating graves.

§ 8. If any person shall clandestinely open any tomb or grave in the said cemetery, or shall remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, in any court of competent jurisdiction, shall undergo imprisonment in the state prison, at hard labor, for a term of not less than one year nor more than three years, or pay a fine of not less than two hundred dollars nor more than five hundred dollars, or both, in the discretion of the court having jurisdiction thereof; and any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure, placed within said cemetery grounds, or any fence, railing or other work, erected for the protection or ornament of said cemetery, or any tomb, monument, grave-stone or other structure, placed therein, as aforesaid, or shall willfully cut, break, injure or remove any tree, shrub, plant or any part thereof, within the limits of said cemetery grounds, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or, upon conviction thereof before any other court of competent jurisdiction, shall be punished by a fine, as aforesaid, or by imprisonment in the

Willful violations, how punished.

county jail, for not exceeding one year, or both, at the discretion of the court; and such offender shall, also, be liable to an action of trespass, to be brought in the name of the company or association, before any court of competent jurisdiction, for all damages occasioned by his unlawful act or acts; and any person who shall fire off any gun or other fire arms or fire works or other missiles, capable of doing any injury to any structure, plant, tree or other thing within said cemetery grounds, shall be punished, as last above provided; which money shall be first applied to repair the injury done; and members of said association shall be competent witnesses in all such cases. *It is further provided*, that the superintendent or gate-keeper of said cemetery may, for the purposes aforesaid, arrest any person or persons guilty of any of the said offenses, without warrant, and carry him or them before a justice of the peace, for trial or examination.

Who may be witness in such cases.

§ 9. No roads, streets or thoroughfare shall be laid out through any property selected and held by said association for burial purposes, without the consent of the managers of said association; nor shall any land, so selected or held, be condemned for right of way by any other corporation, or for any purpose whatever.

Land not to be condemned for right of way.

§ 10. Said association may appoint a president, secretary, treasurer, and all other such officers as may be necessary, in their judgment, for carrying into effect the objects of the association; also, to prescribe their duties, and require them to give bonds, with sufficient security, for the faithful discharge of their respective duties, and, generally, to do all other acts and things which they may deem proper to carry into effect the objects of this act, not inconsistent with the constitution or laws of the state of Illinois.

Appointment of officers.

§ 11. The said managers shall, annually, cause to be published in some newspaper published in said county of Jefferson, a full statement of the amounts received in money and property, and also the amounts expended and for what purpose.

Receipts and expenditures to be reported.

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

APPROVED March 31, 1869.

AN ACT to incorporate the managers of Oakridge Cemetery.

In force March 4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the present board of managers of Oakridge Cemetery, of Springfield, Illinois: Henry Wohlgemuth, Obed Lewis, Corporators.

Name and style.

C. M. Smith, Alfred A. North and Presco Wright, and their successors in office, be and they are hereby declared and constituted a body corporate, by the name and style of "The Managers of Oakridge Cemetery;" and, by that name, may sue and be sued; and shall have and enjoy all the rights and powers necessary for the government and control of said cemetery and to accomplish the purposes hereinafter mentioned.

Present board to hold over for two years.

§ 2. Said board of managers, as now organized, shall conduct and transact the business and affairs of said corporation until the first Monday of January, A. D. 1870, at which time they shall give place to five successors, who shall be legal voters and residents of said city, and elected by the lot owners in cemetery, from among their own number, at an election to be called for that purpose by the present board of managers, on the third Monday of December, A. D. 1869; and said managers, so elected, shall receive commissions from the present board, and give such bond and security, for the faithful discharge of their duties, as said board shall direct; and, thereafter, upon the election of any new member, he shall give such bond, for the faithful discharge of his duties, as said managers shall direct; and the present board shall provide for holding said election, prescribe the manner of voting, canvass the votes, and declare the result; and all subsequent elections shall, in like manner, be under the direction of said corporation.

Terms of office of new board.

§ 3. After the election of said five managers, as aforesaid, they shall decide, by ballot, which one shall hold his office for one year, which one for two years, and so on, until they shall have fixed their respective terms for one, two, three, four and five years, so that there shall be one vacancy in said managers every year thereafter; which shall be filled by election, in the manner aforesaid, each year, of one manager possessing the qualifications aforesaid, who shall hold his office for five years; and in case of a vacancy, otherwise than by expiration of term of office, such vacancy shall be filled by a vote of a majority of said managers—said newly elected manager to be commissioned as aforesaid.

Organization of managers.

§ 4. Upon the election and qualification of said five managers, as aforesaid, they shall proceed to organize, by selecting one of their number president, and one of their number treasurer, who shall be *ex officio* secretary of the board, and, as such treasurer and secretary, shall give such bond and security, for the faithful discharge of his official duties, as said board shall, from time to time, direct, and shall receive such pay and compensation as said board may order; but no other member or officer of said board shall receive any compensation whatever.

May appoint sexton and control grounds.

§ 5. Said corporation shall have power to manage and control, as they may think proper, all burials and inter-

ments in said cemetery, and shall have power to employ or appoint a sexton and fix his compensation and term of office, and to make all improvements and embellishments in and about said cemetery, by them deemed necessary and advisable, and to make such by-laws, rules and regulations, for the government of said cemetery grounds and property, as they shall think proper; and said corporation shall have power, by a unanimous vote of said managers, to declare what, within a half a mile of said cemetery grounds, shall be a nuisance; and any person or persons suffering anything so declared a nuisance to remain, after notice of such action of said managers in relation thereto, shall be subject to a penalty of not exceeding one hundred dollars for each day the said declared nuisance shall be suffered to remain—to be sued for and recovered by said managers, in an action of debt, in any court having jurisdiction.

§ 6. Said corporation shall have power to receive, by donation, gift, devise, bequest, or otherwise, any and all moneys and property designed for the benefit of said company; and the city clerk of the said city of Springfield and said board of managers shall, on the first of each and every month, account together and ascertain the amount of money paid for lots in said cemetery theretofore sold; and all such moneys shall, thereupon, be paid over by any officer of said city having the same to said board of managers; and they shall have the sole control and management of all such moneys and property; but none of the same shall be appropriated, expended, used or applied for any other purpose than for the benefit of said cemetery; and said managers shall, as soon as practicable, set apart a sum, to be permanently put on interest, either in bonds or otherwise; and shall, from time to time, as they may have a surplus, add to the same, until a sum shall be thus obtained whose interest shall be sufficient to defray the expenses of said cemetery; and said managers shall not contract any debt beyond the moneys in their hands for payment.

May receive property for cemetery purposes.

Fund, how applied.

§ 7. All laws or parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Conflicting acts repealed.

§ 8. This act shall be in force from and after its passage, and be deemed a public law.

APPROVED March 2, 1869.

AN ACT to incorporate the Oakwood Cemetery Association.

In force March 13, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Joseph A. Sawyer, Henry A. Ainsworth, William C. Brown,*

Corporators.

Justus F. Dresser, Levi Sedzley, Isaiah Richmond, Joseph Hammond, Thomas Weston, Andrew McFarlane, Warren P. Cook, Henry Nourse, James M. Horford, Robert D. Boice, Edson A. Wood, James McBroom, Jacob Frank, Elisha M. Stewart, Daniel Jones, Alexander H. Hammond, Edward P. Van Valkenburg, Stephen T. Hume, Erastus C. Moderwell, George G. Mowrey, Andrew Crawford, Joseph C. Entrikin, Merritt Manson, Mark T. Harrington, and such others as they may associate with themselves, be and they are hereby created a body politic and corporate, by the style and title of "The Oakwood Cemetery Association," with power to sue and be sued, make contracts, use a common seal, make by-laws, rules and regulations, consistent with this act, for the governing of said association, and its officers, property and general affairs, acquire, hold and sell real and personal estate, for the purposes of this act, and do all other acts necessary for the purposes of their organization.

Amount of
capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of one hundred dollars each, transferable on the books of the association, in such manner and subject to such rules and regulations as the directors shall determine. Whenever twenty-six shares of said capital stock are subscribed, the said association may organize and proceed to business. Each share of stock shall entitle the holder thereof to one vote at the election of directors or determination of such other questions as shall be submitted to them by the directors; and no member of said association shall be liable for the debts of the association in a greater amount than the interest actually owned by him at the time of the commencement of a suit for the collection of the same, nor for any debt not contracted during his membership.

Corporate
powers.

§ 3. All the corporate powers of said association shall be vested in and be exercised by a board of directors, consisting of five persons, members of said association. Joseph Sawyer, Levi Sedgley, Edson A. Wood, Jacob Frank and Henry A. Ainsworth, are hereby constituted the first board of directors, and shall hold said office until the first Monday in March, A. D. 1869, and until their successors are appointed. An election of directors shall be held in the city of Geneseo, on the first Monday of March, in each and every year. Vacancies in the board may be filled by the remainder of the board of directors. The board of directors shall appoint two of the stockholders to act as judges of such election; and the voting shall be by ballot, in person or by proxy, authorized in writing. A majority of votes cast shall decide the election, and a certificate of the fact by the judges of the election, shall be sufficient evidence, in all places, of the result.

§ 4. The officers of said association shall be a president and secretary, who shall be chosen by the board of directors, from their number. Said secretary shall, also, act as treasurer, and shall give bonds to the president, in such security as the board of directors shall require.

Officers of the association.

§ 5. The object of said corporation shall be to lay out, plat, inclose and ornament a tract of land, near the city of Geneseo, in Henry county, and state of Illinois, not to exceed eighty acres—to be used as a burial place for the dead—to be located so as to include that part of the southwest quarter of the northeast quarter of section twenty-eight, in township seventeen (17) north, of range three (3) east, 4th p. m., in Henry county, Illinois, not heretofore sold and conveyed to Samuel McHose, which is already surveyed and platted for that purpose; and may sell and convey the same, in lots, in such manner as they may determine upon. The real and personal property of said association shall be exempt from all assessments and taxation, and from seizure and sale on execution, or by any order or decree of any court, and from any appropriation for public uses or purposes, unless for such uses or purposes as the majority of the members of the association and owners of lots shall consent thereto; but the association may lease or rent any portion of the ground which they may have acquired and not laid out for the purposes aforesaid: *Provided*, that the land and property of said association, not used for cemetery purposes, and which may be leased or improved for other than cemetery purposes, shall not be exempt from taxation.

Objects of the corporation.

§ 6. The conveyance of lots from the association to individuals may be by deed, signed by the president, and attested by the secretary of said association, as such, and sealed by the corporate seal of the association; which deed shall contain such conditions as may be determined upon by said association. Lots sold to be free from execution and attachment against the owners thereof.

Conveyance of lots by deeds.

§ 7. It shall be lawful for said corporation to take and hold any grant, donation or bequest of money or property, in trust, and to apply the same, or the income thereof, for the improvement of said cemetery or in the erection and preservation of any tomb or monument, according to the terms of any such grant, donation or bequest.

May receive money and apply the same.

§ 8. It shall be the duty of said association to keep a register, in a well bound book, of all conveyances of lots, also, all interments made in said cemetery, stating the name, age, place of nativity, and date of interment, as near as can be ascertained, to be open and free for the inspection of any one interested therewith.

Record of sale of lots.

§ 9. One-half of all moneys received from sale of lots, for the purpose aforesaid, shall be expended in improving and ornamenting said grounds; the balance to be paid to the stockholders.

May levy and
collect tax.

§ 10. *It is further enacted*, that the board of directors shall have power, should it become necessary, to levy upon the owners of each lot sold in said cemetery, an annual tax, not exceeding the sum of \$2 per lot, for the purpose of paying the expenses of keeping the grounds in good order; which may be collected of the owners of lots the same as any other indebtedness: *Provided, however*, that said tax shall not be levied so long as said association shall have any assets in their hands unexpended.

Neglect of duty
—court may dis-
solve associa-
tion.

§ 11. *And it is hereby enacted*, that if, at any time, the said corporation shall fail or neglect to attend to and carry out the objects of the association, and such failure and neglect shall sufficiently appear to the circuit court of said Henry county, on application made by any lot holder, the said court may declare said association dissolved; and, on such dissolution, the property of said association shall vest in the said city of Geneseo, in trust, for the uses and purposes of this act, and be managed by the municipal authorities of said city, as a public cemetery, as far as possible in compliance with this act, and without detriment to the rights of lot owners. The said municipal authorities shall have the right to levy the tax of \$2 per lot, specified in the preceding section, as well as all other powers bestowed by this act.

Former sales
deemed valid.

§ 12. All conveyances of any lots in said cemetery, heretofore made by Joseph A. Sawyer, as president, and attested by Henry A. Ainsworth, as secretary, under the corporate seal of said association, shall be deemed and taken as effectual for the conveyance of title thereto from said association to the purchaser, as if they had been made after the passage of this act; and all plats, maps and doings of the said association, heretofore done, are hereby ratified and confirmed.

§ 13. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 13, 1869.

In force April
19, 1869.

AN ACT to incorporate the Westwood Cemetery Association.

Corporators.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Franklin L. Rhoads, I. McKee Peoples, Thomas S. Ridgway, James B. Turner, William G. Bowman and John D. Riche-son, and their associates, successors and assigns, are hereby created a body corporate and politic, by the name and style of "The Westwood Cemetery Association;" and by that name shall have perpetual succession; and may have and

exercise all such powers as may be necessary for carrying into effect the objects hereinafter mentioned.

§ 2. The objects of the corporation hereby created are the preserving, enlarging improving, adorning and beautifying the burial grounds situated on and adjoining to outlot No. 48, in Shawneetown, Gallatin county, Illinois, now known as "Street's Burial Ground;" and, for these purposes, said association shall have power to acquire, by gift, grant, purchase, donation or condemnation, any lands lying contiguous to said burial ground, which may be necessary for the purposes of the same, not exceeding, however, inclusive of the land now belonging to said burial ground, forty acres; and they may also acquire, by gift, grant, donation or purchase, any vacant or unoccupied lots, within the present boundaries of said burial ground; all of which said lands shall be held by said association sacredly for the only purpose of burying the dead and erecting such ornaments and improvements as they may deem suitable to said cemetery.

Objects of the corporation.

§ 3. The provisions of an act entitled "An act to incorporate the Hutchinson Cemetery Association," approved February 18, 1861, except when the same are locally inapplicable or conflict with the provisions of this act, are hereby re-enacted and made a part of this act: *Provided*, that the first election under this act may take place at such time as a majority of the corporators named in this act shall agree on, they giving at least two weeks' notice of the time and place of holding such election, by notice, inserted in any newspaper published in Shawneetown; and future elections shall be held at such times thereafter as said association may, by their by-laws, direct.

Re-enactment of provisions.

Election of officers.

§ 4. Should it become necessary for said association to condemn any lands, for the uses aforesaid, such condemnation shall be in the same manner as is provided by the laws of this state for the condemnation of lands for railroad purposes.

Power to condemn lands.

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

APPROVED April 9, 1869.

CEMETERIES—NEW PRIVILEGES.

In force March 15, 1869. AN ACT to amend an act entitled "An act to incorporate the Oakwood Cemetery Association," and an act amendatory thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said cemetery association shall have power and authority, to borrow, from time to time, such amount or amounts of money, not to exceed, in all, the sum of thirty thousand dollars, and at a rate of interest not to exceed ten per cent. per annum, for the purpose of paying any indebtedness of said company, or to carry into effect any of the objects specified in its original act of incorporation; and, for such purpose, the said association shall have power and authority to issue its bonds or other evidences of indebtedness; and no cash dividends shall be made upon the stock of said association until all of its indebtedness shall be paid and satisfied; after which, it may declare and pay, from time to time, such dividends, out of the proceeds of sale of lots or other sources of income, upon its stock, as its directors shall think proper; but this section shall not be so construed as to prevent dividends in stock being credited to the stockholders yearly; and such stock dividends may be declared, and stock issued for the same.

Powers and privileges.
Dividends from sale of lots.

§ 2. The real estate of the said association, so long as the same shall remain dedicated to the purposes of a cemetery, and the lots or plots thereof, when conveyed by said association to individual proprietors, for burial purposes, shall be exempt from all assessments, whatsoever, except for drainage or for road purposes.

Possession of real estate.

§ 3. All lots sold for burial purposes, by said association, when conveyed to individual proprietors, shall be indivisible, but may be held and owned in undivided shares.

Shares of, held.

§ 4. The board of directors may, from time to time, set apart and invest such portion of the proceeds of sales of lots for the permanent improvement of and keeping up, in good order, the said cemetery, as they may deem expedient; and the sums thus set apart shall never be diverted from such use.

May invest proceeds for improvement.

§ 5. This act is declared to be a public act, and shall be in force from and after its passage.

APPROVED March 15, 1869.

AN ACT to authorize the board of officers of the Oakwood Cemetery, in the village of Turner, DuPage county, to raise money by assessment of lots. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of officers of Oakwood Cemetery, in the village of Turner, DuPage county, are hereby authorized and empowered to raise money, by assessment of lots in said cemetery; said assessment not to exceed the sum of one dollar per annum for each lot—to be expended only for cemetery purposes by the board or a majority of them. May assess lots.

APPROVED March 30, 1869.

AN ACT to legalize certain proceedings of the Shelbyville Cemetery Association, and to authorize the president and council of the city of Shelbyville to hold, use and sell certain real estate as a burying ground. In force April 1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all proceedings by and between the Shelbyville Cemetery Association and the city of Shelbyville in the sale and conveyance of the northwest quarter of the southwest quarter of section eight, in township eleven north, range four east, in Shelby county, by said Shelbyville Cemetery Association to said city of Shelbyville, for cemetery purposes, be and the same are hereby legalized, so as to vest the title to said land in said city of Shelbyville. Power of trustees to convey land.

§ 2. The name and style of said cemetery shall be "The Okaw Cemetery;" and, by that name and style, the present president and council of the city of Shelbyville are hereby created a body politic and corporate, for the purpose of maintaining and establishing upon said land a cemetery for the burial of the dead; and said president and council, and their successors in office, by said name of "The Okaw Cemetery," shall have perpetual succession, and be capable of suing and being sued, plead and be impleaded, both in law and equity; of contracting and being contracted with; and may make and use a common seal, and alter the same at pleasure; and may acquire, hold and sell real and personal estate, for the purposes of this act; and may do and perform all such things as are incident to a corporation, or that may be necessary to give full effect to the intention and purposes of this act; and may make all such by-laws, rules and regulations, not inconsistent with the object of this act, for the good government and management of said Okaw cemetery; and to appoint all necessary agents and officers for the control of its property and affairs. Name and style. May own real estate.

Vested powers.

§ 3. There shall be vested in said president and council, and their successors in office, by the name of said Okaw cemetery, the said real estate described in section first hereof, except such lots as may have been sold and conveyed for burial purposes—to be held and sold on such terms and conditions, for burial lots only, and with such provisions for the care and preservation of said lots, as may be agreed upon with purchasers.

Grounds to be laid out for burial purposes.

§ 4. Said grounds shall be inclosed by a good and sufficient fence, and such buildings erected thereon, for the use of the cemetery, as may be deemed advisable; and said grounds may be laid out into burial lots, of convenient size, and into proper ways, alleys and avenues; and when surveyed and platted and duly acknowledged by said president of the said city, may be recorded; and such recording shall have the same effect as the recording of town plats; and no road, street, alley or way, except for the use of the cemetery, shall be laid out or condemned through said grounds.

Exemption from taxation.

§ 5. All burial lots sold to individuals shall be indivisible, and to the number of four for each person, shall be free from taxation and from execution or attachment; and all the cemetery grounds and property shall be exempt from taxation.

Evidence of title.

§ 6. A certificate of purchase, signed by the president of said city, or his successor in office, and attested by the secretary, under the corporation seal, shall be sufficient evidence of title to lots; and no purchaser shall transfer his or her certificate without consent. Burial lots shall be held and used for sepulture only; and no holder of any lot shall permit interment thereon, for compensation.

Embellishment of lots.

§ 7. Improvements and embellishments may be made on said grounds, in such manner, not inconsistent with the design of this act; and for that purpose grants and donations may be received and used.

May levy tax.

§ 8. An annual tax, not exceeding one dollar per lot, may be levied and collected, by suit, for the purpose of keeping the cemetery grounds in good order, and making and repairing fences, and any necessary improvement of and upon said grounds.

Objectionable tomb-stones.

§ 9. No person shall place, erect or construct upon any part of said grounds, any objectionable, obscene or indecent tomb-stone, monument, grave-jewel, engraving or device, of any kind; and the same, if done, may be declared a nuisance, and removed; and if done with the consent of the owner of the lot, the said lot shall be forfeited.

§ 10. This act shall be a public, and shall take effect from and after its passage.

APPROVED April 1, 1869.

AN ACT to preserve the shore of Lake Michigan for residences.

In force March
10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That here-
after, no cemetery or place for the burial of the dead shall be laid out or established at any place within one mile of the shore of Lake Michigan, in the towns of Lake View and Evanston; and no cemetery or place for the burial of the dead, now being within that distance of said lake, in said towns, shall be extended, increased in size or enlarged beyond its present limits, as laid out and dedicated for the purposes aforesaid, so as to bring the said cemetery nearer to the lake than its present location, or within the said mile.

No new ceme-
tery to be laid
out.

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

APPROVED March 30, 1869.

AN ACT to amend an act entitled "An act to incorporate the Sterling Cemetery Association," approved February 16, A. D. 1865.

In force March
4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sec-
tion second of an act entitled "An act to incorporate the Sterling Cemetery Association," approved February 16, A. D. 1865, is hereby amended, so that the board of managers of said association shall be elected annually, at such time as said association, by its by-laws, may determine.

Act amended.

§ 2. Section twelve of said act is hereby repealed.

Act repealed.

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

APPROVED March 4, 1869.

CHICAGO—NEW PRIVILEGES.

In force March 10, 1869. AN ACT to amend an act entitled "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," approved February 13, 1863, and the acts amendatory thereof.

Municipal election, when held. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the municipal election in said city of Chicago shall be held on the Tuesday next after the first Monday of November, in each year; at which time there shall be elected, by the qualified voters of said city, all officers heretofore to be elected at the general municipal election under the provisions of said entitled act.

Appointment of officers. § 2. The municipal officers so chosen, shall enter upon the duties of their respective offices on the first Monday of December, succeeding their election.

Mayor, attorney and treasurer, terms of office. § 3. The mayor, city attorney, treasurer, collector, and clerk of the police court, shall be elected by the people, and shall hold their respective offices for the term of two years and until their successors shall be elected and qualified. The person having the highest number of votes in the whole city, for either of such offices, shall be declared elected.

Wards, number of. § 4. The city of Chicago shall be divided into twenty wards, as follows:

First ward. *First Ward.*—All that part of the South Division of said city which lies south of the centre of the main Chicago river and north of the centre of Monroe street shall be denominated the First Ward.

Second ward. *Second Ward.*—All that part of the South Division of said city which lies south of the centre of Monroe street and north of the centre of Harrison street shall be denominated the Second Ward.

Third ward. *Third Ward.*—All that part of the South Division of said city which lies south of the centre of Harrison street and north of the centre of Sixteenth street shall be denominated the Third Ward.

Fourth ward. *Fourth Ward.*—All that part of the South Division of said city which lies south of the centre of Sixteenth street and east of the centre of Clark street and a line corresponding with the centre of the last named street, projected southerly to the centre of 26th street and north of the centre of said 26th street, and a line corresponding with the centre of the last named street, projected easterly to Lake Michigan, shall be denominated the Fourth Ward.

Fifth ward. *Fifth Ward.*—All that part of the South Division of said city which lies south of the centre of 26th street and a line

corresponding with the centre of said street projected easterly to Lake Michigan, and east of the centre of Clark street and a line corresponding with the centre of the last named street projected southerly to the city limits, shall be denominated the Fifth Ward.

Sixth Ward.—All that part of the South Division of said city which lies south of the centre of Sixteenth street and west of the centre of Clark street and a line corresponding with the centre of the last named street projected southerly to the city limits, shall be denominated the Sixth Ward. Sixth ward.

Seventh Ward.—All that part of the West Division of said city which lies south of the centre of Sixteenth street, shall be denominated the Seventh Ward. Seventh ward.

Eighth Ward.—All that part of the West Division of said city which lies north of the centre of Sixteenth street and south of the centre of Twelfth street, shall be denominated the Eighth Ward. Eighth ward.

Ninth Ward.—All that portion of the West Division of said city which lies north of the centre of Twelfth street, east of the centre of Centre avenue, and south of the centre of Van Buren street, shall be denominated the Ninth Ward. Ninth ward.

Tenth Ward.—All that part of the West Division of said city which lies north of the centre of Van Buren street, east of the centre of Aberdeen and Curtiss streets, and south of the centre of Randolph street, shall be denominated the Tenth Ward. Tenth ward.

Eleventh Ward.—All that part of the West Division of said city which lies north of the centre of Randolph street, east of the centre of Curtiss street, and south of the centre of Fourth street, shall be denominated the Eleventh Ward. Eleventh ward.

Twelfth Ward.—All that part of the West Division of said city which lies north of the centre of Twelfth street, east of the centre of Reuben street, south of the centre of Fourth street, and west of the following boundary, viz: commencing at the centre of Fourth street, and running thence south, on the centre of Curtiss and Aberdeen streets, to the centre of Van Buren street; thence west on the centre of Van Buren street, to the centre of Centre avenue; thence south on the centre of Centre avenue to the centre of Twelfth street, shall be denominated the Twelfth Ward. Twelfth ward.

Thirteenth Ward.—All that part of the West Division of said city which lies north of the centre of Twelfth street, west of the centre of Reuben street, and south of the centre of Lake street, shall be denominated the Thirteenth Ward. Thirteenth ward.

Fourteenth Ward.—All that part of the West Division of said city which lies north of the centre of Lake street, south of the centre of Chicago avenue, and west of the centre of Reuben street, shall be denominated the Fourteenth Ward. Fourteenth ward.

- Fifteenth ward. *Fifteenth Ward.*—All that part of the West Division of said city which lies north of the centre of Fourth street and Chicago avenue, not included in any of the foregoing wards, shall be denominated the Fifteenth Ward.
- Sixteenth ward. *Sixteenth Ward.*—All that part of the North Division of said city which lies north of the centre of North avenue, shall be denominated the Sixteenth Ward.
- Sevent'nth ward. *Seventeenth Ward.*—All that part of the North Division of said city which lies south of the centre of North avenue and north of the centre of Division street, shall be denominated the Seventeenth Ward.
- Eight'nth ward. *Eighteenth Ward.*—All that part of the North Division of said city which lies south of the centre of Division street and west of the centre of Franklin street, shall be denominated the Eighteenth Ward.
- Ninet'nth ward. *Nineteenth Ward.*—All that part of the North Division of said city which lies south of the centre of Division street, east of the centre of Franklin street and north of the centre of Chicago avenue, shall be denominated the Nineteenth Ward.
- Twentieth ward. *Twentieth Ward.*—All that part of the North Division of said city which lies south of the centre of Chicago avenue and east of the centre of Franklin street, shall be denominated the Twentieth Ward.

Time of election and term of office. § 5. The terms of office of all officers of the present municipal government of said city, and every branch thereof, whether elected by the people, the common council, or appointed by the mayor, and which expire before then, are hereby extended to the first Monday of December, 1869, and until their successors are elected and qualified: *Provided*, that the several officers, whose terms of office are hereby extended, who are required by law to give official bonds, shall renew their said bonds or give new ones; and in case such officer or officers shall not renew their said official bonds, on or before the expiration of the time for which they were originally elected or appointed, then, and in that event, the said term of such office shall expire, the same as though this act had not been passed, and the remaining portion of the extended time shall be filled as in other cases of vacancy.

Biennial election. § 6. That all officers of the municipal government of said city, elected by the common council thereof, or appointed by the mayor, shall be so elected and appointed on the second Monday of December, 1869, or as soon thereafter as may be, and biennially thereafter.

Representation in council. § 7. The several wards of said city, created by this act, shall be, respectively, represented in the common council by two aldermen, who shall be residents thereof, and who shall, except as herein otherwise provided, hold their offices, respectively, for two years, from and after the first Monday in December next succeeding their election. They shall be

divided into two classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, so that one alderman from each ward shall be annually elected. In all cases where two aldermen are to be chosen from the same ward, at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes for one year; and in case of the two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled shall be determined by the casting of lots, in the presence of the common council; and the result shall be entered on their proceedings and records.

Expiration of terms.

§ 8. Wherever the boundaries of any ward are not changed by this act, and wherever, by the provisions of this act, the aldermen having the longest term to serve shall thereby become a resident of a ward differently numbered from that now represented by him, he shall continue to hold office as an alderman of such ward until the annual election in November, A. D. 1870, and until his successor is elected and qualified: *Provided*, that if in any case two or more aldermen, whose terms of office do not expire by the act to which this is an amendment until May, 1870, shall, by the division of wards, as aforesaid, become residents of one and the same ward, then, and in that event, the terms of office of such aldermen shall cease and determine on the first Monday in December, 1869; and, in the case last aforesaid, the legal voters of such ward, at the annual election in November next, shall elect two persons to represent said ward in the common council, whose terms of office shall be determined in the same manner as provided in section seven of this act.

When boundaries are changed

Seat of alderman may be vacated.

§ 9. Hereafter, inspectors of elections for said city of Chicago shall be appointed by the board of supervisors of Cook county, annually, at the session of said board held immediately preceding each election; and a majority of the board of inspectors may appoint two clerks; and such inspectors and clerks may, respectively, be allowed not exceeding four dollars per day for each and every day they are engaged, whether in holding the election or making a registry of the voters.

Inspectors of elections.

§ 10. Nothing in this act shall be construed to change the terms of office or manner of appointing and electing the members of the board of public works and the commissioner of taxes; nor in any way change or alter the terms of office or the time or manner of electing or appointing the members of the board of education. The common council shall, at the time provided by law for the election of school inspectors, in the month of May, 1869, in addition to the

Board of public works and other officers not affected.

School inspectors.

number of school inspectors required by law to be then elected, elect four additional school inspectors; which said four additional school inspectors shall be selected from four wards in said city in which no school inspector shall then reside. The board of education shall then, and thereafter, consist of one school inspector for each ward. One of the said four additional school inspectors shall vacate his seat and his term of office shall expire at the expiration of the first year, one at the expiration of the second year, one at the expiration of the third year, and one at the expiration of the fourth year—to be determined by lot, in the presence of the common council, at the meeting of the common council at which the said four additional school inspectors shall be elected; and the common council shall, annually thereafter, in the month of May, after the first Monday thereof, elect five school inspectors, to succeed those whose terms of office shall then expire.

Election of presiding officer.

§ 11. On the first Monday of December next, and annually thereafter, the common council of said city shall elect from the aldermen a presiding officer, who shall be invested with all the powers and duties incident thereto.

Return of election.

§ 12. The returns of elections, ballots, poll and registry lists or books, shall be made to and deposited with the clerk of the county court of said Cook county; and in canvassing said returns, he shall call to his assistance the city clerk of said city and three justices of the peace of said county, who shall constitute the board of canvassers, and who shall have all the powers and perform all the duties appertaining thereto, as now required by law, and, as to city officers, shall certify, in writing, to the common council of said city, under their hands, the number of votes received by each and every candidate voted for, for any municipal office, immediately after the making of said canvass.

Qualifications of voters.

§ 13. The qualifications of voters, under this act, shall be the same as now required by law at general elections; and all officers to be elected by the people, under this act, shall be voted for on the same ballot with the officers to be elected under the constitution and general laws of the state.

Board of health.

§ 14. The board of health are hereby authorized and required to select from their number one who shall act as sanitary superintendent, and who shall devote his whole time to the duties of said office, for which he is to receive, in addition to his salary as commissioner, the sum of twenty-five hundred dollars, payable at such times and in such manner as the salary of commissioners is now paid.

Duty of police commissioners.

§ 16. The police commissioners of said city shall, hereafter, devote their entire time and attention to the duties of their office, and shall, respectively, receive an annual salary of three thousand dollars.

Official proceedings published.

pro-
how

§ 17. The contract of said city with the corporation and German newspaper, for the publication of the official pro-

ceedings, reports, assessments, and other notices, is hereby continued until the second Monday in December next, when the common council shall proceed to elect the corporation printer, and designate the German newspaper for the publication of the official proceedings of the different wards, the reports, assessments and other notices, for the same time as provided in section 6 of this act for the election of other city officers.

§ 18. If any officer, either elected or appointed in said city, representing a ward or division in any of the branches of the city government, shall not reside in or shall remove from the ward or division he represents, his office shall be deemed vacant and be filled as now provided by law. Residence of officers.

§ 19. All acts and parts of acts conflicting with any of the provisions of this act are hereby repealed; and this act is hereby declared to be a public act, and shall take effect and be in force from and after its passage. Conflicting acts repealed.
When this act shall take effect.

APPROVED March 10, 1869.

AN ACT to amend an act entitled "An act supplementary to 'an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same,' approved February 13th, 1863, and the several amendments thereto," approved March 9th, 1869. In force March 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the twenty-third article of section 1, of chapter 5, of an act entitled "An act supplementary to 'an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same,' approved February 13, 1863, and the several amendments thereto," approved March 9, 1867, be and hereby is amended so as to read as follows: To allow dummies or steam engines to be used on the street railways of said city, upon such terms and conditions as said common council may, by contract with said railway companies, determine. Acts amended.

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

APPROVED March 10, 1869.

AN ACT supplementary to and amendatory of the charter of the city of Chicago and the several amendments thereto. In force March 11, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any of the present aldermen of the city of Chicago, having the Term of office vacated.

longest term to serve, shall have removed since the first day of January, A. D. 1869, or shall remove on or before the annual election, in November next, into any ward created under any law passed by the present general assembly of this state, the term of office of such alderman shall cease and determine on the first Monday in December next.

Boundaries extended.

§ 2. That the act passed by the present general assembly, prescribing and defining the boundaries of the wards in said city, and for other purposes, be and the same is hereby so amended, that the north and south boundaries of the Ninth ward, created under said act, be and the same are hereby extended westwardly to the center of Loomis street; and the center of the last named street shall be the western boundary thereof; and, also, the eastern boundary of the Twelfth ward, as established by said act, south of the center of Van Buren street.

§ 3. This act shall be a public act, and shall be in force from and after its passage.

APPROVED March 11, 1869.

In force March 15, 1869.

AN ACT to amend "An act supplementary to an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same, approved February 13th, 1863, and the several amendments thereto," approved March 9, 1867.

When policemen may be discharged.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The board of police, when charges of incompetency, lack of energy or judgment, are preferred and proven against any police officer, holding any position above the grade of patrolman, may, in their discretion, reduce such officer to any lower position upon the police force, which they may deem the said police officer competent to fill; but, otherwise, when either of said charges are proven against such officers, he shall be discharged from the police force.

Violations of rules.

§ 2. The superintendent of police, or the acting superintendent of police, may prefer written charges, without oath, before the board of police, for any violation of the police rules, regulations or orders, against any police officer or patrolman upon the regular police force, upon his own knowledge, or upon written information communicated to him by any member of the police department.

Board may suspend policemen

§ 3. During the pending of charges against any police officer or patrolman, upon the police force, the board of police, or any member of said board, may suspend from duty any such officer or patrolman, until such charges can be examined by the board of police.

§ 4. In case any police officer or patrolman, upon the regular police force, shall have been proven guilty of any violation of the rules, regulations or orders of the board of police, the said board shall, by order, subject such officers or patrolmen to reprimand, forfeiture of pay due or to become due, for a time not exceeding thirty days.

Policemen,
how punished.

§ 5. It shall be a misdemeanor, punishable by a fine of not less than fifty nor exceeding one hundred dollars, for any person, not holding an appointment from the board of police, either as regular or special policeman, to assume to act as a policeman, in any capacity, within the city of Chicago.

Fines and pen-
alties for viola-
tions of rules.

§ 6. No person, not a member of the regular police force of the city of Chicago, and not being in the employ of said city, shall act as a special policeman, without wearing such badge and uniform as the board of police shall prescribe, under a penalty of not less than fifty nor more than one hundred dollars.

To wear badge
and uniform.

§ 7. Each captain of police shall receive an annual salary of two thousand dollars, and each sergeant of police shall receive an annual salary of fifteen hundred dollars.

Salary of po-
lice captain.

§ 8. Any person or corporation, being the owner or occupant of any building or premises, within the city of Chicago, who shall violate any regulation or order of the board of police, which may be made by said board in conformity to the powers conferred upon said board by section nine (9) of chapter three (3) of "An act supplementary to an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act and revise the same, approved February 13, 1863, and the several amendments thereto," approved March 9, 1867, or who shall fail to comply to any regulation or order of said board, directing such person or corporation to raze, demolish, remove, change or make safe any building, wall or erection, or any part thereof, which by reason of fire, lack of sufficient number of props, stairways, doors, landings, passage ways, or other thing necessary, or which, in the opinion of said board, may, by any probable contingency, become necessary to insure safety to the occupants or to the life or health of the people in the vicinity thereof, shall be subject to a fine, not less than five dollars and not exceeding one hundred dollars, for each day, after being notified of such regulation or order, such person or corporation shall fail to comply with such regulation or order of said board.

Powers of po-
lice board.

Power to insure
safety of build-
ings.

§ 9. The board of police shall have power to appoint clerks in the fire department, and fix their pay.

Clerks in fire
department.

§ 10. The fire marshal shall receive an annual salary of thirty-five hundred dollars; the first assistant fire marshal shall receive an annual salary of eighteen hundred dollars; the second assistant fire marshal shall receive an annual salary of seventeen hundred dollars; and the third assist-

Annual salary
of officers of
fire department.

ant fire marshal shall receive an annual salary of sixteen hundred dollars.

Vote of mem-
bers to sell prop-
erty.

§ 11. No property belonging to the city of Chicago, or to the school fund of said city, shall be sold or conveyed, except upon a vote of three-fourths of all the aldermen by law authorized to be elected; and no abatement shall be made by the common council of said city to any party who shall, in any way, hold any property, as lessee or otherwise, belonging to the school fund of said city, unless by a vote of at least four-fifths of all the members of the common council of said city; and no abatement shall be made on the assessed value of any such property, unless by a vote of at least four-fifths of all the members of the common council of said city.

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

APPROVED March 15, 1869.

In force Dec. 6, 1869. AN ACT to amend an act entitled "An act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same," approved February 13th, 1863, and also the several amendments thereof.

Part of section
repealed.

New clause
adopted.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first sentence of section seventeen, of chapter fifth, of said act, approved February 13, 1863, be and the same is hereby repealed, and the following clause adopted instead thereof, viz: "The treasurer may be required to keep any and all moneys in his hands, belonging to said city, in such bank or banks or other place or places of general deposit, or in such place or places of deposit, in the manner and upon the conditions and upon such rates of interest, or otherwise, as the common council may, from time to time, by resolution or ordinance, provide, order, establish or direct."

Section thirty
amended.

§ 2. That section thirty-one, of the said chapter fifth, be amended, by inserting in the third line, after the words "without loaning or using," the following words, viz: "unless differently directed by ordinance or resolution of the common council; and, also, that the same words be inserted in the fifteenth line, of the same section, immediately after the words "without interest."

Section thirty-
two amended.

§ 3. That section thirty-two, of the said chapter five, be and the same is hereby so amended that the word "unlawfully" shall be inserted before the word "use," wherever the same occurs in the said section, so that the same shall be construed to read "unlawfully use," &c.

§ 4. In case any money belonging to the city of Chicago shall, by ordinance or resolution, be ordered or directed by the common council to be deposited in any bank or banks, it shall be the duty of the common council, before any such money is so delivered to such bank or banks, to cause such bond or bonds, or other security or securities, to be given to the city of Chicago, as the common council may approve.

Money, how deposited.

§ 5. This act shall be deemed a public act, and shall be in force from and after the sixth day of December, A. D. 1869.

APPROVED March 29, 1869.

AN ACT supplemental to an act entitled "An act to amend an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same," approved March 10, 1869.

In force April 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all lots, parts of lots or lands, condemned by the common council of the city of Chicago, for streets, alleys, or other public use, shall be exempted from taxation from and after the first day of May following; but if such condemnation be defeated by law, or otherwise, then such lots or land shall be relisted, and be liable for all taxes and assessments not assessed or collected while under condemnation.

Land condemn'd

§ 2. The commissioner of taxes may recommend, and the common council may approve of additional assessment districts, and may appoint assistant assessors, not to exceed one for each district; and, when appointed, they shall give bonds, and take an oath of office, and have the same powers as assessors in their districts; and the common council shall fix their salaries at not to exceed one hundred dollars per month, while employed; and they may be employed from May first to December first, each year.

May make additional assessments.

§ 3. Personal property, within the city of Chicago, shall be listed as from the first day of May until the last day of April, in each year; and the tax for the current year shall be a lien thereon from May first, but may be collected from other personal or real property of the person or persons assessed.

Property, when listed.

§ 4. The tax lists, with warrants attached, as now provided, shall be delivered to the city collector by the controller on or before the second Monday in December, in each year.

Lists for tax.

§ 5. The city collector shall, between the first day of February and the fifteenth day of March, in each year, report to some court of competent jurisdiction, at a regular or

Collector to report unpaid taxes.

special term thereof, all unpaid taxes and assessments, as now provided, and ask for judgment thereon.

Tax commis-
sioner to exam-
ine records.

§ 6. All deeds or other conveyances of real estate, and all plats of divisions or subdivisions, before being recorded, shall be presented at the office of the commissioner of taxes, who shall take notes of the same, and make them a part of the records of his office; and he shall stamp all such deeds or articles of conveyance and plats with the words "Examined—commissioner of taxes."

Loans to pay
assessments.

§ 7. The mayor and controller may make temporary loans, to pay special assessments against city property, when due, and may make all temporary loans, now provided for, fall due on the first day of June, of each year.

Salaries of offi-
cers.

§ 8. The common council shall, annually, fix the salaries of the mayor, controller, collector, board of public works, commissioner of taxes, and city counselor, at not less than four thousand dollars per annum.

Assistant may
be appointed. If

§ 9. The commissioner of taxes, under the direction and approval of the controller and the finance committee, may, from time to time, employ such help as he may need in his office, and fix the compensation therefor.

Lots surveyed
and platted.

§ 10. All lots, or parts of lots or land, of less size front and rear than one foot wide, if required to be assessed separate, shall first be surveyed, platted and recorded by the owner, if required to do so by the assessor; and until so platted and recorded, it may be assessed with the lot or land of which it was an original.

§ 11. This act shall be deemed a public act, and be in force on and after its passage.

APPROVED April 19, 1869.

CHICAGO—OBLIGATIONS.

in force March
10, 1869.

AN ACT to authorize the city of Chicago to issue bonds, for the purpose of paying the debt incurred for and attending the water and sewerage works of said city, and also to purchase or lease grounds and erect school houses in said city, and for cleansing the Chicago river.

Powers and pri-
vileges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the city of Chicago shall have, and the power is hereby given it, to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money, not exceeding \$2,000,000, for the purpose of paying any debt or debts contracted by said city, on*

account of the Chicago water works, and to increase and extend the supply of water in said city.

§ 2. Like powers and authority is hereby given and granted to said city to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money, not exceeding \$1,000,000, for the purpose of paying any debt or debts contracted by said city, on account of the sewerage works thereof, and to increase and extend the sewerage works of said city. May borrow money.

§ 3. Power and authority is, also, hereby given and granted to said city to borrow, from time to time, as the board of education and common council of said city shall deem expedient, a sum of money, not exceeding \$700,000, for the purpose of buying and leasing grounds for school houses, and for the erection of and furnishing of school houses in said city. Power to build school houses.

§ 4. The board of public works of said city, by and with the approval of the common council, shall have power to issue bonds for the water and sewerage works of said city, to the extent of the several sums above mentioned, and for the aforementioned purposes respectively, and for the same time, and upon the same terms and conditions as now required by law in such cases. May issue bonds

§ 5. The common council shall have power, and is hereby authorized to provide, by ordinance, for the issuing of bonds for the purchasing and leasing of grounds or lands for school houses, and the erection of and furnishing of school houses, upon the same terms and conditions as now required by law, to an amount not exceeding \$700,000, as is provided in section 3 of this act. Erection of and furnishing school houses.

§ 6. For the purpose of carrying out the improvement contemplated by the eleventh, twelfth, fourteenth and eighteenth sections of an act, approved February 15, 1865, and entitled "An act to amend an act entitled 'an act to reduce the charter of the city of Chicago, and the several acts amendatory thereto into one act, and to revise the same,'" approved February 13, 1863, and also sections 5, 6, 7 and 8, of chapter 16, of the last named act, the said city of Chicago shall have power to borrow, from time to time, as the board of public works and the common council shall deem expedient, an additional sum of money, not exceeding \$1,000,000, upon the credit of said city of Chicago, and to issue bonds therefor, in the manner and upon the terms and conditions authorized by section 16, of chapter 16, of said act of February 13, 1863. Act amendatory

§ 7. Section 21, of an act, approved February 15, 1865, entitled "An act to amend an act entitled 'an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and revise the same,'" approved February 13, 1863, be and the same is hereby so Section 21 of act amended.

amended that the city of Chicago may, by resolution or order of the common council, issue and sell bonds, for the purpose specified in said section, not exceeding the sum of \$300,000 in any one year.

Conflicting acts
repealed.

§ 8. This act shall be a public act, and take effect from and after its passage; and all acts and parts of acts in conflict herewith are hereby repealed.

APPROVED March 10, 1869.

CHICAGO—PARKS.

In force Feb. 27, 1869. AN ACT to amend the charter of the city of Chicago, to create a board of Park Commissioners, and authorize a tax in the town of West Chicago, and for other purposes.

Limits extended SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the territorial limits of the city of Chicago shall be and are hereby extended as follows: That part of section thirty (30), township forty (40) north of range fourteen (14) east of the third (3d) principal meridian, which lies west of the north branch of the Chicago river; section twenty-five (25), township forty (40) north of range thirteen (13) east of the third principal meridian, except that part of said section lying east of the center of the north branch of the Chicago river; sections twenty-six (26), thirty-five (35), and thirty-six (36), in township forty (40) north of range thirteen (13) east of the third (3d) principal meridian; sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26), in township thirty-nine (39) north of range thirteen (13) east of the third (3d) principal meridian; and that part of sections thirty-five (35) and thirty-six (36), in township thirty-nine (39) north of range thirteen (13) east of the third principal meridian, lying northwest of the center of the Illinois and Michigan Canal, shall be and are hereby added to said city, and shall constitute a part of the West Division of said city and of the town of West Chicago; and the said added or new territory shall cease to be a part of the several towns to which it now belongs or appertains; and the outside boundary of the West Division of the city of Chicago, as hereby established, shall be the outside boundary of the several wards of said city which now extend to the present city limits.

Commissioners.

§ 2. Seven persons, resident freeholders and qualified voters of said town, who shall be designated by the gover-

nor of the state Illinois, together with their successors, shall be and they are hereby constituted a board of public park commissioners for the town of West Chicago, to be known under the name of "The West Chicago Park Commissioners," and in case of the failure of any of said persons to accept such appointment, and to qualify thereunder, as hereinafter provided, within sixty (60) days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of the commissioners so accepting to certify the fact of such failure and vacancy to the governor, who shall appoint some suitable person or persons, possessing the qualifications aforesaid, to fill the place or places thus made vacant; and vacancies shall continue to be filled in like manner until the board shall have been filled and constituted by the acceptance and qualification of seven persons. Each of said commissioners, before entering upon the duties his office, shall take an oath to well and properly discharge the duties of his office, for the interests of the public, which oath shall be reduced to writing, subscribed to by him, and filed in the office of the county clerk of Cook county. They shall each give a bond in the penal sum of twenty thousand dollars, with one or more sureties, to be approved by the judge of the circuit court of Cook county, to the treasurer of Cook county, conditioned for the faithful discharge of their duties under this act.

§ 3. As soon as convenient after the said board shall be constituted as aforesaid, the members thereof shall decide, by lot, at a meeting to be called by any three of them, as to the respective term for which each member shall hold his office; the number of lots shall equal the number of commissioners, and the person drawing the longest term shall serve seven years from the first day of March, A. D. 1869; the one drawing the next shall serve for six years from said date; the one drawing the next shall serve for five years from said date; and so on until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him, the last of said commissioners serving for the term of one year only, from said first day of March, A. D. 1869. As soon as the term of office of each of said commissioners shall be determined as aforesaid, said board shall organize by electing one of their number as president, and one of their number as auditor. They shall also appoint a treasurer, prescribe his duties, and fix his compensation, who shall give bond for the faithful discharge of his duties in the penal sum of fifty thousand dollars, with not less than three sufficient sureties, to be approved by the judge of the circuit court of Cook county. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall

Term of office.

Organization.

Record of proceedings.

When vacancies occur, how filled.

Powers of the board.

Appointment of officers.

Compensation of officers.

Condemn land.

be appointed, as hereinafter provided ; and all officers appointed by the board shall be subject to removal at the pleasure of the board. The said board shall adopt a seal and alter the same at pleasure ; they shall keep a complete record of all their proceedings, which shall be open at all times for the inspection of the public. The said commissioners shall receive no compensation for their services, except the president, who may, in the discretion of said board, have and receive such compensation as may be fixed, as hereinafter provided, not to exceed four thousand dollars per annum. All vacancies occurring in said board shall be filled as soon as may be thereafter, by the appointment of the governor of the state of Illinois. The said board of commissioners shall be a body a politic and corporate, with perpetual succession, and power to sue and be sued, plead and be impleaded, to have and use a common seal, and they shall have and enjoy all the powers necessary for the purposes of this act.

§ 4. The said board of commissioners shall have full and exclusive power to govern, manage and direct all parks, boulevards and ways, authorized by this act, and by them purchased, made, laid out or established ; to lay out, regulate, make and improve the same ; to pass ordinances, and issue and enforce orders for the regulation and government of the same ; to levy special assessments on all property by them deemed benefited by the purchase, opening and improvement of such parks, boulevards and ways, as limited by this act ; to appoint such engineers, surveyors, clerks, and other officers, including a police force, as may be necessary ; to define and prescribe their respective duties and authority, and fix the amount of their compensation ; and generally, in regard to said parks, boulevards and ways, they shall possess all the power and authority now by law conferred upon or possessed by the common council of the city of Chicago, in respect to the public squares, places and streets in said city ; and it shall be lawful for them to commence the improvement of the same, as soon as the funds requisite therefor, or any portion thereof, shall have been obtained. The expenditures for engineers, surveyors, clerks and officers, except the president, including a police force, shall not exceed five thousand dollars (\$5000) per annum, without further authority from the general assembly, but said board may accept of the services of such of the police force of the city of Chicago as may be placed at their disposal by the common council or police authorities of said city.

§ 5. The said board shall have power, and it is made their duty, and they are hereby authorized to select and take possession of, and to acquire by condemnation, contract, donation or otherwise, title, forever, in trust for the inhabitants of the town of West Chicago, and of the West

Division of Chicago, and for such parties or persons as may succeed to the rights of said inhabitants, and for the public, as public promenade and pleasure grounds and ways, but not without the consent of a majority, by frontage, of the owners of property fronting the same, for any other use or purpose, and without the power to sell, alienate, mortgage or encumber the same, to the lands and appurtenances required for a road or pleasure way, or boulevard, not less than two hundred and fifty (250) feet, nor more than four hundred feet (400) in width, and for the establishment of a building line as hereinafter specified, fifty (50) feet distant from and outside of said boulevard or pleasure way, beginning at a point in said added territory, north of Fullerton avenue, and at or near the north branch of the Chicago river, and extending west, within said added territory, to a point one mile or more west of Western avenue, and thence southerly to a point at or near the Illinois and Michigan Canal, with such curves and deviations as they shall deem expedient; also to the lands required and building lines aforesaid, for three parks, upon the line of said boulevard, and upon the part of the same between the two last mentioned points, of not less than one hundred (100) nor more than two hundred (200) acres each, and which shall cost, respectively, not exceeding two hundred and fifty thousand dollars (\$250,000); the first to be located north of Division street; the second to be located between Kinzie street and Harrison street; and the third to be located between Harrison street and the Chicago, Burlington and Quincy Railroad track. The total cost of said parks and boulevards, with the easements and building line aforesaid, exclusive of improvements, shall not exceed nine hundred thousand dollars (\$900,000), and shall be assessed on the property benefited, as herinafter provided. If the said board should locate any part of the said boulevard or parks outside of the said extended territory and limits, each section of land west of the same of which a part shall be taken for such boulevard or parks, shall be and remain, together with the lands and territory between the same and the said extended limits, a part of the said town and city, and of the several wards thereof as aforesaid, and shall cease to be a part of the several towns to which it now belongs or appertains. But in no case shall the western line of either of said parks be over two (2) miles from Western avenue, unless by voluntary contribution land is added to such parks outside of said limits. Said lands, boulevards and parks, and the personal property of said board, shall be exempt from taxation. The said board may contract with the owners of property taken or purchased for annual payments, not to extend beyond five years, and in such case shall only include in the assessment for any year the amount of such annual payments then due, if any, and

Limited cost of
land.

May contract
for annual pay-
ments.

When land ac-
quired free of
cost.

the amount of one annual payment for that year, or next to become due. They are also authorized to divide the amount of their assessments, and where it can legally be done to make one or more assessments, payable in annual installments, which shall be a lien on property only for the amount payable each year. The part of said boulevards between the said North park and the north branch of the Chicago river, and the part of the same south of the said Chicago, Burlington and Quincy Railroad track, shall not be made unless the land therefor shall be acquired free of cost to said board, and shall not be ornamented or improved until after the improvement of the parks shall have been completed, unless the same be done by voluntary contribution.

Building lines
established.

§ 6. The establishment of a building line outside of said boulevard and parks, as hereinbefore required, in connection with the condemnation of the land for the same, shall be understood to be the condemnation and perpetual annihilation of all right of the owners of property which shall front on said boulevard, or across which said building line shall run, to erect any building whatever, or any part thereof, between said building line and said boulevard or parks, or it may be accomplished by the absolute condemnation of the land, with perpetual and irrevocable free license to use and occupy fifty (50) feet in width of the same for all purposes not otherwise forbidden, except buildings, as the said board shall be advised may be preferable and most effective.

No subdivision
of lots.

§ 7. No subdivision into lots of any lands in said town lying within four hundred (400) feet of said boulevards, or either of said parks, shall be valid without the approval of said board of park commissioners; and they also shall have power to forbid by general order, and to abate any horse-racing, gambling, or offensive, or obnoxious, or dangerous business or amusements within four hundred (400) feet of said boulevard and parks, or either of them, and the right to use the said adjacent lands for any such purposes shall be deemed to be included in the assessment and condemnation above provided for. But no lawful business now established and carried on upon said adjacent lands shall be prohibited or abated without a fair valuation and due and full compensation.

Bridges, via-
ducs, etc.

§ 8. The said board shall have power to construct all necessary bridges and viaducts over rivers, water courses and railroads, within or on the line of said town, and it shall be their duty to construct the same as soon as the means shall have been provided therefor.

Topographical
survey of routes

§ 9. The said board of park commissioners are hereby required to make not less than three topographical surveys and examinations of different routes for said boulevard and outlines of parks, with complete elevations, before locating

the same, and to invite owners of property to confer with them in regard to donations of land. They are also authorized to receive donations or appropriations of money for the purchase or improvement of the same, and of lands for, or as a part of, or to be added to said boulevard, or either of said parks, upon conditions to be agreed upon.

§ 10. None of the main streets and avenues leading to the said boulevard and parks, and which have heretofore been opened and used as county roads or highways, shall ever be closed up, or reduced in width, in whole or in part, except streets near the river and its branches, which may require to be changed for business purposes, or greater convenience of access. The board of public works are hereby authorized and required, upon the order of the common council, to make and to assess, in the manner herein and in the city charter provided, subject to confirmation by the common council, the benefits and damages resulting from the extension of the road known as "Whisky Point Road," as nearly as may be in its present direction, from its present western terminus at Western avenue to Fulton street, of the width of one hundred and twenty (120) feet, and from Fulton street to Lake street, of the width of eighty (80) feet, and the widening said road from its present terminus at Western avenue to the new or extended city limits, to the width of one hundred and twenty (120) feet, with a building line as hereinbefore defined and specified, distant ten (10) feet from and outside of each line of said road from Fulton street to Western avenue, and fifty (50) feet from and outside of said road from Western avenue to the new or extended city limits; and also the grading and macadamizing said road, or the middle part thereof, to the width of at least thirty (30) feet, and a viaduct or viaducts for carriages, teams and foot passengers over all railroad tracks now laid or hereafter to be laid across said road. The several township road officers and the Cook county drainage commissioners, and all other officers now or hereafter authorized to open roads on said line outside of the city limits, in making any assessment for widening said road, are authorized and required to include the establishment of said building line fifty (50) feet distant from and outside said road as aforesaid. The name of said "Whiskey Point Road," both within and beyond said city limits, shall be and is hereby changed, and shall be known forever, hereafter, as "Grand Avenue." The southwestern avenue, from Madison street to the city limits, shall also be macadamized, with the consent and approval of the common council.

Roads not to be changed.

May assess for benefits, etc.

§ 11. In case the said commissioners cannot agree with the owner or owners, lessees or occupants of any of the said real estate, selected by them as aforesaid, they may proceed to procure the condemnation of the same, in the manner prescribed in the act of the general assembly of

Commissioners may condemn lands,

the state of Illinois, entitled "An act to amend the law condemning right of way for the purpose of internal improvement," approved January 22d, 1852, and the acts then in force amendatory thereof; the provisions of which said act, and the several acts amendatory thereof, are hereby extended to the boulevards, parks and park commissioners to be created by virtue of this act.

Record made
of lands acquired

§ 12. When the title of the land selected for boulevards, ways, easements, parks and building lines as herein provided, shall have been acquired by the commissioners, by gift, condemnation, or otherwise, it shall be the duty of such commissioners to make, acknowledge and file for record, in the office of the recorder of deeds for Cook county, a map showing the said land, with a correct description, including section, township and range.

Assessors, how
appointed.

§ 13. As soon as the amount required for the condemnation of the grounds, selected for said purposes, shall have been ascertained by said commissioners, with reasonable certainty, they shall apply to the judge of the circuit court of Cook county, for the appointment of three disinterested freeholders as assessors, one of whom shall reside north of Division street, one between Division and Harrison streets, and one south of Harrison street, all in said West Chicago.

Notice by publication.

The commissioners shall give notice in three or more of the daily newspapers published in the city of Chicago, and by posting written or printed notices in three public places in said West Chicago, of the time when such application will be made, and all parties interested may appear and be heard by the said judge, touching such appointment, at the time fixed for such application. The court, after hearing such persons as shall desire to be heard, touching such appointment, shall nominate and appoint three assessors, qualified as aforesaid, for the purposes provided in this act. The said assessor shall proceed to assess the amount so ascertained upon the property by them deemed benefited, by reason of the improvement occasioned by the location of said boulevard and parks, with their appurtenances, as near as may be in proportion to the benefits resulting thereto; and also, the damages, if any, occasioned by the taking or condemnation of any land, right or easement as aforesaid; and in general, the form and particulars of the assessment shall be as near as may be the same required by the city charter of Chicago, in the condemnation of land for, and the laying out of, streets. From the funds derived from said assessment, and from the other funds of the said board applicable to such purpose, the said board shall pay to the parties entitled thereto the amounts, respectively, due them; and thereupon, the title of the said lands, ways, building line, easements and parks, or that portion thereof so paid for as aforesaid, shall become fixed and vested in the said board and their successors, in the manner, to the extent, for the

Funds derived
from assess-
ments, to whom
paid.

purposes, and subject to the limitations hereinbefore provided. Upon entering upon the duties of their office, the said assessors shall make oath before the clerk of the said circuit court, faithfully and impartially to discharge the duties of their office; they shall give at least ten (10) days' notice in three (3) of the said daily papers, and by posting notices as aforesaid, of the time and place of their meeting, for the purpose of making said assessment, and may adjourn said meeting, from time to time, until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, blocks or parcels of land deemed benefited by them as aforesaid, and shall include the same, together with the amount assessed as benefits, in the assessment roll. All parties interested may appear before said assessors, and be heard touching any matter connected with the assessment. When the same shall be completed, it shall be signed by the assessors, and returned to the said circuit court, and shall be filed by the clerk thereof. The assessors shall, thereupon, give at least ten (10) days' notice, in three of the said daily newspapers, and by posting notices as aforesaid, of the filing of said assessment roll, and that they will, on a day therein named, apply to the circuit court for confirmation of the same; which said notice shall be published at least ten (10) days before the time fixed for such application. Said circuit court shall have power to revise, correct, amend or confirm said assessment, in whole or in part, and may make or order a new assessment, in whole or in part, and the same revise and confirm upon like notice. All parties may appear before said circuit court, either in person or by attorney, when such application shall be made, and may object to said assessment, either in whole or in part, provided, all objections shall be in writing, and shall be filed at least three days before the time fixed for the application, and shall specify the lot, block or parcels of land, on behalf of which objection is made. After the confirmation of the said assessment, the clerk of said circuit court shall file a copy thereof, under the seal of his said court, with the clerk of the county court of Cook county, and said assessment shall be a lien upon the several lots, blocks or parcels of land, assessed for benefits as aforesaid. The clerk of the said Cook county court shall include in the general warrants for each year, until the assessments for the purposes authorized by this act shall have been completed, and until the whole sum shall be paid, for the collection of state and county taxes in the said town of West Chicago, the said assessments, in an appropriate column, to be termed "West Park and Boulevard Assessment," with the amount to be collected opposite the several lots, blocks or parcels of land assessed as aforesaid; and like proceedings in all respects shall be had for enforcing the same, as are now provided

Assessors to estimate value of property benefited.

Court to revise assessments

Clerk to file copy of assessment.

Collection paid by law for the collection of state and county taxes. The
to treasurer. moneys collected under the provisions of this section shall be paid to the treasurer of Cook county, for which he and his sureties shall be responsible, as fully as for any other moneys by him received as treasurer of Cook county, and be held by him in the same manner, and be subject to the same control and direction, as provided in this act, for other moneys belonging to said corporation. And the treasurer of Cook county shall be entitled to receive one-half of one per cent., and no more, of said moneys, as a full compensation for receiving and disbursing the same.

Separate ap- § 14. If deemed practicable by the assessors, separate
praisement. appraisements and assessments shall be made, one for that part of the said boulevard, ways, building line and easements, and for said park, building line and easements, to be made and taken north of Division street; one for the same between Division street and Harrison street, and one for the same south of Harrison street. The benefits assessed shall be the real and appreciable benefits, and the assessments shall not in any case be extended over any land, lots or parts of the said West Chicago, where such benefits do not exist. No assessment for boulevard or park improvements shall be made until further authorized by the general assembly.

May borrow § 15. For the expense authorized herein for surveys,
money for ne- and for any deficiencies and necessary outlays arising
cessary expen- and required in the condemnation aforesaid, and in the
ses. purchase of lands and property for the purposes herein specified, and for the payment of the expenses of maintaining and improving the said boulevard and parks, and of inclosing the same where deemed necessary, and for draining and making roadways and walks upon the same, and for the other expenses, disbursements and charges in the premises, said commissioners shall have power to borrow, as they shall deem expedient, an amount of money not exceeding fifty thousand dollars (\$50,000) in the aggregate, and for a time not exceeding three years, and at a rate of interest not exceeding ten per cent. per annum; and to issue therefor the notes or obligations of the said corporation, which shall be numbered consecutively from number one, (1,) and shall be signed by the president and countersigned by the secretary of said board, and shall be registered accurately and minutely in a register, which shall at all times be open for the examination of the public, and no note or obligation, made as aforesaid, shall be valid for an amount exceeding the sum remaining of said fifty thousand dollars, (\$50,000,) as appears by said register, or until the same shall have been duly registered in said register. For the payment of the principal and interest of said notes and obligations, the town of West Chicago shall be irrevocably pledged, and also the proceeds of the tax hereinafter authorized.

West Chicago
pledged to pay
principal and
interest.

§ 16. The adoption of the proposition for boulevard and parks as hereinafter specified, shall be deemed and taken to be the consent of the said town of West Chicago to the imposition of an annual tax of one-half ($\frac{1}{2}$) of one (1) mill for boulevard and park purposes as hereinafter provided. It shall be the duty of the clerk of the county court of Cook county to set down, in the general tax warrants of each year, for the collection of state and county taxes, in a separate column, a tax of one-half ($\frac{1}{2}$) of one (1) mill, to be styled "Boulevard and Park Tax," which is hereby levied upon all the taxable property in said town of West Chicago, and shall set down, in said column, the amount of said tax chargeable to the several persons, corporations, lots or parcels of land liable for taxes in said town; and the collector shall proceed to collect the same, in the manner now provided by law for the collection of state and county taxes; and all the provisions of law in respect to the collection of state and county taxes, and proceedings to enforce the same, so far as applicable, shall apply to said assessments and taxes. The said sums of money shall be placed by the treasurer of said county of Cook to the credit of said board, and shall be drawn by said board from the county treasury, by a warrant signed by the president and secretary of the board, and countersigned by the auditor to be appointed as aforesaid, and in no other way. The appointment of such auditor shall be first certified by such president and secretary, and filed in the office of said treasurer of Cook county.

Adoption of
boulevards and
parks.

Money placed
to the credit of
board.

§ 17. It shall be lawful for said commissioners to vacate and close up any and all public roads or highways, excepting railroads for commercial purposes, which may pass through, divide or separate any lands selected or appropriated by them for the purposes of a park, and no such road shall ever be laid out through said park, except such as the said commissioners shall lay out and construct: *Provided, however,* that neither Lake street, Madison street, nor Twelfth street, nor either of the diagonal avenues or roads leading into said city, nor any boulevards or horse railway track of any person or corporation now authorized to make the same, shall be closed under the provisions of this section, but the same may be worked and controlled when, and so far as within the lines of either of said parks, by the said board, but without interrupting travel over the same.

Commissioners
to vacate roads.

§ 18. The said commissioners, or either of them, may be removed from office, by the circuit court of said county, after trial and conviction, upon the petition, with sworn charges, presented by not less than ten (10) reputable freeholders of said town of West Chicago, and if it shall appear, at said trial, that the said commissioner or commissioners have been guilty of misdemeanor or malfeasance in office under this act, and if the said court shall remove any of said commissioners from office for any such cause, before

Commissioners
may be removed

the expiration of his or their term of office, the clerk of said court shall certify to the governor of the state of Illinois, under the seal of the court, a copy of the final judgment of removal. The president and secretary of the board shall certify to the governor all other vacancies arising or occurring in the same, after the organization thereof.

Office may become vacant.

§ 19. The office of any commissioner under this act, who shall not attend meetings of the board for three successive months, after having been duly notified of said meetings, without reasons satisfactory to the board, or without leave of absence from said board, may, by said board, be declared and thereupon shall become vacant.

Election, when and where held.

§ 20. There shall be an election held in the town of West Chicago, on the fourth Tuesday of March next after the passage of this act, at which election the legal voters voting at said election shall vote for or against the creation of the said board of park commissioners, the laying out and making of the said boulevard and parks with their appurtenances, the addition of said sections of land, above described by numbers, to said city and said town of West Chicago, and the extension of the limits thereof, and the imposition of the tax hereby declared to be levied, at which all legal voters residing in the said added territory shall have the right to vote. The tickets shall be written or printed, "For the Boulevard and Parks," and "Against the Boulevard and Parks;" and if a majority of the votes cast on the question shall be for the boulevard and parks, then the propositions in the first part of this section specified, shall be held to be consented to and voted by the said town, and all the provisions of this act relating thereto shall take effect and be in force, with the other provisions of this act, but not otherwise: *Provided, however,* that there

Vote for or against extension.

shall be open, in the said territory added from the town of Jefferson, at the house of Henry Jewell, known as "Powell's Tavern," a poll for the casting of the votes of said last mentioned territory, separately, at which election M. N. Kimbell, John F. Powell and John Hise, shall be judges of election; and the legal voters resident therein on the tenth (10th) day of February, A. D. 1869, may vote for city extension and against city extension, and for the boulevard and parks and against the boulevard and parks; and if a majority of the votes cast shall be against city extension and against the boulevard and parks, then the territory herein taken from said town of Jefferson shall not become a part of the city of Chicago, or of the town of West Chicago, nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson the same as if this act had not been passed, and said vote shall not be counted with, or affect the vote cast in the remaining territory embraced in this act. The clerk of the county court of Cook county shall, except as herein otherwise provided, designate the places of

Notice by publication.

holding such election, and give notice thereof, in three or more of the daily newspapers published in the county of Cook, at least ten (10) days preceding such election, and shall supply the judges thereof with the necessary books, papers and boxes, as in other cases of elections, and there shall be one polling or voting place in each voting district in said town, as the same were fixed at the last general election in the county of Cook. The persons who acted as judges or inspectors of election in the several districts of said town, at the last general election in Cook county, shall be the judges or inspectors of this election. In case the judges or inspectors of election shall not attend at the time for opening the polls, such judges or inspectors shall be chosen by the legal voters present. In case it shall be necessary to do so, the said clerk of the county court shall prescribe districts and appoint places of voting in the added territory aforesaid, at which the legal voters present shall choose the judges or inspectors of election. The clerks shall be appointed as provided in elections for county officers. The polls shall be opened and closed, and the election conducted as elections for county officers. All legal voters of said town shall be entitled to vote at such election, without any new registration, and the judges or inspectors of such election shall use the registry list made for the general election in November, A. D. 1868; and, where necessary to do so, said county clerk shall obtain copies of such registry lists of the several towns from which the said added territory is taken, and furnish them in due time, at the place or places where the vote of the voters of the said added territory shall be taken: *Provided*, that whenever any person, whose name is not on the registry list, shall offer his vote at such election, the judges or inspectors shall require the same evidence of his qualification as now provided by law. The said judges of election, shall, immediately after the close of the polls, count the ballots, fill out and sign the returns and tally sheets, as now provided by law in all other elections, and return the poll books and ballots to the clerk of the county court, as in other cases of election. The votes shall be canvassed in the manner provided by law for the election of state and county officers. The clerk of the county court of Cook county shall, immediately after such canvass, cause a certificate of the result of such election to be filed in the office of the secretary of state, which shall be conclusive evidence of the result of said election.

Voters choose judges of election.

Qualification of voter.

Clerk to give notice to secretary of state.

§ 21. This act shall be deemed a public act, and shall be in force from and after its passage. It shall be liberally construed in all courts and places; and all acts and parts of acts in conflict with its provisions, or either of them, are hereby repealed.

When act to take effect.

Conflicting acts repealed.

APPROVED Feb. 27, 1869.

In force April 19, 1869. AN ACT supplemental to "An act to amend the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes," approved February 27, A. D. 1869.

Original confirmed. act 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 the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes," approved February 27, 1869, including the affirmance of the propositions specified in the first clause of the twentieth section of said act, but excluding the remainder of said section relating to the holding of an election now past, shall be and is hereby re-enacted and confirmed, and shall be and is in full force and effect to all intents and purposes, except as hereinafter specified: *Provided*, that the four added sections of land from the town of Jefferson in said act specified, viz: Section twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), in township forty (40) north, of range thirteen (13) east, shall not become a part of the city of Chicago or of the town of West Chicago, nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson the same as if this act had not been passed.

Commissioners,
assessors, duties
of.

§ 2. The said commissioners provided for in the act to which this is amendatory, shall not by virtue of anything in said act contained be obliged to proceed for the condemnation of any property to be taken for said parks or boulevard as provided in section eleven in said act, but in lieu thereof it shall be competent for the said commissioners, in their proceedings for the appointment of assessors as provided for in section thirteen of said act, to cause to be devolved upon said assessors the power and duty of ascertaining and assessing as well the damages to be allowed or to become due to the owner or owners of the property to be taken or condemned for the purpose provided in said act, as the benefits to be derived to the property benefited by the said improvements; in which case the order of the court appointing said assessors shall so specify, and the proceedings under such appointment shall conform to this amendment; and the said assessor shall ascertain and assess the damages and recompense due the owners, respectively, of the property which shall be required to be appropriated or condemned for said boulevards and parks, and the cost of acquiring title to the property which may be acquired by purchase therefor, and the costs of the proceedings authorized by this act and the act to which this is an amendment; and shall also determine what proportion of the damages, costs and expenses of the same should be borne by the public to be benefited by said improvement, and what propor.

tion thereof should be borne by the property deemed benefited, having regard to the proportional benefit said improvement will be to each; and having ascertained the proportion which should be assessed upon property deemed benefited, shall proceed to assess the same upon such property in proportion, as near as may be, to the benefit resulting to each separate lot or parcel of land. The said assessor shall determine and appraise to the owner or owners, respectively, the value of the real estate and property appropriated and condemned for the said improvement and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owner or owners, respectively. In case only a part of any lot or piece of ground is condemned for such improvement, and the balance is benefited by such improvement, the damages and benefits shall be assessed in separate sums, and if the one be greater than the other a balance shall be struck and the difference carried forward to another column, and the difference only shall be collectable or payable.

Assessment for
benefits.

§ 3. When the assessment provided for in said section thirteen and in this act shall have been completed by said assessors, the same shall be returned to the said park commissioners, who shall fix a day upon which they will review, revise and correct such assessment, and shall give at least ten days' notice, by publication in some newspaper published in the city of Chicago, of the time and place when the said commissioners will meet to consider said assessment. The said commissioners shall have power to adjourn such hearing from time to time, and in their discretion to revise and correct the assessment as to damages, benefits or otherwise, and confirm or amend the same, or refer the same back to the said assessors for revisal, or direct a new assessment to be made; said assessment when confirmed by the said commissioners shall be final and conclusive upon all parties interested therein, except as is hereinafter provided. When such assessment is conferred by the said commissioners they shall make a copy thereof, as corrected by them; and file the same, together with their certificate of such confirmation, in the court which shall have appointed said assessor; and they shall also file therewith all such objections as shall have been made to them in writing to said assessment at the hearing hereinbefore provided for; and the said commissioners shall thereupon give the notice in said section required to be given by said assessors, and upon the hearing by the said court the said confirmation shall be conclusive upon all parties interested, except such as shall have made their objections in writing as aforesaid, and only such objections shall be considered by the court; and upon the confirmation of the said assessment by the court such further proceedings shall be had

Commissioners
to revise assess-
ment.

upon said assessment as is provided in said section thirteen for the collection thereof.

Title to prop-
erty condemned

§ 4. Whenever the damages allowed or awarded to the owner or owners of any lot, piece or parcel of property, taken or condemned by virtue of this act or the act to which this is an amendment, shall be paid or tendered to the owner or owners thereof, or deposited to the credit of such owner or owners in the court where the said assessment shall have been confirmed, the title to such property shall thereupon immediately vest in the said commissioners for the purposes specified in said act.

New assessment

§ 5. If any assessment made by virtue of this act or the act to which this is an amendment shall be annulled or set aside, a new assessment may be made, returned and acted upon in like manner and upon like notices and with the same rights to the parties interested, as in the first. If from any cause the commissioners shall fail to collect the whole or any portion of any assessment levied for the purposes authorized by said act, and which shall not be canceled and set aside, the said commissioners may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, which assessment shall be made as nearly as may be in the same manner as herein prescribed for the first assessment. In all cases where partial payments shall have been made in such former assessment, they shall be credited or allowed in the new assessment to the property for which they are made, so that the assessment shall be equal and impartial in its results. If such new assessment be ineffectual, either in whole or in part, the commissioners may at any time within the period of five years order a third, and proceed to cause the same to be made, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands or been incumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expenses of such improvement a charge upon the property assessed therefor to the amount of its proportional benefit as hereinbefore provided for—the full period of five years from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment hereby authorized within that period.

Fund, how
raised.

§ 6. The amount found to be payable by the public for said improvement shall not be paid out of any money to be raised by special assessment, but shall be paid out of the general funds of said board; and the said board are authorized to borrow, at a rate of interest not exceeding ten (10) per centum per annum, in addition to the sum of the fifty

thousand dollars in said act authorized to be borrowed, such sum or sums of money as may be necessary to pay said proportion or amount of public benefits, and to pledge the cash, resources and receipts of said board and the credit of said town of West Chicago therefor; but the evidence of such indebtedness shall be registered in the particular manner specified in said act.

§ 7. In the location of the boulevard mentioned in section five of said act, the same shall commence at that point upon the north branch of the Chicago river which will connect the same with the boulevard running west from Lincoln Park, if one shall be laid out or located, otherwise at such point on said river, north of Fullerton avenue, as the commissioners may determine; and said commissioners are authorized to unite with the town of Lake View, or any other person or authorities, in the construction of a bridge across said north branch at the point where such boulevard may meet; and the said commissioners shall have the same right to locate said improvement in that part of section thirty, township forty (40), range fourteen east, lying west of the Chicago river, and sections twenty-five (25) and twenty-six and thirty-five and thirty-six (36), township forty (40), range thirteen (13) east, as they have under said act in any part of West Chicago or other territory or lands within the purview of said act, the jurisdiction over other territory and land being expressly continued, and may cause the property therein benefited thereby to be assessed for such benefits; and the said commissioners shall have the same jurisdiction to improve, manage and govern the boulevard so located as they have over other parts of the boulevards provided for in said act.

Location of the boulevard.

§ 8. So much of the said act as provides that that part of the boulevard between the North Park and the north branch of the Chicago river shall not be made unless the land therefor shall be acquired free of cost to said board, and shall not be improved until after the improvement of the park shall have been completed unless the same be done by voluntary contribution, be and the same is hereby repealed.

Repealing clause.

§ 9. The first sentence of section ten of said act relating to the closing and reducing the width of streets and avenues is hereby modified, so that the same may be done by the vote under the ayes and noes of three-fourths of all the members of the common council.

Modification.

§ 10. The North Park of the three parks mentioned in said act shall not be less in size than two hundred acres, and the same may be located in whole or in part south of Division street and north of Kinzie street, instead of north of Division street, if the land therefor can be obtained by said commissioners at a lower price per acre by so doing. For the purchase of the middle part mentioned in said act,

North and middle parks.

in addition to the sum of two hundred and fifty thousand dollars limited in said act for its cost, the further sum of one hundred and fifty thousand dollars may be expended, which shall be added to the sum of nine hundred thousand dollars in said act specified for the entire cost of said parks and boulevards, and the dimensions of the said middle park shall be increased accordingly.

Liberal construction.

When act to take effect.

§ 11. This act shall be deemed a public act ; it shall be liberally construed in all courts and places in favor of the jurisdiction and powers conferred hereby and by the act to which this is an amendment, and in favor of the proceedings under the same ; and shall be in force from and after its passage.

APPROVED April 19, 1869.

In force Feb. 24, 1869. AN ACT to provide for the location and maintenance of a park for the towns of South Chicago, Hyde Park and Lake.

Appointments by governor.

Vacancies, how filled.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That five persons, who shall be appointed by the governor of the state of Illinois, together with their successors, be and they are hereby constituted a board of public park commissioners for the towns of South Chicago, Hyde Park and Lake, to be known under the name of the "South Park Commissioners;" and in case of the failure of any of said persons to accept such appointment, and to qualify thereunder as hereinafter provided, within sixty days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of a majority of the commissioners so accepting to appoint some suitable person to fill the place thus made vacant, which appointment, when accepted by such nominee, shall constitute such person a commissioner under this act. And a majority of said commissioners shall so continue to nominate until the board shall consist of five persons. Each of said commissioners, before entering upon the duties of his office, shall take an oath to well and properly discharge the duties of his office for the interests of the public, which oath shall be reduced to writing, subscribed to by him, and filed in the office of the county clerk of Cook county. They shall each give a bond in the penal sum of fifty thousand dollars, with one or more sureties, to be approved by the judge of the circuit court of Cook county, to the treasurer of Cook county, conditioned for the faithful discharge of their duties under this act.*

§ 2. As soon as convenient after the said board shall be constituted as aforesaid, the members thereof shall decide, by lot, at a meeting to be called by any three of them, as to the respective term for which each member shall hold his office; the number of lots shall equal the number of commissioners, and the person drawing the longest term shall serve for five years from the first day of March, A. D. 1869; the one drawing the next, shall serve for four years from said date; the one drawing the next, shall serve for three years from said date; and so on, until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him—the last of said commissioners serving for the term of one year only from said first day of March, A. D. 1869. As soon as the term of office of each of said commissioners shall be determined as aforesaid, said board shall organize by electing one of their number as president, and one of their number as auditor; they shall also appoint a treasurer, prescribe his duties, and fix his compensation, who shall give bond for the faithful discharge of his duties in the penal sum of five hundred thousand dollars, with not less than three sufficient sureties, to be approved by the judge of the circuit court of Cook county. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall be appointed as hereinafter provided; and all officers appointed by the board shall be subject to removal at the pleasure of the board. The said board shall adopt a seal, and alter the same at pleasure; they shall keep a complete record of all their proceedings, which shall be open at all times for the inspection of the public. The said commissioners shall receive no compensation for their services, except the president, who may, in the discretion of said board, have and receive such compensation as may be fixed as hereinafter provided, not to exceed three thousand dollars per annum. All vacancies occurring in said board shall be filled by the appointment of the judge of the circuit court of Cook county, when such vacancy or vacancies shall occur. Said board of commissioners shall be a body politic and corporate, and shall have and enjoy all the powers necessary for the purposes of this act.

Term of office.

Organization.

Record of proceedings.

§ 3. The president, auditor, treasurer and secretary, shall be elected annually by said board, at the annual meeting thereof, and shall receive such salary for their services as the said board shall from time to time determine, not exceeding, for each of said officers, the sum of three thousand dollars per annum.

Annual election of officers.

§ 4. The said commissioners, by this act, are authorized and empowered to, and they shall within ninety days after their organization as aforesaid, or as soon thereafter as practicable, select the following described lands, situated in the

Commissioners to select land.

towns of South Chicago, Hyde Park and Lake, in Cook county, Illinois, to-wit: Commencing at the south-west corner of Fifty-first street and Cottage Grove avenue, running thence south along the west side of Cottage Grove avenue to the south line of Fifty-ninth street; thence east along the south line of Fifty-ninth street to the east line of Hyde Park avenue; thence north on Hyde Park avenue to Fifty-sixth street; thence east along the south line of Fifty-sixth street to Lake Michigan; thence southerly along the shore of the lake to a point due east of the center of section twenty-four (24), in township thirty-eight (38) north, range fourteen (14); thence west through the center of said section twenty-four (24), to Hyde Park avenue; thence north on the east line of Hyde Park avenue to the north line of Sixtieth street, so called; thence west on the north line of Sixtieth street, so called, to Kankakee avenue; thence north on the east line of Kankakee avenue to Fifty-first street; thence east to a point to the place of beginning; also, a piece of land commencing at the south-east corner of Kankakee avenue and Fifty-fifth street, running thence west, a strip two hundred feet wide, adjoining the north line of Fifty-fifth street, along said Fifty-fifth street to the line between ranges thirteen (13) and fourteen (14) east; thence north, east of and adjoining said line, a strip two hundred feet wide, to the Illinois and Michigan canal; also a parcel of land beginning at the south-west corner of Douglas place and Kankakee avenue, running thence south, a strip of land one hundred thirty-two feet wide, along the west side of said Kankakee avenue, to a point one hundred and fifty feet south of the south line of Fifty-first street; also, a strip of land commencing at the intersection of Cottage Grove avenue and Fifty-first street, running thence east one hundred feet in width on each side of the center line of Fifty-first street, to a point one hundred feet east of the center line of Drexel avenue; also, a strip of land extending north from the intersection of Fifty-first street with Drexel avenue, one hundred feet in width on each side of the center line of said avenue, to the north line of Forty-third street; thence northerly a strip of land two hundred feet in width, till it meets or intersects with Elm street, in Cleaverville; thence northerly along said Elm street, two hundred feet in width, west from the east line of said street to its intersection with Oakwood avenue; which said land and premises, when acquired by said commissioners as provided by this act, shall be held, managed and controlled by them and their successors as a public park, for the recreation, health and benefit of the public, and free to all persons forever, subject to such necessary rules and regulations as shall from time to time be adopted by said commissioners and their successors, for the well ordering and government of the same.

§ 5. In case the said commissioners cannot agree with the owner or owners, lessees or occupants of any of the said real estate selected by them as aforesaid, they may proceed to procure the condemnation of the same in the manner prescribed in the act of the general assembly of the state of Illinois, entitled, "An act to amend the law condemning right of way for the purposes of internal improvement," approved June 22, 1852, and the acts amendatory thereof, the provisions of which said act, and the several acts amendatory thereof, are hereby extended to the park and park commissioners to be created by virtue of this act. Condemn land.

§ 6. When the title to the land selected for such park, as herein provided, shall have been acquired by said commissioners, by gift, condemnation or otherwise, it shall be the duty of such commissioners to make, acknowledge and file for record in the office of the recorder of deeds for Cook county, a map, showing the said land, with a correct description, including section, township and range. Description of land required.

§ 7. As soon as the amount required for the condemnation of the grounds selected for said park shall have been ascertained, by said commissioners, with reasonable certainty, they shall apply to the judge of the circuit court of Cook county for the appointment of three freeholders of the county of Cook, as park assessors. The commissioners shall give notice in one or more of the daily newspapers published in the city of Chicago, of the time when such application will be made, and all parties interested may appear and be heard by the said judge, touching such appointment. At the time fixed for such application, the court, after hearing such persons as shall desire to be heard touching such appointment, shall nominate and appoint three assessors for the purposes provided in this act. The said assessors shall proceed to assess the amount so ascertained upon property in the towns of South Chicago, Hyde Park and Lake, in Cook county, deemed benefited by reason of the improvement occasioned by the location of said park, as near as may be in proportion to the benefits resulting thereto: *Provided*, that the aggregate of said benefits is equal to or greater than the amount of said damages; and in case the aggregate of the benefits is less than the damages, then the balance of the damages over the benefits shall be paid from the fund provided for in section eight of this act. Upon entering on the duties of their office, the said assessors shall make oath before the clerk of the said circuit court faithfully and impartially to discharge the duties of their office. They shall give at least ten days' notice in one of the said daily papers of the time and place of their meeting for the purpose of making said assessment, and may adjourn such meeting from time to time until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, blocks or parcels Appointment of freeholders as assessors.

Oath of office.

To report to
circuit court.

Money to be
paid to treas-
urer of Cook
county.

Deficiencies.

of land deemed benefited by them as aforesaid, and shall include the same, together with the amount assessed, as benefits in the assessment roll. All parties interested may appear before said assessors, and may be heard touching any matter connected with the assessment. When the same shall be completed, it shall be signed by the assessors, and returned to the said circuit court, and shall be filed by the clerk thereof. The assessors shall thereupon give at least ten days' notice in one of the said daily papers of the filing of said assessment roll, and that they will, on a day therein named, apply to the said circuit court for confirmation of the same, which said notice shall be published at least ten days before the time fixed for such application. Said circuit court shall have power to revise, correct, amend or confirm said assessment, in whole or in part, and may make or order a new assessment, in whole or in part, and the same revise and confirm upon like notice. All parties interested may appear before said circuit court, either in person or by attorney, when such application shall be made, and may object to said assessment, either in whole or in part, provided all objections shall be in writing, and shall be filed at least three days before the time fixed for the application, and shall specify the lot, block or parcel of land on behalf of which objection is made. After the confirmation of said assessment, the clerk of said circuit court shall file a copy thereof, under the seal of his said court, with the clerk of the county court of Cook county, and such assessment shall be a lien upon the several lots, blocks or parcels of lands assessed for benefits, as aforesaid. Ten per cent. of the amount so assessed shall be due and payable annually, and the clerk of said Cook county court shall include in the general tax warrants for each year, until the whole sum shall be paid, for the collection of state and county taxes in the said towns of South Chicago, Hyde Park and Lake, ten per cent. of the said assessments, in an appropriate column, to be termed "South Park Assessment," with the amount to be collected opposite the several lots, blocks or parcels of land, assessed as aforesaid; and like proceedings, in all respects, shall be had for enforcing the collection of the same as is now provided by law for the collection of state and county taxes. The money collected under the provision of this section shall be paid to the treasurer of Cook county, for which he and his sureties shall be responsible, as fully as for any other moneys by him received as treasurer of Cook county, and be held by him in the same manner, and be subject to the same control and direction, as provided in this act for other moneys belonging to said corporation; and the treasurer of Cook county shall be entitled to receive one-half of one per cent., and no more, of said moneys, as a full compensation for receiving and disbursing the same.

§ 8. For any deficiencies arising through acquiring title to said park, and for the payment of the expenses of inclos-

ing, maintaining and improving the park, herein provided for, and the expenses, disbursements and charges in the premises, the said commissioners shall have power to loan or borrow, from time to time, for such time as they shall deem expedient, a sum of money, not exceeding two millions of dollars, and shall have authority to issue bonds, secured upon the said park and improvements, which bonds shall issue under the seal of said commissioners, and shall be signed by said commissioners, and countersigned by the secretary of said board, and bear interest not exceeding seven per cent. per annum; and it shall be the duty of said commissioners to keep an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and said register shall at all times be open to the investigation of the public; and for the payment of the principal and interest of said bonds, the said park and improvements shall be irrevocably pledged, and the towns of South Chicago, Hyde Park and Lake shall be irrevocably bound; and said bonds may be sold by said commissioners upon such terms and for such prices as, in the judgment of said commissioners, can be obtained for the same in cash.

§ 9. The said board of park commissioners shall, annually, on or before the first day of December in each year, transmit to the clerk of the county court of Cook county an estimate, in writing, of the amount of money, not exceeding in any one year three hundred thousand dollars, necessary for the payment of the interest on the bonds issued by said board, and that in addition thereto will be required for the improvement, maintenance and government of said park during the current year; and the said clerk shall proceed to determine what per cent. said sum is on the taxable property of said towns, according to the several assessors' returns for the respective years, and shall, in the next general tax warrants for the collection of state and county taxes in said several towns, set down the amount chargeable to the several persons, corporations, lots or parcels of ground, in a separate or appropriate column, and shall receive such compensation as now allowed by law; and the collectors, respectively, shall proceed to collect the same in the manner now provided by law for the collection of state and county taxes; and all the provisions of law, in respect to the collection of state and county taxes, and proceedings to enforce the same, so far as applicable, shall apply to said assessments and taxes. The said sum of money shall be placed by the treasurer of the said county of Cook to the credit of said board of park commissioners, and shall be drawn by said board from the county treasury by warrant, signed by the president and secretary of the board, and countersigned by the auditor, to be appointed as aforesaid, and in no other way—the

Interest on
bonds, how paid

Money placed
to the credit of
board.

appointment of such auditor or comptroller having been first duly certified by such president and secretary, and filed in the office of said treasurer of Cook county.

Vacate roads.

§ 10. It shall be lawful for said commissioners to vacate and close up any and all public roads or highways, excepting railroads, which may pass through, divide or separate any lands selected or appropriated by them for the purposes of a park; and no such road shall be laid out through said park, except such as the said commissioners shall lay out and construct.

§ 11. No one of said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested, directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. And it shall be a misdemeanor for any commissioner to be directly or indirectly interested, or in any way pecuniarily interested, in any contract or work of any kind whatever, connected with said park.

Removal from office.

§ 12. The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon the petition presented to him, in term time or in vacation, by one hundred freeholders of said towns of South Chicago, Hyde Park and Lake, if it shall appear, after hearing and proof before said judge, that the said commissioners, or either of them, have been guilty of misdemeanors or malfeasance in office under this act; and if the said judge shall remove any two or more of said commissioners from office, for any cause, before the expiration of their term of office, he is hereby empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioners so removed.

Powers of the board.

§ 13. The said board shall have the full and exclusive power to govern, manage and direct said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, including a police force, as may be necessary; to define and prescribe their respective duties and authority; fix the amount of their compensation; and generally, in regard to said park, they shall possess all the power and authority now by law conferred upon or possessed by the common council of the city of Chicago, in respect to the public squares and places in said city; and it shall be lawful for them to commence the improvement of said park as soon as they have obtained one hundred acres of the premises herein described.

May declare office vacant.

§ 14. The office of any commissioner under this act, who shall not attend meetings of the board for three successive months, after having been duly notified of said

meetings, without leave of absence from said board, may by said board be declared vacant.

§ 15. The real estate and personal property of said corporation shall be exempted from taxation and assessment.

To be exempt from taxation.

§ 16. All moneys belonging or to belong to any park fund now in existence or hereafter to be created, and all bonds and the proceeds from sales thereof, now authorized or hereafter to be authorized to be issued by the city of Chicago for park purposes, in or to which the South Division of the city of Chicago may now or shall hereafter be entitled to a distributive share, shall be devoted and applied to the purchase or maintenance and improvement of the park contemplated and created by this act, under the direction and control of the commissioners provided for in this act.

Funds belonging to parks, how applied.

§ 17. The bonds to be issued under this act may be received in payment of any assessment, whether such bond or assessment shall have become due or not, upon such terms as shall be fair, just and equitable; and upon the payment of any assessment, the land upon which the same is assessed shall be free from any lien or liability to pay the same; and such payment shall be reported to the county clerk of Cook county, and entered upon the record of the assessment.

Bonds received in payment of assessments.

§ 18. There shall be an election held in the towns of South Chicago, Hyde Park and Lake, on the fourth Tuesday of March next after the passage of this act, at which election the legal voters voting at such elections shall vote for or against this act. The tickets shall be printed or written, "For Park," and "Against Park;" and if a majority of the votes cast on the subject of park shall be "For Park," then this act shall take effect and be in force, but not otherwise. The clerk of the county court of Cook county shall designate the places of holding such election, and give notice thereof, in one or more of the daily papers published in the county of Cook, at least six days preceding such election, and shall supply the judges thereof with the necessary books, papers and boxes, as in other cases of elections; and there shall be one polling or voting place in each voting precinct in said towns, as the same were fixed at the last general election in the county of Cook. The persons who acted as judges or inspectors of election in the several precincts of said towns at the last general election in Cook county shall be the judges or inspectors of this election. In case the judges or inspectors of election shall not attend at the time for opening the polls, such judges or inspectors shall be chosen by the legal voters present. The clerks shall be appointed as provided in elections for county officers. The polls shall be opened and closed and the election conducted as elections for county officers. All legal voters of said towns shall be

Election, time and place of.

Notice by publication.

Judges of election selected.

entitled to vote at such election, without any new registration; and the judges or inspectors of such election shall use the registry list made for the general election in November, 1868: *Provided*, that whenever any person whose name is not on the registry list shall offer his vote at such election, the judges or inspectors shall require the same evidence of his qualification as now provided by law. The said judges of election shall, immediately after the close of the polls, count the ballots, fill out and sign the returns and tally-sheets, as now provided by law in all other elections, and return the poll-books and ballots to the clerk of the county court, as in other cases of election. The votes shall be canvassed in the manner provided by law for the election of state and county officers. The clerk of the county court of Cook county shall, immediately after such canvass, cause a certificate of the result of such election to be filed in the office of the secretary of state, which shall be conclusive evidence of the result of said election.

Result of election certified to secretary state.

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

APPROVED February 24, 1869.

In force April 16, 1869.

AN ACT amendatory of and supplementary to "An act to provide for the location and maintenance of a park for the towns of South Chicago, Hyde Park and Lake," approved February 24th, 1869.

Amendatory act

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the portion of the fourth section of the act to which this is amendatory and supplemental, which is in the words "a piece of land, commencing at the southeast corner of Kankakee avenue and Fifty-fifth street, running thence west, a strip two hundred feet wide, adjoining the north line of Fifty-fifth street," is hereby amended, by substituting in lieu thereof the words "a piece of land, commencing at the northeast corner of Kankakee avenue and Fifty-fifth street, running thence west, a strip two hundred feet wide, south of and adjoining the north line of said Fifty-fifth street."

Proceeds of bonds.

§ 2. The bonds authorized to be issued by the act of which this is amendatory and supplemental, may be issued, sold and the proceeds applied for acquiring said lands, and for any and all purposes in the said act mentioned. Said bonds shall be retired and canceled as fast as the money for that purpose can be obtained, by the collection of the money due upon the special assessment provided for in section seven of the act hereinbefore mentioned; and a sufficient amount of any bonds that may be issued by the city of Chicago, under any law now in force or hereafter enacted,

and received by said commissioners, shall be applied to the purpose of retiring the bonds authorized by said act.

§ 3. The ninth section of said act is hereby so amended Act amended. that the words "during the current year" shall read "during the next succeeding year."

§ 4. That the twelfth section of said act be and the same is hereby amended, so as to read as follows: "The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon the petition presented to him, in term time or in vacation, by one hundred freeholders of said towns of South Chicago, Hyde Park and Lake, if it shall appear, after hearing and proof before said judge, that the said commissioners, or either of them, have been guilty of misdemeanor or malfeasance in office, under this act; and if the said judge shall remove any one or more of said commissioners from office, for any cause, before the expiration of their term of office, he is hereby authorized and empowered to fill the vacancy or vacancies thus created, by appointing other commissioners in their places, who shall serve during the unexpired terms of the commissioners so removed." Commissioners may be removed

§ 5. The commissioners to be appointed under said act are hereby vested with the same powers and duties as are conferred by said act in relation to lands designated for parks, over all streets running longitudinally along and adjoining any and all of the proposed parks or strips of land designated in said original act, as are conferred by said act in relation to such parks and strips of land as may be necessary to improve and keep in repair the same, in connection with the said parks or strips of land, without obstructing, by fences or other structures, free access to the said streets from existing roads and streets, and by owners of land abutting on the same. Powers and duties of the commissioners.

§ 6. The elections held in the towns of South Chicago, Hyde Park and Lake, on the twenty-third day of March, A. D. 1869, under and by virtue of the eighteenth section of the act to which this is an amendment, are hereby legalized and confirmed; and said act shall be held and deemed to have been regularly and legally adopted by the legal voters of said towns, and shall remain in full force and effect, and shall be liberally construed, in all courts, with a view to carry out and enforce the intent and meaning of the same. Election, time and place of.

§ 7. This act is hereby declared a public act, and shall take effect and be in force from and after its passage.

APPROVED April 16, 1869.

In force June 19, 1869. AN ACT to equalize amount of money expended for parks in North, South and West Chicago.

Preamble.

WHEREAS, the city of Chicago contains three natural divisions, known as North, South and West Divisions, and the people of each of said divisions, now or hereafter, may desire a park; and, whereas, said city has already expended a large amount of money on Lincoln Park, in the North Division of said city; and, whereas, said city is about to expend more money for the extension of said Lincoln Park, while a much less sum has been expended for parks in the South and West Divisions of said city; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the mayor and comptroller of the city of Chicago shall issue bonds of said city, bearing interest at a rate not exceeding seven per cent., for the purpose of purchasing and improving lands for a park for each of said divisions, when the people of said divisions of said city, or either of them, shall elect to purchase lands for park purposes, in such amount as shall appear just and equitable, (of which the common council of said city shall determine,) to equalize the amount already expended, or that may hereafter be expended, from the city treasury, in or upon said Lincoln Park, for extension or improvement.

APPROVED March 10, 1869.

Mayor and
controller may
issue bonds.

In force Feb. 8, 1869. AN ACT to fix the boundaries of Lincoln Park, in the city of Chicago, and provide for its improvement.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the land situate and lying within the following boundaries, to-wit: Commencing at the intersection of North avenue, in the city of Chicago, and county of Cook, with Lake Michigan, and running thence west, along said North avenue, to North Clark street; thence along North Clark street to North Franklin street; thence along North Franklin street to Fullerton avenue; thence along Fullerton avenue to the west line of the south-east quarter of section twenty-eight (28.) in township forty (40) north, of range fourteen (14) east of the third principal meridian; thence along said west line to the northwest corner of said southeast quarter of section twenty-eight (28;) thence along the north line of said southeast quarter to Lake Michigan; and thence along the shore of Lake Michigan, at low water

mark, as the same now is or hereafter may be, to the place of beginning, be and the same is hereby declared to be a public park, to be known as "Lincoln Park;" and shall be deemed to have been taken by the city of Chicago for public use and for a public park.

§ 2. All of said land, now belonging to the city of Chicago, shall be and is hereby appropriated for such park, without any compensation to the city; and the title to any of said land, not now owned by the city, may be acquired by said city, by purchase or condemnation, as herein provided. The board of commissioners of Lincoln Park, hereinafter created, may purchase any of said lands at fair and reasonable prices, to be determined by them, and paid for out of bonds or money coming to their hands for the purpose of acquiring the title thereto; and the same shall be conveyed to and vest in the city, to be used as a part of the park, or the same may be acquired in the manner herein-after set forth.

§ 3. Three discreet and competent freeholders, citizens of Chicago, shall be appointed by the circuit court of Cook county, within three months after the passage of this act, on application of the board of commissioners of said park, to act as appraisers, in relation to the taking and the value of the said land mentioned in the first section of this act, or any part thereof. And in case of the death, resignation, disqualification, or refusal to act, of either of said appraisers, it shall be lawful for the said circuit court, at any general or special term thereof, on application of said board of commissioners, and, from time to time, as often as such event shall happen, to appoint any other discreet and disinterested person, being a citizen of the city of Chicago, in the place and stead of such appraiser so dying, resigning or refusing to act. And said appraisers shall proceed to discharge the duties of their appointment, and to complete their estimate and award as soon as conveniently may be; and shall file their final report in the office of the clerk of the circuit court of Cook county, within three months of the date of their appointment.

§ 4. It shall be competent and lawful for a majority of said board of appraisers, designated as aforesaid, to perform the trust and duties of their appointments; and their acts shall be as valid and effectual as the acts of all the appraisers, so to be appointed, if they had acted therein would have been; and in every case the proceedings and decisions of a majority in number of said board of appraisers, acting in the premises, shall be as valid and effectual as if the said appraisers, appointed for such purpose, had all concurred and joined therein.

§ 5. The appraisers herein provided for, in relation to the taking and value of any of the lands mentioned in the

first section of this act, shall make just and true estimate of the value of such lands, and of the loss and damage to the respective owners, lessees and parties, and persons respectively entitled to or interested in the same, together with the tenements, hereditaments, appurtenances, privileges or advantages to the same, belonging, or in anywise appertaining, by and in consequence of relinquishing the same, to the said city of Chicago; and in making such estimate, they shall not make any deduction or allowance for or on account of any supposed benefits or advantages to be derived from taking said lands, as public places, or in consequence thereof; and the amounts so estimated, when duly confirmed, shall be paid, as hereinafter in this act provided. Whenever such estimate shall be completed, they shall file the same with the clerk of the circuit court of Cook county, and, thereupon, proceedings may be had to correct or confirm the same, as in this act provided.

Appraisers and
owners may
agree on value.

§ 6. Said appraisers and any party being owner of or interested in any of the lands mentioned in this act, may agree upon the value thereof, and upon the amount of damages and compensation to be awarded therefor; and said appraisers may make special reports in relation to any matters so agreed upon; and any such special report may be filed and proceedings may be had to confirm the same; and the same may be confirmed in the same manner and with like effect as is provided herein in relation to other reports of said appraisers; and, upon the confirmation of any such special report, the amount of the awards thus confirmed shall be paid in the same manner as if such awards had been made in a general report of said appraisers and duly confirmed.

Appraisers' oath

§ 7. Before proceeding to discharge any of their duties, the appraisers shall respectively take and subscribe an oath, in writing, before some officer authorized by law to administer oaths, honestly and faithfully to discharge the duties which shall devolve upon them in pursuance of this act; which oath shall be filed in the office of the clerk of the circuit court of the county of Cook. Said appraisers shall proceed, as soon as may be, after their appointment, to discharge the duties of their trust, and to make and complete their estimates and awards and reports, as hereinbefore provided; and every estimate, award and report, so made, shall be signed by at least a majority of said appraisers, and filed in the office of the clerk of the circuit court of the county of Cook, and notice thereof given to the counsel of the corporation of said city of Chicago. Within ten days after receiving such notice of the filing of any report of said board of appraisers, said corporation counsel shall give notice, by publication, for ten days, in at least two daily papers of said city of Chicago, that he will, at a term of said circuit court, designated therein, and at the time and place

Duties.

Report.

to be specified in such notice, present such report for confirmation; and if said corporation counsel shall not, within the time above prescribed, cause such notice to be given, and the report to be presented for confirmation, then such notice may be given and said report may be presented for confirmation, as above prescribed, by said appraisers, or by any party whose lands are to be taken, and to whom compensation is estimated and awarded by such report. It shall be the duty of said court, at the time mentioned in said notice, to proceed immediately to the hearing of said report; and it shall have priority over all other cases pending in said court. The said court shall pronounce judgment on said report, and shall confirm the same against the several lots and parcels of land or other property described in said report, in respect to which no objections shall be filed; and such judgment shall be a lawful and sufficient condemnation of the land and property appropriated and sought to be condemned, and not objected to; and the court shall hear and determine all objections in a summary way, without pleadings, and shall and may, on such hearing, when objections have been interposed, render such judgment as shall seem proper, modifying and changing such assessment as it shall deem proper, and any appeal taken therefrom shall not invalidate or affect said judgment or delay the same, except as to the property described in said appeal. Such judgment, as far as not appealed from, shall be a lawful and sufficient condemnation of the lands and property appropriated; and any appeal shall not delay proceedings under said judgment, except as to the property described in said appeal.

§ 8. Payment of the damages awarded in and by the judgments, entered as aforesaid, shall be made immediately; and the board of park commissioners, as hereinafter appointed, may either pay such damage to the person appearing to be entitled to the same, or bring into the said circuit court and deposit with the clerk thereof the amount of such damage, specifying, at the time of each deposit, in a written report, to be made to said court, the several pieces of land condemned, and which are paid for by such deposit; and upon payment being made, as aforesaid, the said lands shall vest forever in said city of Chicago, for the uses and purposes in this act mentioned.

§ 9. It shall be the duty of any person or persons, owning cemetery lots, included within the lands in the first section of this act described, and to be condemned by said commissioners, to remove any bodies that may be therein interred, within six months from the confirmation of so much of the report of said commissioners as relates to said lots; and if such removal shall not be made within said six months, the board of park commissioners may, at any time thereafter, make such removal.

Confirmation.

Payment, how
and when made.Bodies to be
removed.

Drive, lay out.

§ 10. The appraisers shall, also, as a part of Lincoln Park, lay out a drive, two hundred feet wide, (so that the east line shall be the waters of Lake Michigan), from Pine street to the south line of said park; and shall proceed to make an assessment, for the payment of the land taken for the same, according to the provisions of the charter of the city of Chicago, in taking lands for the opening of a street; and shall file their report with the clerk of the circuit court, when the same proceedings shall be had as provided in this act in regard to the lands to be taken for the park; and said court may render judgment against the lands and lots assessed, for the several amounts assessed for benefits remaining unpaid, and the collection thereof shall be made and enforced, as in the case of judgments for taxes; and the money so collected shall be paid to the board of park commissioners, and by them paid to the several persons entitled to damages for land taken for such drive.

Drive to be a part of the park.

§ 11. Said drive, when thus laid out, shall be a part of said Lincoln Park, and shall be under the control and management of the board of commissioners, to the same extent as herein provided in reference to said park; and it shall be improved by the same means.

Issue bonds.

§ 12. For the purpose of paying for the land taken for such park, under the provisions of this act, the bonds of the city of Chicago, to such an amount as shall be necessary for that purpose, shall be issued by the mayor, comptroller and clerk of said city, from time to time, as the same shall be required by the board of park commissioners, for the purpose aforesaid; and shall be delivered to said board, upon demand; and said bonds shall be payable in twenty years from the date thereof; and shall bear interest at the rate of seven per cent. per annum, payable half-yearly, on the first days of January and July, in each year; and the said bonds, and the proceeds of the sale thereof, shall constitute the fund for paying the costs of the lands taken for the park.

Comptroller's duty.

§ 13. As said bonds are from time to time issued, the comptroller shall cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond by him executed, showing the number of each bond, and the date and amount thereof, and the time when due, (and such book shall be open for public inspection), and shall be delivered by him to his successor in office. The comptroller shall take a receipt from the person authorized by said board to receive said bonds.

Bonds, how used

§ 14. The bonds of the city of Chicago, which shall be issued by virtue of this act, may be used by said board of commissioners, at their par value, by paying any amount which said city shall have become liable to pay for said lands, purchased or condemned under this act; or the same

may be sold, by public or private sale, or by subscription, upon such terms as said commissioners shall determine; and said board of park commissioners may pledge any of said bonds for money borrowed, temporarily, at a higher rate of interest, not exceeding ten per cent. per annum, if they shall deem it expedient and necessary so to do.

§ 15. The board of park commissioners shall cause a full description of the bonds received from the city to be entered in a record to be provided for that purpose, which shall show the date, number and amount of each bond, the time when received, the time when and to whom sold, and the amount received therefor; and shall, on or before the first day of April, in each year, furnish a copy thereof, verified by the oath of the custodian of such records, to the city comptroller. Bonds, record of

§ 16. The property of the city of Chicago and the lands authorized to be taken by this act for a public park, are hereby pledged for the payment of the principal and interest of said bonds. Property of
city pledged.

§ 17. The board of park commissioners, hereinafter mentioned, is hereby authorized, and it shall be their duty, on or before the first day of October, in each year, to fix upon the amount, not exceeding seventy-five thousand dollars, that may be necessary to be expended for the improvement and repair of said park and drive, during the next succeeding year, and to certify the same to the clerk of the county court of Cook county; and said clerk shall apportion said amount upon the taxable property returned by the town assessors of North Chicago and of Lake View, and compute the same as a part of the taxes due and payable by the owners of said property, setting down the same in a separate column, headed "Lincoln Park Tax;" and the same shall be included in the warrant issued for the collection of taxes and collected as other taxes. In case of a failure to pay the same, judgment may be rendered against the real estate assessed, and the like proceedings had as for other taxes. The taxes so collected shall be paid to the park commissioners, and used by them in improving and keeping in repair the park and drive. Commissioners,
duty of.

§ 18. The appraisers appointed by virtue of this act shall have authority to employ surveyors, and use any map on file belonging to said city, or to said county of Cook, and to cause maps to be made, as may be necessary; and said appraisers shall be allowed a compensation of five dollars per day for their time actually employed in discharging their duties as such appraisers; and all such compensation, and the necessary expenses of the appraisers in discharging their duties, shall be allowed, on taxation by the court aforesaid, and paid by said city of Chicago, and shall be added to and become a part of the cost of the said park. Appraisers, au-
thority of and
compensation.

Commissioners. § 19. The said Lincoln Park shall be under the exclusive control and management of a board of commissioners, to consist of five persons, who shall be named and styled "The Commissioners of Lincoln Park." A majority of said commissioners, in office for the time being, shall constitute a quorum for the transaction of business; and no action of said board shall be final or binding, unless it shall receive the approval of a majority of said board, whose names shall be recorded in its minutes.

Term of office. § 20. E. B. McCagg, John B. Turner, Andrew Nelson, Joseph Stockton and Jacob Rehm are hereby appointed and shall constitute the first board of commissioners of Lincoln Park. They shall hold office, as such commissioners, for five years. No member of said board shall receive any compensation for his services. In case of a vacancy, within said five years, the same may be filled by the remaining members of said board; and all vacancies occasioned by expirations of the terms of office shall be filled by the judge of the circuit court of Cook county.

Powers. § 21. The said board shall have full and exclusive power to govern, manage and direct the said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, except a police force, as may be necessary; to prescribe and define their respective duties and authority; to fix the amount of their compensation, and require bonds for the faithful performance of their duties; and generally, in regard to said park, they shall possess all the power and authority now by law conferred on or possessed by the common council of said city in respect to the public squares and places in said city; they may vacate any public street or alley within the limits of said park, and shall lay out a street, not exceeding one hundred feet and not less than eighty feet in width, north, from Fullerton avenue, along the west line of said park, to the northern boundary thereof; and may exercise the same power and control over such street as the rest of the park.

Not to be interested in contracts. § 22. It shall be a misdemeanor for any commissioner to be, directly or indirectly, in any way, pecuniarily interested in any contract, or work of any kind whatever, connected with said park; and it shall be the duty of any commissioner, or any other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the mayor of the city of Chicago, who shall present the facts of the case to the judge of the circuit court of Cook county. Such judge shall hear, in a summary manner, such commissioner, in relation thereto, and any evidence he may offer; and if, after such hearing, he shall be satisfied of the truth thereof, he shall immediately remove the commissioner thus offending, sub-

ject to fine and imprisonment. Every commissioner shall, before entering upon the duties of his office, take and subscribe an oath to faithfully perform the duties of his office; which oath shall be filed in the office of the said clerk of the circuit court of the county of Cook; and shall each give a bond, in the penal sum of (\$50,000,) fifty thousand dollars, for the faithful performance of his duty, and payable to the city of Chicago.

§ 23. Said board of commissioners, for the government of said park, shall, in the month of April of every year, make to the common council of said city a full report of their proceedings and a detailed statement of all their receipts and expenditures, under oath. It shall be the duty of said commissioners to let all work, exceeding in amount twenty-five hundred (\$2,500) dollars, by contract, in the manner provided in the charter of the city of Chicago for letting of contracts for public improvements. Report of board.

§ 24. It shall be lawful for the commissioners of said park to let, from year to year, any building and the grounds attached thereto, belonging to said city, which may be within the limits of said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of said park; or said commissioner may sell any buildings and other material being within the limits of said park and belonging to said city, which, in their judgment, shall not be required for the purposes of the said park or for public use, the proceeds of which shall be deposited to the credit of the commissioners, and devoted to the improvement of the park. Board may lease and sell buildings.

§ 25. None of the said commissioners, nor any person, whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability, for or on account of said board or the moneys or property under his control, except with the express authority of said board, conferred at a meeting thereof, duly convened and held. Debt, how created.

§ 26. The office of either of said commissioners, who shall not attend the meetings of said board for three successive months, after having been duly notified of said meetings, without reasons therefor satisfactory to said board, or without leave of absence from said board, may be by said board declared vacant. Office declared vacant.

§ 27. It shall be lawful for said board of commissioners, at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the regulation, use and government of the park under their charge, not inconsistent with the provisions of this act. Such ordinances shall, immediately upon their passage, be published for ten days in two daily papers published in said city. Park ordinances

§ 28. All persons offending against such ordinances shall be deemed guilty of a misdemeanor, and shall be pun- Penalty.

ished, on conviction before any court of competent jurisdiction, in the county of Cook, by a fine, not exceeding one thousand dollars, or by imprisonment, or both, in the discretion of the court.

City may receive property for establishment of museums, etc.

§ 29. Real or personal property may be granted, bequeathed or conveyed to the said city of Chicago, for the purposes of improvement or ornamentation of said park, or for the establishment or maintenance, within the limits of said park, of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof and agreed to by the said board of park commissioners; and all property, so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the exclusive management, direction and control of the commissioners of the park.

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

APPROVED February 8, 1869.

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In force April 16, 1869. AN ACT to amend an act entitled "An act to fix the boundaries of Lincoln Park, and provide for its improvement."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the commissioners of Lincoln Park, created by an act entitled "An act to fix the boundaries of Lincoln Park, and provide for its improvement," approved February 8, 1869, shall have power to borrow money, temporarily, not exceeding fifty thousand dollars, to be used in the improvement and maintenance of said park; but all such loans shall be paid from taxes collected during that or the next succeeding year.

Commissioners may make temporary loan.

Sec. 17 repealed. Commissioners' estimate.

Duty of supervisors.

§ 2. Section seventeen of said act is hereby repealed, and it shall be the duty of the commissioners of Lincoln Park to make an estimate of the amount of money required to pay any debt contracted by them, which may fall due during the next year, and for the improvement, maintenance and government of Lincoln Park, during the next succeeding year; which estimate shall be made and certified to the supervisors of the towns of North Chicago and Lake View, on or before the first day of October, in each year; and it shall be the duty of said supervisors to meet at the office of the county clerk of Cook county, on the second Wednesday of October, in each year, at the hour of eleven o'clock, in the forenoon, when they shall examine the returns of the assessors for said towns, and ascertain the amount of taxable property in each town; and they shall then and there pro-

ceed to fix upon and determine the amount of tax necessary for the purpose aforesaid, making the same so that there shall be uniformity with respect to persons and property in said towns; and each of said supervisors shall immediately certify to the county clerk the amount to be raised by taxation for the purposes aforesaid, in their respective towns; and the county clerk shall compute and extend the same, as other town taxes; and the same shall be collected as a part of and as other town taxes; but such tax shall be placed in a separate column, headed "Lincoln Park Tax." The taxes, so levied and collected, shall be paid to the commissioners of Lincoln Park, and by them applied to the purposes aforesaid.

§ 3. If the said supervisors of North Chicago and Lake View shall refuse, neglect or omit to fix and determine the amount to be raised, as aforesaid, or if they cannot agree with respect thereto, it shall be the duty of the commissioners of Lincoln Park to meet at the county clerk's office, on the next day thereafter, at eleven o'clock, in the forenoon, and fix upon and determine the amount to be assessed and collected in each town, for the purposes aforesaid, and certify the same to the county clerk, who shall thereupon proceed as if such sums were certified by the supervisors; and for the performance of this duty the said commissioners shall be deemed officers of said towns, and responsible as such.

Commissioners,
duty of.

§ 4. This act shall take effect from and after its passage.
APPROVED April 19, 1869.

AN ACT to repeal a portion of an act herein named.

In force March
4, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That so much of the last part of section twenty-one of an act entitled "An act to fix the boundaries of Lincoln Park, in the city of Chicago, and provide for its improvement," as follows, to-wit: "And shall lay out a street, not exceeding one hundred feet and not less than eighty feet in width, north, from Fullerton avenue, along the west line of said park, to the northern boundary thereof, and may exercise the same power and control over such street as the rest of the park," shall be and the same is hereby repealed.*

Boundaries

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

APPROVED March 4, 1869.

in force March 30, 1869. AN ACT to amend an act entitled "An act to fix the boundaries of Lincoln Park, in the city of Chicago, and provide for its improvement, and to limit the issue of bonds therefor."

Boundaries. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of commissioners of Lincoln Park, under the act entitled "An act to fix the boundaries of Lincoln Park, in the city of Chicago, and provide for its improvement," approved February 8, 1869, shall have power to acquire title, by purchase or condemnation, in the same manner as is provided for the purchase or taking of land in the said act to which this is an amendment, to the certain pieces and parcels of land in the county of Cook, state of Illinois, and described as follows, viz: All of the southwest quarter of section twenty-eight, in township forty, north, of range fourteen, east, of the third principal meridian, lying east of a line commencing in the east line of said quarter section, at a point where it will be intersected by a line five hundred feet long, running from the east line of Green Bay road and a right angle with said road, and running thence in a straight line northwestwardly, parallel at such point of starting with the east line of said Green Bay road, and continuing in a straight line to the north line of said quarter section, and also all that part of block two, in the canal trustees, subdivision of section thirty-three, in said township, lying east of the Lake Shore Ditch. The said land shall, upon such purchase or condemnation, become a part of said Lincoln Park, and be paid for in the same manner as provided for the payment of the land purchased or condemned under the act to which this is an amendment. And all the provisions of said act to which this is an amendment shall, upon such purchase or condemnation, apply to said land herein described, in precisely the same manner as if the same had constituted a part of the land described and included in the said act to which this is an amendment.

Condemn land.

Duty of commissioners. § 2. It shall be the duty of such commissioners, within a reasonable time after the passage of this act, to change the direction of Franklin street, from the point at which it intersects the Lake Shore Ditch, to a point where said ditch intersects Fullerton avenue, and in such a manner as that the east line of said ditch shall be the west line of Franklin street so changed; and said Franklin street and Fullerton avenue, from their said intersection with each other to north Clark street, shall hereafter always remain open public streets.

May issue bonds § 3. The common council of the city of Chicago shall not issue or cause to be issued, nor shall any officer of said city execute or negotiate the bonds of said city, exceeding in amount the sum of five hundred thousand dollars, for the use or benefit of said Lincoln Park.

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

APPROVED March 30, 1869.

CHICAGO—STREETS AND ALLEYS.

In force April
29, 1869.

AN ACT to authorize the common council of the city of Chicago to widen Ogden avenue or the southwestern plank road, and any one street connecting said southwestern plank road with Reuben street—supplemental to Senate bill 776, passed March 9, 1869. Duty of common council.

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 are hereby authorized and empowered, whenever the board of public works of said city shall recommend the same, to cause the southwestern plank road or Ogden avenue, within the present city limits, and any one street connecting said southwestern plank road with Reuben street, from said southwestern plank road or Ogden avenue to Reuben street, to be widened to a width not exceeding one hundred and fifty feet, and to improve the same, as they may see fit.

Damages.

§ 2 Whenever any order is passed by the common council, by virtue hereof, for the widening of said streets as aforesaid, the commissioners of the board of public works shall proceed, forthwith, to ascertain and assess the damages and recompense due the owners of such lands as may be appropriated or condemned for such widening, respectively; and at the same time, to determine what real estate will be benefited by such improvement, and to assess the damages, together with the costs of the proceedings on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel of land, and to collect the same, in the manner so prescribed by the charter of said city for opening or widening streets.

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

APPROVED April 19, 1869.

CHURCHES—INCORPORATED.

In force March 27, 1869. AN ACT to incorporate the First German Evangelical Lutheran St. Paul's Society of the City of Kankakee, Illinois.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John H. Dierking, William Hoyer, Gerhard Volkmann, John Neuls, William Miller and Deedrick Echrich, and all other persons who may hereafter become and shall so remain members of the First German Evangelical Lutheran St. Paul's Society of the city of Kankakee, Illinois, shall be and they are hereby created a body politic and corporate, by the said name of "First German Evangelical Lutheran St. Paul's Society of the City of Kankakee, Illinois;" and, by that name, shall have perpetual secession, and capable of being sued and to sue, to plead and be impleaded, answer and answered unto, defend and be defended, in all courts and places whatsoever; and may have a common seal, and alter same at pleasure; and make a constitution and by-laws, not repugnant to the constitution of this state or of the United States, as shall, from time [to time,] in its judgment, be necessary and proper, and alter the same, whenever said corporation may deem it proper; and, may annex to the breach of such constitution or of any one or more of the by-laws, or any part thereof, such penalty, by dismission or expulsion, as said corporation may deem fit.</p>
Name and style.	
Misconduct.	
Object's of the corporation.	<p>§ 2. The chief object of said corporation shall be the promotion of the christian religion—the Augsburg Confession to be the rule of faith of said corporation.</p>
May purchase, hold and convey property.	<p>§ 3. The said corporation may acquire, by gift, grant, bequest, devise, or purchase real or personal property, not exceeding the sum of thirty thousand dollars, owned by it at any time; and may use, hold, lease, mortgage, encumber, alien, sell, grant, release and convey, in fee or for a lesser estate, all such real and personal estate.</p>
Liability of members.	<p>§ 4. The members of the corporation shall be liable to pay to the said corporation such moneys, at such time as may be fixed on by any of its by-laws existing at the time of their becoming members; and, upon a failure to pay the same, may be proceeded against by suit, in the name of the corporation; or their membership and interest in the corporation may be declared forfeited, at the discretion of said corporation.</p>
	<p>§ 5. This act shall be a public act, and be in force from and after its passage.</p>
	<p>APPROVED March 27, 1869.</p>

AN ACT to incorporate St. Peter's Church, and for other purposes.

In force March
26, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the congregation and society, heretofore known as St. Lawrence's Church of the City of Quincy, is hereby created a body corporate, by the style of "St. Peter's Church;" and, by that name, shall have corporate existence; may have and use a corporate seal, and sue and be sued, in all courts; and shall have all the powers of religious societies incorporated under the general laws of this state.

Corporate
powers.

§ 2. Said congregation, at a meeting thereof, to be called by its pastor, by notice of not less than three days, to be given at any regular meeting of said congregation, or by publication thereof for three days in a daily newspaper published in said city of Quincy, is hereby empowered to elect from its number, four persons, to be known as trustees, who, together with the pastor of said church for the time being, (said pastor being a trustee, *ex officio*,) shall constitute the board of trustees. Said four trustees shall hold their offices for one year and until their successors are elected; and four trustees shall be elected annually, at a meeting called for that purpose, by the board of trustees.

Election of
trustees.

§ 3. Said trustees, or a majority of them, are hereby empowered to contract with any person or persons for the leasing to such person or persons, upon such terms as may be agreed upon, of any number, not exceeding forty-five (45), of the pews of the church building, now in process of erection by said congregation on lot one (1), in block eight (8), in Wheelock's addition to said city of Quincy; such leases may be for any number of years, not exceeding twenty (20), from the time of the completion of said church building, or from the time the same shall be used and occupied for purposes of religious worship. And all such leases shall be valid, and shall vest in the respective lessees, and their heirs and assigns, the right to the exclusive use and occupation, on all occasions of religious worship, of the pew or pews so leased to them, respectively, for and during the term for which said leases shall respectively be made, free and clear of any charge, rent or claim on the part of any person, persons or authority, on account of any such use or occupation.

Leasing pews.

§ 4. All moneys and property received by said trustees, for or on account of any such contract or lease, shall be faithfully appropriated to the erection and completion of said church building.

Money, etc.,
how applied.

§ 5. This act shall be in force from and after its passage, and shall continue in force so long as any contract, lease or obligation made for or on account of any moneys advanced or paid to aid in the construction of said church

When act to
take effect.

building shall remain unperformed or unsatisfied; and whenever all such contracts, leases and obligations shall be fully performed, ended and satisfied, then this act shall cease and become inoperative, to all intents and purposes.

APPROVED March 27, 1869.

CHURCHES—NEW PRIVILEGES.

In force March 25, 1869. AN ACT to enable the First Congregational Church and Society of Geneseo to amend their articles of association.

Alter articles of association. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the First Congregational Church and Society of Geneseo shall have power to alter or amend their articles of association, by a vote of two-thirds of the members thereof attending and voting at any regular meeting thereof: *Provided*, public notice shall have been previously given from the pulpit, of not less than one week, previous to such meeting, that a motion to alter or amend said articles of association will be made at such meeting.

§ 2. This act to be in force from and after its passage.
APPROVED March 25, 1869.

In force March 27, 1869. AN ACT to recognize the trustees of the Methodist Episcopal Church of Atlanta, Logan county, Illinois.

Organization. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of the Methodist Episcopal Church of Atlanta, in the county of Logan, and state of Illinois, are hereby recognized as a body corporate and politic; and all real estate and personal property held for, conveyed, assigned or otherwise granted to the trustees of the Methodist Episcopal Church of Atlanta, in the county of Logan, is hereby confirmed to said trustees, their successors and assigns, as property is held, owned and enjoyed by other corporations of a similar kind, for the use of said Methodist Episcopal Church, in accordance with the terms of said grants and conveyances.

§ 2. The Methodist Episcopal Church of Atlanta, in Logan county, may, by the legal voters thereof, elect, every five years, successors to the present trustees of said Methodist Episcopal Church, in accordance with the by-laws of said Methodist Episcopal Church; which said trustees, so elected, shall be the successors of the present board of trustees, and shall be vested with all the powers hereby confirmed to said trustees of the said Methodist Episcopal Church of Atlanta, in the county of Logan, and state of Illinois. Election of trustees.

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

APPROVED March 27, 1869.

AN ACT to change the name of the First Presbyterian Society of Galesburg. In force March 25, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the religious society of Galesburg, in Knox county, in the state of Illinois, known and designated as "The First Presbyterian Society of Galesburg," shall be and the same is hereby changed to "The Society of the First Church of Galesburg." Change name.

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

APPROVED March 25, 1869.

CITIES—ELECTIONS.

AN ACT to enable the people of the city of Aurora, in the county of Kane, and state of Illinois, to hold their annual elect on the first Tuesday in March, A.D. 1869. In force Feb. 19, 1869.

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 Aurora, in the county of Kane, and state of Illinois, shall, at some regularly called meeting thereof, prior to the annual election on the first Tuesday of March, A.D. 1869, appoint judges of election for each ward of the said city of Aurora; and the said judges, Judges of election.

Registration
legal and valid.

so appointed, shall have full power and authority to proceed, at once, and make a registration of the electors in their respective wards; and such registration shall be as legal and valid as though the provisions of the registry laws had been fully complied with. And the annual city election for said city, for the year A.D. 1869, shall be held on the first Tuesday of March, A.D. 1869, under the registration made in compliance with this act; and said election shall be as valid and effectual as though the judges or inspectors had been appointed in time, and registration made under and in accordance with the first section of an act, passed February 15, A.D. 1865, entitled "An act for the registry of electors, and to prevent fraudulent voting."

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

APPROVED February 19, 1869.

In force Feb. 24, 1869. AN ACT to enable the people of the city of Elgin, in the county of Kane, and state of Illinois, to hold their annual elections on the first Monday in March, A.D. 1869.

Judges of elec-
tion.

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 Elgin, in the county of Kane, and state of Illinois, shall, at some regular called meeting thereof, prior to the annual election on the first Monday of March, A.D. 1869, appoint judges of election for each ward of the said city of Elgin; and the said judges, so appointed, shall have full power and authority to proceed, at once, and make a registration of the electors in their respective wards; and such registration shall be as legal and valid as though the provisions of the registry laws had been fully complied with. And the annual city election for said city, for the year A.D. 1869, shall be held on the first Monday of March, A.D. 1869, under the registration made in compliance with this act; and said election shall be as valid and effectual as though the judges or inspectors had been appointed in time, and registration made under and in accordance with the first section of an act, approved February 15th, A.D. 1865, entitled "An act for the registry of electors, and to prevent fraudulent voting."

Registration
legal and valid.

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

APPROVED February 24, 1869.

CITIES—INCORPORATED.

AN ACT to incorporate the city of Arcola, in Douglas county, and for In force April
other purposes. 15, 1869.

ARTICLE I

OF THE BOUNDARIES.

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 Arcola, in the county of Douglas, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Arcola;" 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 and change the same at pleasure. Name and style.

§ 2. The following district of country shall be included within the boundaries of said city of Arcola, to wit: The north-east quarter and the south half of section number four, and the north half of section number nine, and the north half of the south-west quarter of section number three—all in township number fourteen north, range number eight east of the third principal meridian. Boundaries.

§ 3. Any tract of land, adjoining said city of Arcola, which may hereafter be laid off into town lots and duly recorded, shall be annexed to and form a part of the city of Arcola. Additions.

§ 4. The inhabitants of said city, by the name and style of "The City of Arcola," shall have power to purchase and hold both real and personal property in said city; and to purchase and hold real property beyond the limits of said city, for burial grounds for the use of the inhabitants of the city; and to sell, lease and improve property, both real and personal, for the use of said city; and to do all things in relation thereto as natural persons. Corporate powers.

ARTICLE II.

OF THE CITY COUNCIL.

SECTION 1. There shall be a city council, to consist of a mayor and four councilmen. Mayor and city council.

§ 2. The board of councilmen shall be elected by the qualified voters of the city, and shall serve for one year.

§ 3. No person shall be a member of the city council who is not, at the time of his election, a resident of the city, twenty-one years of age, a citizen of the United Qualifications of members.

States, or who shall not, at the time of his election, have been a resident of the state twelve months, and be a freeholder of said city.

Contested election. § 4. The city council shall judge of the qualifications, election and return of its own members, and shall determine all contested elections; and a majority shall constitute a quorum.

Rule of proceedings. § 5. The city council shall have power to determine the rules of its proceedings; punish its members for disorderly conduct; shall keep a journal of its proceedings; and the yeas and nays shall be entered on the journal when demanded by any member.

Vacancies. § 6. All vacancies that may occur in the city council during the year shall be filled by the council.

Oath of office. § 7. The mayor and council shall take an oath, before entering upon the duties of office, that they will well and truly perform the duties of their office, to the best of their skill and abilities, and such other oaths as the constitution and laws of the state may require.

Meetings. § 8. The city council shall meet at such times and places as may be prescribed by ordinance: *Provided*, that the said council shall meet at least once in each month, and that the mayor and any one member shall have the power to call a special meeting of the council.

ARTICLE III.

OF THE MAYOR.

Mayor. SECTION 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 two years, and until his successor shall be elected and qualified.

Qualification. § 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, who shall not be at least twenty-five years of age, who shall not be a citizen of the United States, and who shall not be a freeholder in said city.

Vacancies. § 3. Whenever any vacancy shall occur in the office of mayor, it shall be filled by election; and in all contests as to the election of mayor, the council shall decide.

Duty of mayor. § 4. The mayor shall preside at all meetings of the council, and shall have the casting vote only; and in case of his absence, a chairman *pro tem.* shall be appointed by the council.

Enforce ordinances. § 5. The mayor is hereby authorized to call on all able-bodied male inhabitants of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances; and any person who shall not obey such call shall forfeit and pay to the city a fine not exceeding ten dollars.

§ 6. The mayor shall be conservator of the peace of said city; shall have power, generally, to administer oaths and to issue writs of process under the seal of the city; to take depositions, the 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, and he shall receive for such services the same fees as the clerk of the circuit court. Jurisdiction.

§ 7. He shall have exclusive jurisdiction in all cases arising under this charter and the ordinances of the city, and concurrent jurisdiction with justices of the peace of Douglas county; and for such services he shall receive the same compensation as justices of the peace: *Provided*, the city council may designate a justice of the peace, residing in said city, who shall have concurrent jurisdiction with the mayor. Compensation.

§ 8. In case the mayor shall be guilty of a willful and palpable omission, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of his duties, he shall be liable to indictment in the circuit court of Douglas county, and, upon conviction, shall be fined not exceeding two hundred dollars; and the court shall have power, upon recommendation of the jury who may try said indictment, to add to the judgment of the court, that he be removed from office. Removal from office.

§ 9. In all cases before the mayor, arising by ordinance or otherwise, appeals shall be allowed to the circuit court of Douglas county, in the same manner as in similar cases before justices of the peace. Appeal taken.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

SECTION 1. The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one per centum upon the value thereof, and may enforce the payment thereof by ordinance not inconsistent with the constitution and laws of this state; and the term "property," as used in this act, shall be construed to mean the same as the word "property," as used in the general revenue laws of this state. Levy taxes.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor, collector, and all other officers that may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof: *Provided*, that the treasurer may be *ex officio* assessor, and the marshal may be *ex officio* collector, and also *ex officio* supervisor. Appointment of officers.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with Bonds.

sufficient penalty and security; and also to take an oath for the faithful discharge of their duties.

Appropriations. § 4. To appropriate money, and provide for the payment of the debts and expenses of the city.

Contagious diseases. § 5. To make all necessary regulations to secure the health of the inhabitants of the city, to declare what shall be a nuisance, and to prevent and remove the same.

Provide water. § 6. To provide the city with water, to dig wells and cisterns, and to erect hydrants and pumps in the street, for the convenience of the public.

Streets and alleys. § 7. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, squares, lanes, avenues and alleys.

Bridges. § 8. To erect and keep in repair bridges; to provide for lighting the streets and erecting lamp posts.

Police, etc. § 9. To establish, maintain and regulate night watches.

Markets. § 10. To establish markets, erect market houses and places, and provide for the government and regulation of the same.

Buildings. § 11. To provide for the erection of all needful buildings for the use of the city.

Public grounds. § 12. To provide for inclosing, improving and regulating all public grounds belonging to the city.

Merchants, peddlers, etc. § 13. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers, brokers, pawn-brokers and money changers.

Vehicles. § 14. 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. § 15. To license and regulate porters.

Exhibitions. § 16. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Tippling houses § 17. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 18. To suppress gaming of all kinds, and to authorize the destruction of all implements and devices used for the purpose of gaming.

Fires, etc. § 19. To provide for the prevention and extinguishment of fires, and to establish fire companies.

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

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

Weights and measures. § 22. No establish standard weights and measures, and regulate the same, to be used in the city, not repugnant to the laws of this state.

§ 23. To provide for the inspection and measurement of lumber and other building materials.

§ 24. To provide for the inspection and weighing of hay, stone coal, and the measurement of charcoal and fire wood.

§ 25. To provide for the inspection of beef, pork, flour, meal, butter, lard and other provisions.

§ 26. To provide for taking the enumeration of the Census. inhabitants of the city.

§ 27. To regulate the size of brick to be used and sold Bricks. in the city.

§ 28. To divide the city into wards, and specify the Boundaries, city boundaries thereof, and create additional wards as occasion may require.

§ 29. To license, tax, regulate, suppress and prohibit Liquors. the sale or giving away of spirituous, vinous, mixed, malt and intoxicating liquors within the city; and to restrain, regulate and prohibit the selling, bartering or giving away of any intoxicating, malt or mixed liquors, by any person within said city, or within one mile of said city limits, except by persons duly licensed; and to provide for the searching for, seizing and destruction of all such intoxicating, fermented, mixed or malt liquors, within the city and within such distance, and to forbid and punish the selling, bartering or giving away of any such liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress: *Provided*, that no license for the sale of spirituous, mixed or malt liquors be granted for a longer time than one year, nor shall the same be granted to extend beyond the term of office of the members of the city council granting the same.

§ 30. To compel the occupant of any grocery, cellar, Nuisances. tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

§ 31. To prevent and punish forestalling and regrating, Frauds. and to prevent and restrain every kind of fraudulent device and practice.

§ 32. To prevent any riot or noise, disturbance or disorderly assemblage, and punish persons guilty of assaults, Riots, etc. assaults and batteries and affrays.

§ 33. To prevent immoderate riding or driving in the Fast driving. streets, to punish and prohibit the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing on the streets or otherwheres in the city.

§ 34. To prevent the encumbering and obstruction of Encumbering streets. the streets, lanes, avenues, alleys and public grounds.

§ 35. To restrain and regulate or prohibit the running Stock at large. at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the restraining and sale of the same,

for the penalty incurred and the costs of proceedings; and also to impose penalties upon the owners of any such animals, for a violation of any ordinance in relation thereto.

Dogs at large. § 37. To prevent and regulate the running at large of dogs; to tax and authorize the destruction of the same, when at large contrary to ordinance.

Shade trees. § 38. To direct and regulate the planting and preserving of shade and ornamental trees in the streets and public grounds.

Construct drains. § 39. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private sinks and privies; direct and regulate their construction, and cause the expenses to be collected out of the property.

House of refuge. § 40. To erect city prisons, houses of refuge and hospitals, and regulate the same.

Provide for duty of officers. § 41. To regulate the election of city officers, to define their duties, and provide for the removal from office of any person holding an office by ordinance, and to fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or under any ordinance.

Railroads. § 42. To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches, sewers and culverts, where the city council may deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines, within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for the same.

Regulate police. § 43. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the appropriation and recovery of such fines and forfeitures and the enforcement of such penalties.

Ordinances. § 44. The city council shall have power to make all ordinances which shall be necessary and proper to carry into execution the powers specified in this act, and which may be necessary for the good government and general health and improvement of the city, not repugnant to the constitution of this state.

§ 45. The style of the ordinances shall be: "*Be it ordained by the City Council of the City of Arcola.*"

§ 46. All moneys collected under the city ordinances shall be deemed and taken to belong to the city, and shall be appropriated and disposed of by the council, for the use of the city. Disposition of moneys.

§ 47. All ordinances, within one month after their passage, shall be published, by insertion in some newspaper in said city, or by posting up in three public places thereof, and shall not be in force till after such publication; and the affidavit of the town clerk that such publication has been made shall be sufficient evidence of that fact, in all legal proceedings. Publication of ordinances.

§ 48. All ordinances of the corporation may be proved by the seal thereof, and when printed in book or pamphlet form, and purporting to be printed by the authority of the corporation, or when shown, with the seal of the corporation attached thereto, the same shall be received in evidence in all courts and places without further proof. Proof of.

§ 49. The city council, for the purpose of guarding against the calamity of fire, shall have power to prohibit the erection, placing or repairing wooden buildings within the limits prescribed by them, without their permission and direction, and prescribe that all buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require or cause the same to be removed or abated, in such manner as they shall prescribe: *Provided*, that said city council shall pay for all buildings so taken or declared nuisances. Wooden buildings.

§ 50. To regulate and prescribe the manner and order the building of parapet and partition walls and partition fences. Parapet walls.

§ 51. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles, etc.

§ 52. The city council shall have power to borrow money on the credit of the city, and issue bonds therefor with or without coupons attached; but no sum of money shall be borrowed at a higher rate of interest than ten per cent. per annum, nor shall a greater sum or sums be borrowed or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the May borrow money and issue bonds.

year immediately preceding, and no bonds shall be issued or negotiated at less than par value.

ARTICLE V.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council of said city shall have power, from time to time, to cause any street, alley, avenue or highway, or a portion of any street, alley, avenue or highway, in said city to be filled, refilled, graded, leveled, paved, planked, graveled, macadamized or repaired, and to alter and change the grade of the same, and to cause sidewalks and crosswalks to be constructed, reconstructed and repaired on said streets and avenues; and to erect lamp posts and lamps thereon, and to assess and collect the expenses and cost of the same, together with the expenses of collection, from the real property benefited thereby, to the extent of the benefit so conferred by such improvement; the balance of the cost of such improvement to be paid out of any moneys in the treasury of the city not otherwise appropriated, or by general assessment; said assessment and collection to be made as the city council may by ordinance direct: *Provided*, the owners of two-thirds of the lots fronting or abutting on said improvements shall petition for the same, or said improvements shall be ordered by a majority of all the members elected to the city council: *And, provided, also*, that the owner or owners of any lot fronting or abutting on said improvement, shall have the right for thirty days after the publication of the ordinance of the city council authorizing the same, to fill, grade, pave or plank the street or avenue, or construct or repair the sidewalk in front of his or their own lot or lots to the satisfaction of the city council, and receive appropriate credit therefor. The city council may cause the improvements in this section authorized to be made and paid for out of any money in the treasury at their disposal, and afterwards cause the expense thereof, with the cost of collection, to be reimbursed by a special assessment as in other cases; and where such improvements have been already made, and paid for in whole or in part by the city, the expenses thereof may be reimbursed by similar special assessments.

Expense and
cost of nuisance

§ 2. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section; such expenses may, likewise, be collected of the owner or occupant of such premises, in a suit for money expended to their use; and in case the same shall not be chargeable to any real estate, suit may, in like manner, be brought for such expenses, against the author of such nui-

sance, if known, or any person whose duty it may be to remove or abate the same.

ARTICLE VI.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

SECTION 1. The city council shall have power to open Public grounds. and lay out public grounds or squares, streets, alleys and highways; and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway; they shall cause all streets, alleys, highways, public grounds or squares laid out by them, to be surveyed, described and recorded, in a book to be kept by the register, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened in conformity to law, shall be public highways and grounds.

§ 2. Whenever any street, alley, highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall cause notice in writing, signed by the city clerk, to be given to the owner of the land intended to be appropriated, if such owner be a resident of the city, or if he be a non-resident of the city, then he shall be notified by publication in the paper publishing the city ordinances, of such intention to appropriate; and at the next regular meeting of the council after service of such notice, if by copy, or after the first publication, in case of non-resident owner, provided ten days' notice shall be given as aforesaid, the council shall, at its usual place of meeting, choose, by ballot, three disinterested freeholders residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the councilmen authorized by law to be elected, shall be necessary to a choice of such commissioners. Compensation for land taken.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities; before entering upon their duties they shall give at least ten days' notice to all persons interested of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given personally if the owners are residents, or by publication in the newspaper publishing the ordinances of the Duty of commissioners.

city, if non-residents or unknown ; and on the day specified in such notice they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Damages for
the removal of
buildings.

§ 4. If there should be any buildings standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the value of such building, and the land proposed to be taken, together with compensation for the inconvenience to such owner, resulting from the taking of the same ; and secondly, they shall estimate the value of the materials in said building, less the expense of removing the same.

Notice to owner

§ 5. At least ten days' notice shall be given, as hereinabove directed, to such owner or owners, of such valuation and assessment, as also to each person assessed as benefited. Such notice shall specify the building or buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or otherwise give notice to the commissioners, of their election, either to accept the award of the commissioners and allow such building or buildings to be taken with the land condemned or appropriated, or to receive such materials at their assessed value and remove the same. If the owner shall elect to remove such building, he shall have such reasonable time therefor as the council may direct, not less than sixty days.

When owner
refuses to take
valuation.

§ 6. If the owner of the building shall refuse to take the same at the appraised value of the materials fixed by the commissioners as aforesaid, or fails to give notice of his election as aforesaid, within the time prescribed, the city council shall, after the return and confirmation of the report of the commissioners, have power to direct the sale of such building at public auction, for cash or on credit, giving twenty days' public notice of such sale, as is required by law in sales under execution. The proceeds of such sale shall, when received, be paid into the city treasury.

Benefits and
advantages as-
sessed.

§ 7. In making assessments as aforesaid, commissioners shall estimate the value of property, damages and injury to the owner thereof on the one hand, and benefits and advantages, if any, on the other ; and if the damages to any person be greater than benefit received, or if the benefit be greater than the damages, in either case the commissioners shall strike balance 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 collected or payable, as the case may be.

Leases and
mortgages.

§ 8. If the lands and buildings belonging to different persons, or if the lands be subject to lease or mortgage, the injury done to such persons respectively, shall be awarded

to them by the commissioners, less the benefits, if any, resulting to them respectively from such improvements.

§ 9. Having ascertained the damages and expenses of such improvements as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited in proportion to the benefit resulting from the improvements as nearly as may be, and shall describe the real estate upon which their assessment may be made, having first given such owner or owners of property assessed as benefited, notice of the time and place of making such apportionment as hereinabove directed, and when completed the commissioners shall sign and return the same to the city council, within forty days of their appointment; and the city clerk shall, upon the filing of the same in his office as aforesaid, within five days thereafter, give notice as aforesaid to the parties in interest, that such assessment has been returned, and that on the day specified in such notice, the said assessment will be confirmed by the city council, unless objection thereto is made by some party interested therein.

Apportionment
of damages.

§ 10. Objections, if made to such assessments, shall be heard by the council, and it may adjourn the consideration thereof, from day to day. The council shall have power, in its discretion, to alter, confirm or amend the assessments 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. 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 notice as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers, in relation to any subsequent determination, as are herein given in relation to the first.

Objections.

Confirmation.

§ 11. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed or refuse, neglect or are unable from any cause to serve.

Removal of
commissioners.

§ 12. The lands required to be taken for the making, opening, widening, straightening or altering any streets, alleys or other highways, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent—or, in case such owner or his agent cannot be found within the city, deposited to his or their credit, in some safe place of deposit other than the hands of the city treasurer—notice of such place of deposit, and with whom made, to be given to the party entitled to the funds, if known; and the city shall in all

Possession and
appropriation of

cases be held responsible for the solvency of the depository at the time of making the deposits; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways, for public grounds, may be made or opened.

Appeals, how
taken.

§ 13. Any person interested may appeal from any final order of the city council opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of Douglas county, by notice in writing to the mayor, at any time before the expiration of twenty days after the passage of such final order. In case of an appeal the city council shall, within thirty days after the notice thereof given, make return and file in the office of the clerk of the said circuit court a full and complete transcript of all proceedings and records had before the council and on file in the city clerk's office in reference to said street, alley or other public ground or highway, which transcript shall be certified by the city clerk under the corporate seal, and the said court shall proceed as in other cases to try and determine such appeal; an appeal or writ of error may be had and prosecuted from the judgment of the circuit court in every such cause. Upon the trial of such appeal all questions involved in such proceedings, including the damages for and upon property taken or benefited, shall be, at the instance of either party, submitted to a jury as in any case at law, and the burden of proof shall in all cases be upon the city, to show that the proceedings had are in conformity to this act.

Infants.

§ 14. Whenever any known owner or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Douglas county, the county judge of said county, or any judge of the supreme court may, upon 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 and such infant.

ARTICLE VII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessments,
lists of.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors; they may also make such rules and give such directions, in relation to the altering, revising or adding to the lists, as they may deem proper or expedient.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday of August in each year, but the time may be extended by order of the city council. The city council upon the return of such assessment lists shall fix a day for hearing objections thereto, and the city clerk shall give notice of the time and place of such hearing, by publication in a newspaper published in said city, or by posting up three written or printed notices in public places in the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The council shall have power to supply omissions in the assessment lists, and for the purpose of equalizing the same to alter, add to or take from and otherwise correct and revise the same, or to refer it back to the assessor, with instruction to revise and correct the same.

Time of returns

Omissions.

§ 3. When the assessment lists have been corrected and revised they shall be filed in the office of the city clerk, and an order confirming said lists as revised and corrected shall be passed by the city council and entered by the city clerk. The city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage. The city council shall thereupon pass an order, which shall be entered by the city clerk, directing the issuance by said clerk of the warrant for the collection of the taxes so levied and assessed, and which said warrant shall be signed by the mayor and city clerk, and shall have the corporate seal of the city impressed thereon.

Confirmation of

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall effect the lien; and personal property belonging to the debtor, may be taken and sold for the payment of taxes on real and personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of the state: *Provided*, that in case of the collection of any assessments shall be delayed by any judicial proceedings, the same shall continue a lien, unless set aside upon the real estate for the term of two years from and after the final disposition of such judicial proceedings.

Taxes, a lien.

May be sold
taxes.

True copy of
assessment.

§ 5. The city clerk shall prepare a true and correct copy of the assessment lists so filed, in which the taxes levied shall be set down opposite the respective names of the persons or real estate subject thereto.

Warrant's to be
issued.

§ 6. To each copy of such assessment lists, so made by the city clerk aforesaid, he shall annex the warrant issued and signed as aforesaid, which said warrant shall command the collector to collect the several amounts specified in the assessment lists of and from the persons and real estate respectively named and described in such copy. The copy of the corrected lists, with said warrant annexed, shall be delivered by the city clerk to the collector for collection, within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said tax, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, ten days' notice, published in said city, or by posting up three written or printed notices in said city in public places, by the collector, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's lists shall in all cases be evidence on the part of the corporation.

May collect tax
by suit.

Manner of.

§ 7. All taxes and assessments, general or special, shall be collected by the city collector in the manner and with the same authority and power as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities, in case of fault or misconduct, shall be the same prescribed by law in regard to county collectors: *Provided*, that the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

General or spe-
cial tax.

§ 8. Whenever the city council shall, by ordinance, resolution or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate for the purpose of improvement of any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give ten days' notice by publication in a newspaper published in the city, or by posting up written or printed notices in three public places in said city, and said notices may include one or more parcels of real estate, so that all the parcels of real estate that taxes have not been paid upon may be included in one and the same notice, that he will apply to the county court of Douglas county for the purpose of obtaining judgment against such delinquent lot or parcel of real estate for the amount of taxes or assessments and costs due and unpaid;

Notice by pub-
lication.

and the county court shall hear and determine and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of state and county taxes; and the county court shall issue its precepts or order to the collector of the city, directing him to sell said real estate at public auction, at the time and place that is or may be designated by ordinance, to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court, and the time and place of the sale of said real estate.

Court shall issue precepts.

§ 9. All sales of real estate shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the city clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem shall expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The city clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Manner of conducting.

Fees of collector

§ 10. The right of redemption in all cases from sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for county and state taxes, on the payment of double the amount for which the land was sold; and all taxes accruing subsequent to the sale, with ten per cent. interest. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the city treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, and upon proof being made by the holder of said certificate of a full compliance with the constitutional requirement, and the laws of the state, made in pursuance thereof, imposing conditions for the making of deeds for lands sold for taxes, direct a deed to be executed to the purchaser under the corporate seal, signed by the mayor or presiding officer of the city council, and counter-

Rights of redemption.

Deeds under corporate seal.

signed by the city clerk, conveying to the purchaser the premises, and unredeemed as aforesaid. An abstract of all deeds so made and delivered, shall be entered by the city clerk in a book wherein tax sales are recorded. A fee of one dollar may be charged by the city clerk for any deed so issued.

Tax certificate. § 11. The assignee of any tax certificate of any premises, sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Sale of to city. § 12. If at any sale of personal property, or real estate, for taxes or assessments, no bid shall be made for any parcel of land or personal property, the same shall be struck off to the city, and thereafter the city shall be the sole owner of said personal property, and the city shall receive, in the corporate name, a certificate of the sale of said real estate so struck off to it, and the city clerk shall give all notices, and make affidavit of the service of the same for and in behalf of the city, as is required of other purchasers; and if the said real estate shall not be redeemed within two years from the date of said sale, upon proof of service of notice as above, the mayor and city clerk shall make a deed to the city for the same, as in case of individuals.

Evidence. § 13. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts: First, that the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law. Second, that the taxes or assessments were not paid any time before the sale. Third, that the land conveyed had not been redeemed from the sale at the date; and shall be conclusive evidence of the following facts: 1st, that the land or lot was advertised for sale for the length of time and in the manner required by law. 2d, that the land was sold for taxes or assessments, as stated in the deed. 3d, that the grantee in the deed was the purchaser. 4th, that the sale was conducted in the manner required by law, and in all controversies and suits involving the title to the land claimed and held under and by virtue of such deed, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said lands had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having

the right of redemption under the laws. But no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States, or this state after the sale.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All male inhabitants of said city, over the age of twenty-one years, may be required to labor on the streets, lanes, avenues and alleys, not exceeding four days in each year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the city. Labor on the streets and alleys.

§ 2. The city council shall have power to provide, by ordinance, for the punishment of any offender, by imprisonment in the county jail or city prison, in any case, upon a failure to pay fines and forfeitures and penalties, as provided by this act or by ordinance; and the city council is hereby authorized to use the county jail for that purpose. Punishment of offenders.

§ 3. The city council shall have power to compel persons, upon a failure to pay fines, forfeitures and penalties, to labor on the streets, lanes, avenues and alleys of said city at the rate of two dollars per day, till such fine, forfeiture or penalty, and the costs of proceeding, is paid. Penalties, fines.

§ 4. Fines, forfeitures and penalties shall be recovered in an action of debt in the corporate name; the first process shall be a summons, unless affidavit [is] made of the truth of the charge, when a warrant may issue to bring the defendant forthwith before the mayor or justice of the peace for trial. Warrant issued.

§ 5. The mayor and marshal, and other officers of the city authorized by ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of the city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath, in the watch-house or other safe place, till they can be brought before the mayor or justice of the peace. Arrests.

§ 6. Execution may issue immediately on the rendition of the judgment. If the defendant, when called upon, fails to give up goods or chattels or real estate, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or work-house, or city prison, for a term not exceeding six months; and all persons committed under this section shall be confined one day for each two dollars of such judgment and costs. Executions

- Survey and plat. § 7. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional pieces of ground, or lots, or blocks, in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots and pieces of ground; and to mark, declare and establish the names and boundaries of streets and alleys.
- Ordinances to be in full force. § 8. All ordinances heretofore passed and unrepealed, or that may be passed by the president and trustees of the town of Arcola, shall remain in full force until repealed by the city council.
- Fines and forfeitures. § 9. All rights, actions, fines, forfeitures and penalties, in suit or otherwise, which have accrued to the president and trustees of the town of Arcola, shall be vested in and prosecuted by the corporation hereby created.
- No person disqualified. § 10. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in said city, in any action or proceeding in which the city may be a party in interest.
- Property vested in corporation. § 11. All property, real and personal, belonging to the president and trustees of the town of Arcola, is hereby vested in the corporation created by this act.
- Act valid. § 12. This act is hereby declared a public act, and shall be read in all courts and places without proof.
- Jurisdiction of marshal. § 13. The city marshal, or any officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same within the limits of Douglas county.
- Jurisdiction of justice of peace. § 14. Until a mayor shall be elected and qualified under this act, suits and actions in favor of the corporation may be commenced and prosecuted before any justice of the peace of Douglas county.
- Organization of city council. § 15. The present president and trustees of the town of Arcola, as now incorporated, shall constitute the mayor and city council of the city of Arcola, until the first Monday of May, 1869, and until their successors are elected and qualified, with all the powers of the mayor and city council conferred by this act, except the judicial power of the mayor. On the first Monday of May, 1869, and on the first Monday of May in every year thereafter, an election shall be held for four councilmen of said city, who shall hold their office for one year, and until their successors are elected and qualified. The clerk shall give ten days' notice of the time and [place] of election, by publication in some newspaper published in the city, or by posting up notices in three public places in said city.
- Mayor, term of office. § 16. At the time provided for the first election of councilmen, the mayor shall be elected, who shall hold his office

for two years, and until his successor is elected and qualified. Returns of the election of mayor shall be made as provided by law in relation to justices of the peace, and he shall give bond and be commissioned by the governor as other justices of the peace. Notice shall be given for the election of mayor in the same manner as for councilmen.

§ 17. The act entitled "An act for the registry of electors and to prevent fraudulent voting," approved February 15th, 1865, so far as the registry of electors is concerned, shall not apply to the city of Arcola. No person shall be allowed to vote at any city election in said city, unless he shall be a legal voter under the laws of the state, and shall have resided in said city sixty days next preceding said election. Act not to apply

§ 18. This act shall not invalidate any legal act done by the president and trustees of the town of Arcola, or by its officers; and the city council shall proceed to collect all taxes heretofore levied and assessments made by the president and trustees of the town of Arcola, under the charter and ordinances of the same, as fully and completely, and in the same manner, as said president and trustees might or should do if this act had never been passed; and the present officers of said town of Arcola shall be the officers of the city of Arcola, until the successors of the city council are elected and qualified, unless sooner removed by said city council. Power of president and trustees.

§ 19. This act to be in force from and after its passage. IN FORCE April 15, 1869.

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

EDWARD RUMMEL, Sec'y of State.

AN ACT to incorporate the city of Atlanta, in the county of Logan, and State of Illinois. In force when submitted to legal voters.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Boundaries.
district of country, in Logan county, and state of Illinois, and embraced within the following limits, to-wit: The south half of the southeast quarter, and the south half of the southwest quarter of section seventeen, and all of section twenty, in township twenty-one north, of range one west of the third principal meridian, embracing the present corporate limits of the town of Atlanta, is hereby created into a city, by the name of the "City of Atlanta."

Name and style. § 2. The inhabitants of said city shall be a corporation, by the name of "City of Atlanta;" and, by that name, shall have perpetual succession, sue and be sued, complain and defend, in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal and mixed estate, as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same, for the benefit of the city.

Wards § 3. The city of Atlanta shall be divided into three (3) wards, which shall be as follows: The first ward shall include all that section of said city, embraced within the said corporate limits of said city, and shall be bounded and described as follows, to-wit: Commencing at the point where the Chicago and Alton Railroad crosses the west boundary of said city; thence northeast, along the center of said railroad, to the east line of said city; thence south, with the east line, to the southeast corner of said city; thence west, with the south line, to the southwest corner of said city; thence north to the place of beginning. The boundaries of the second ward shall be as follows, to-wit: Beginning at the point where the boundaries of the first ward commence; thence running north to the northwest corner of said city, to the center of a road, at a point directly north of the center of Broadway street; thence south, with the center of said street, to the center of Vine and Broadway streets; thence, in a straight line, southeast, with the center of Vine street, to the west line of the first ward; thence southwest, with said line, to place of beginning. The boundaries of the third ward shall be as follows, to-wit: Beginning at the northeast corner of the said city; thence south, with the east line of the said city, to the center of said Chicago and Alton Railroad; thence southwest, along the center of said railroad, to the center of Vine street; thence northwest, with the center of Vine street, to the center of Broadway street; thence north, with the center of Broadway, to the north boundary of said city; thence east, with the north boundary, of said city, to the place of beginning. The boundaries of said wards may be, by the city council, changed from time to time; and the city council may create additional wards, as occasion may require, and fix the boundaries of the same.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Government. SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and one alderman from each ward. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city collector and assessor,

Officers.

at least one justice of the peace, a city street commissioner, and a city surveyor, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance.

§ 2. All officers to be elected or appointed under this act, except such as are otherwise provided, shall hold their office one year and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise provided for, shall be appointed by the city council, by ballot, on the first Monday of April in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council. All officers elected to fill vacancies, where specially provided for, shall hold for the unexpired term only, and when appointed to fill vacancies, until the next general election or appointment and qualification of their successors.

Term of office.

§ 3. The several wards in the city shall be represented in the city council by one alderman from each ward, who shall be a *bona fide* resident thereof. The aldermen shall hold their offices for one year from and after their election and until the election and qualification of their successors.

Representation.

Division of aldermen.

§ 4. If from any cause there shall not be a quorum of aldermen, the mayor, or on the contingency of his inability to act, the city clerk shall appoint the time and place for holding special election to supply such vacancy or vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If there should be a failure of the people to elect an officer herein required to be elected, the city council shall forthwith order a new election.

Election, when and where held.

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense.

Removal from office.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointments by the city council.

Vacancies, how filled.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act.

Qualification of officeholders.

ARTICLE III.

OF ELECTIONS.

Elections.

SECTION 1. A general election shall be held in each ward of the city on the third Monday of March next, 1869. The time in said day, and the place of such election in each ward shall be determined by the board of trustees of the town of Atlanta, who shall give ten (10) days' notice thereof, posted in two public places in every ward; and they shall also appoint three (3) judges of election for each ward. At such election shall be chosen one mayor by the city at large, and one alderman in each ward (the alderman to be voted for only by the residents of the ward which he is elected to represent), a city clerk, a city marshal, a city collector and assessor, and a city street commissioner. Upon each and every third Monday in March, thereafter, there shall be held a general election for all the officers required to be elected by this act.

Manner of voting.

§ 2. The manner of voting at and conducting the elections held under this act, and contesting the same, the keeping of the poll list, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may be hereafter provided by law for state elections: *Provided*, the city council shall have power to appoint judges thereof. The voting shall be by ballot, and the judges of election shall take the same oath and shall have the same power and authority as the judges of state elections. After the closing of the polls, the ballots shall be counted as provided by law, and the returns shall be made, sealed, to the city clerk within two (2) days after the city election, and thereupon the city council shall meet and canvass the same, and declare the result of said election. The person having the highest number of votes for any office shall be declared elected; and whenever there shall be a tie vote, a new election shall be ordered by the city council. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within ten (10) days after such notice, the office shall become vacant.

Oaths of judges.

Notifications.

Declare result.

At the first election held on the third Monday of March next, the returns shall be made to the clerk of the board of trustees of the town of Atlanta, and the president and trustees thereof shall meet and canvass the same and declare the result of the election.

Who entitled to vote.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at any state election, and who has not been a resident of said city at least three months next preceding said election, and he shall have been, moreover, an actual resident of the ward in which he votes, for ten (10) days previous to such election,

and the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed in this city, and that all the other officers of the city discharge their respective duties, and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. Mayor.

§ 3. He is hereby authorized to call on any and all male inhabitants of the city to aid in enforcing the laws of the state or the ordinances of the city. Enforcing ordinances, etc.

§ 4. He shall have power, whenever he shall deem it necessary to require of any of the officers of the city, an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof. Exhibit books.

§ 5. He shall receive such salary as may be fixed by ordinance. Mayor's salary.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and notice thereof given to the mayor, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolutions to the city council by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the city council shall agree, by the ayes and noes, (which shall be entered upon the journal) to pass the same, it shall go into effect. And if the mayor shall neglect to approve or object to any such proceedings for a longer period than three (3) days after the same shall be placed in the clerk's office, and notice as aforesaid, the same shall go into effect: *Provided*, that a vote passing a resolution or ordinance over the veto of the mayor shall not be taken within one week after the first passage of the resolution or ordinance. He shall, *ex officio*, have power to administer any oath re- Ordinances to be filed.
Returns.

quired to be taken by this act, and certify the same under the seal of the city.

Vacancy in office of mayor.

§ 7. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office or the vacancy shall be filled by a new election.

Fire wardens.

§ 8. The members of the city council shall be, *ex officio*, fire-wardens and conservators of the peace, during their term of office.

Clerk's duties.

§ 9. The clerk shall hold his office for one year. He shall keep the corporate seal and all the papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journal and safely keep all papers duly filed in his office; and transcripts from the journals of the proceedings of the city council, and copies of documents certified by him under the corporate seal, shall be evidence, in all courts, in like manner as if the originals were produced.

Draw warrants.

He shall likewise draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures in such a manner as the city council shall direct, and he shall have power to administer any oath required to be taken by this act.

City attorney.

§ 10. It shall be the duty of the city attorney to perform all professional duties incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council or its committees.

Assessor and collector.

§ 11. The city collector and assessor shall collect taxes and assessments which may be levied by the city council. He shall collect all moneys belonging to the city, and shall pay the same over into the hands of the treasurer, keeping accurate an account of the same.

Treasurer.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and no moneys shall be drawn from the treasury, except in pursuance of an order by the city council and countersigned by the city clerk. The treasurer shall exhibit to the city council, at least thirty (30) days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which shall be filed in the office of the clerk, and published in some newspaper of

said county, or duly posted up at the postoffice of said city.

§ 13. The city marshal shall hold his office for one year, Marshal. and he shall not be eligible to said office for more than three (3) years in succession, and shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license money, fines, or otherwise. He shall possess the power and authority of constable at common law and under the statute of the state, and receive the fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the city council, payable to said city as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof.

§ 14. The assessor and collector shall perform all duties Assessor. in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and shall be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council.

§ 15. The street commissioner shall attend local improvements in the city, and carry into effect all orders of the city council in relation to the same. It shall be his duty to superintend and supervise the opening of streets and alleys and the grading and improving thereof, and the construction and repairing of bridges, culverts and sewers, to order the laying and relaying and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks, when required; and upon the failure of any person to comply with such notice, to cause the same to be laid or relaid or repaired, subject to the provisions hereinafter made; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council. Street commissioner.

§ 16. The city council shall have power, subject to the Further duties and powers of council. express provisions of this act, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the power and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix the compensation of all officers. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Atlanta, in such sum and with such securities as they may approve—

conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all money and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office and remain for the benefit of any person aggrieved by the official act of the officer.

Surveyor.

§ 17. The city council shall also have power to appoint a city engineer or surveyor, and a city treasurer and the necessary number of policemen, and regulate the duties and fix the pay of each.

Commission of officers.

§ 18. All officers elected or appointed shall be commissioned under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

Presiding officer

SECTION 1. The mayor and aldermen shall constitute the city council. They shall meet and organize the first Monday after their election. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

Meetings.

§ 2. The city council shall [hold] twelve (12) stated meetings, one in each month, during the year, and the mayor or any two aldermen may call special meetings of the council, notice to be served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and shall have power to compel the attendance of absent members.

Jurisdiction.

§ 3. The city council shall have control of the finances and of the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance:

May borrow money and issue bonds.

First.—To borrow money on a credit of the city, and issue bonds of the city therefor; but no bond shall be issued having more than five years to run, and there shall never be outstanding bonds to a greater amount than one per cent. of the last assessed value of the real and personal property of the city, unless a majority of the voters of said city authorize them so to do, at an election to be held for that purpose at such time and conducted as the city council shall direct. It shall be the duty of the city council to provide, either by taxation or by the issue of bonds, for the payment of all claims against the city as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand, and shall draw no interest. No appropriation

shall be made for any public building or other improvement, of the general fund of the city, except in such cases as when the city council shall not have authority to provide for the same by special taxation levied on the property benefited thereby, or when the city council shall by resolution declare that it will be unjust and inequitable that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interests of the city. And no appropriation shall be made for any public improvement until the expense of such improvement shall be estimated by the proper officers, and unless it shall be found by such estimate, and a statement of the estimated cost of all other public works in progress, and other probable expenses of the city, that such works can be completed in due time by the ordinary surplus revenue of the city, and the issue of such bonds as the city council is by law authorized to issue.

Expenses of improvement.

Second.—To appropriate moneys and provide for the payment of the debts and expenses of the city.

Appropriations.

Third.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within three (3) miles thereof.

Contagious diseases.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

General health.

Nuisances.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, by drains, hydrants and reservoirs, in the streets within the city or beyond the limits thereof, for the extinguishment of fires, and for the convenience of the inhabitants and manufacturing interests, and to prevent the unnecessary waste of water.

Wells, cisterns.

Sixth.—To have exclusive power and control of the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon. To open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve any street or alley, anywhere within the city limits, and to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachments or injury.

Streets, alleys, and highways.

Seventh.—To establish, construct, regulate, erect and keep in repair bridges, culverts, sewers, sidewalks and crossings, and regulate the construction and use of the same, and to abate any obstruction or encroachment thereof. To establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or to wall them up and cover them over, and to prevent, regulate and

Bridges and sidewalks.

control the filling up, altering or changing the channels thereof by private persons.

Lighting streets. *Eighth.*—To provide for the lighting of the streets and erecting lamp posts and lamps thereon, and regulating the lighting thereof, and, from time to time, correct, alter or extend lamp districts. To exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.

Markets. *Ninth.*—To establish markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location.

Public grounds and cemeteries. *Tenth.*—To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to regulate the planting and preserving of ornamental and shade trees in the streets and other public grounds.

Hospitals. *Eleventh.*—To erect or establish one or more hospitals or dispensaries, and control and regulate the same.

Obstructions. *Twelfth.*—To prevent the encumbering of the streets, alleys, side walks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalk and street gutters in front of the premises occupied by them.

Merchants, peddlers, etc. *Thirteenth.*—To license, tax and regulate merchants, commission merchants and all venders, dealers and traders in any goods, wares, merchandise, groceries or liquids, and inn-keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate and prohibit hawkers, peddlers, pawn brokers, grocery keepers and keepers of ordinaries, theatricals or other exhibitions, shows and amusements.

Porters, hackmen, etc. *Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for cars, stages and public houses.

Suppress disorderly houses. *Fifteenth.*—To prohibit and suppress disorderly houses, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gambling.

Issue licenses. *Sixteenth.*—To authorize the proper officer of the city to grant and issue licenses, and direct the manner of issuing and registering the same, and the fees and charges to be paid therefor. No license shall be granted for more than one year; and no license shall be granted for more than

Restrictions.

thirty days, except with power reserved to the city council to revoke such license at pleasure. The city council shall have power to regulate, license, tax, prohibit and punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda water or all drinks whatever.

Seventeenth.—To regulate, license and prohibit the butchers, and to revoke their license for malconduct in the course of trade. Butchers.

Eighteenth.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same. Weights and measures

Nineteenth.—To prevent or suppress any riot, affray, noise, disturbance or disorderly conduct or assembly in any public or private place within the city. Disorderly conduct.

Twentieth.—To prohibit, prevent and suppress horse-racing or immoderate driving in the city, and to compel the stopping thereof by any person so authorized; to prohibit and punish the abuse of animals; to compel persons to fasten and well secure their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets. Horse-racing and fast driving.
Abuse animals.

Twenty-first.—To restrain and punish vagrants, mendicants, street-beggars and prostitutes, and provide for the arrest and punishment of persons found intoxicated in the streets or public places. Vagrants, prostitutes, etc.

Twenty-second.—To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Impounding of horses, cattle, sheep, etc.

Twenty-third.—To prohibit and restrain the crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. Unusual noises.

Twenty-fourth.—To abate all nuisances which may injure or affect the public morals, health or comfort, in any manner they may deem expedient. Abate nuisances

Twenty-fifth.—To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health, and the prevention and suppression of disease. Public health.

Twenty-sixth.—To compel the owners of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer, or any other unwholesome nuisance, Offensive establishments.

houses or place, as may be necessary for the health, comfort and convenience of the inhabitants.

Breweries, tanneries, stables.

Twenty-seventh.—To direct the location and regulate the management of and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, packing houses, common horse or cow stables and pig sties. To direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and railroad cattle, hog or stock pens, or inclosures for the shipment of stock, and all other places and establishments where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Twenty-eighth.—To regulate and provide for the burial of the dead. To establish and keep in repair one or more cemeteries, and to impose penalties on sextons and all other persons for any default in the premises.

Census.

Twenty-ninth.—To provide for the taking an enumeration of the inhabitants of the city.

Work house.

Thirtieth.—To erect and establish a work house or a house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such work houses or houses of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate's court in and for the city, for any assault, riot, affray, assault and battery, petit larceny or other misdemeanor, or breach of any ordinance of this city punishable by imprisonment in any county jail of Logan county, be kept therein subject to labor and confinement.

Construct drain

Thirty-first.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expense thereof to be assessed and collected as sidewalk assessments.

Railroad tracks and bridges, etc.

Thirty-second.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys within the city; to require the railroad tracks, bridges, turnouts and switches to be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys; to direct and prohibit the use and regulate the speed of locomotive engines within the city.

Further powers of city council,

Thirty-third.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or laws of this state, for the good government, peace and order of the city, and the trade and commerce thereof,

that may be necessary to carry into effect the powers vested by this act in the corporation; to determine what shall be a nuisance and provide for the punishment, removal and abatement of the same; to enact and enforce the observance of all such rules, ordinances and police regulations, and to punish violations of the same by fines, penalties and imprisonment in the county jail, city prison or work house or both, in the discretion of the court or magistrate before whom conviction may be had, but no fee or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offense, and such fine or penalty may be recovered with costs, in an action of debt, in the name of or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the circuit court; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Thirty-fourth.—The city council shall have power from time to time to provide for the election of as many justices of the peace and constables as the city council in their discretion may deem that the interests of the city require, and make all regulations necessary and proper to carry out the provisions of this section. Justices of the peace and constables.

ARTICLE VI.

OF TAXATION.

The city council shall have power within the city, by ordinance:

First.—To levy and collect, annually, taxes on all real and personal estate and property within the city, and all personal property of the inhabitants thereof made taxable by the laws of the state, for state purposes, to defray the general and contingent expenses of the city not hercin otherwise provided for, which taxes shall constitute the general fund. Levy taxes.

Second.—To require every male resident of the city, over the age of twenty-one years and under fifty years, to labor three days in each year upon the streets and alleys of the city, but any person may, at his option, pay in lieu thereof one dollar for each day required: *Provided*, the same shall be within ten (10) days after notification by the street commissioner. In default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same. Street labor.

Third.—The valuation of any property, real or personal, by the assessor, shall not exceed the actual cash value of the same. Valuation of property.

Rate of taxation *Fourth.*—The rate of taxation levied upon any property, real or personal, in any one year, shall not exceed one per cent. for general taxes, except as hereinbefore provided, and the rate of all special taxes, not including the assessments for benefits derived from opening or widening any neighborhood street or alley, shall be within such limit as the city council may prescribe, subject to the provisions hereinafter set forth.

ARTICLE VII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Streets and alleys. **SECTION 1.** The city council shall have power, from time to time, upon the petition of two-thirds of the owners of the property fronting thereon, or without such petition, by the unanimous vote of the city council, to cause any street, alley or other highway, or section thereof, to be graded, re-graded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and crosswalks, main drains and sewers and private drains, or sections thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public grounds, now or hereafter laid out, and build any public school or other public building necessary and proper for the use of the city, and make the necessary appropriations therefor, subject only to the limitations herein provided limiting the rate of taxation and the issue of bonds.

Assessment for public improvements. **§ 2.** The city council shall have power to assess and collect of the owners of lots or real estate on any street or other highway in which any sewer may be built, or any part thereof, all expenses and damages for the purpose of grading, paving, planking or sewerage such street, sidewalk, pavement or other highway, in the same manner as other city taxes, or in such a manner as may be prescribed by ordinance. All owners or occupants of lots or lands in front of or adjoining, or upon whose premises the city shall order and direct sidewalks or private drains or gutters or sewers communicating with any main drain or sewer to be constructed, graded, paved, planked, repaired, re-laid or cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair or relay such sidewalk, or make or cleanse such private drains, or grade, fill up, drain, or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, re-laid, cleansed, filled up, graded, drained, or otherwise improved, and

assess the expense and damages thereof by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrants and sale of the premises as in other cases. A suit may also be maintained against the owner of such premises for the recovery of such expenses, as for money paid and laid out to his use at his request: *Provided*, that no assessment shall be made upon any lot that shall exceed the benefits which the owners thereof shall derive from such improvements.

Expenses, how paid.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use; and in case the same shall not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Expense and cost of nuisance

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the cost thereof to be assessed and collected in the same manner as sidewalk assessments.

Power to clean streets and alleys.

ARTICLE VIII.

COLLECTION OF TAXES AND ASSESSMENTS.

SECTION 1. The annual assessment list shall be returned by the assessor on or before the first day of August in each year, but the time may be extended by the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and the clerk shall give ten (10) days' notice of the time and place of such hearing, by one publication in the newspaper publishing the ordinances of the city, or by posting up one notice in each ward, and any person feeling aggrieved by the assessment of his property may appear at the time specified, and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same; and the treasurer shall have the power to add to and supply omissions by the assessor after the warrant shall have come into his hands.

Return of assessments.

Supply commissions.

§ 2. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same, and directing the warrant to be issued for the

Issue warrants.

Levy special tax collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, and in their discretion specify the purposes for which the same are levied, and if not for general purposes the division of the city upon which the same are laid.

Taxes, a lien on real estate.

§ 3. All taxes and assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after said first day of August, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real estate, and the real estate shall be liable for the taxes on personal estate in case of removal: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Tax book, how kept.

§ 4. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Duty of collector

§ 5. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be collected, and shall be delivered to the collector for collection by the first day of October, unless further time be given by the city council, of which he shall give notice by publication in the newspaper publishing the city ordinances, or by posting up one notice in each ward. The collector shall thereupon proceed to the collection of said taxes, but he shall in no case be compelled to make personal call or demand for the same. If not otherwise paid by the first day of January following the collector shall have power to collect said taxes with interest and costs, by suit in the corporate name of the city, or by distress and sale of personal property; and the collector shall be a competent witness, and the warrant to him as aforesaid evidence on the part of the city.

Liability collector. of

§ 6. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with

the same power and authority as is given by law to collectors of county and state taxes, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of the collector by ordinance.

§ 7. In case of the non-payment of any taxes or assessments levied or assessed under this act by the first day of January of each year, the premises may be sold at any time thereafter within two years. Before such sale an order shall be made by the city council, which shall be entered at large on the journals or records, particularly describing the delinquent premises to be sold and the amount of taxes for which the sale shall be made, beside the costs, (which costs need not then be ascertained,) and directing sale thereof to be made by the collector; a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector and shall constitute the process upon which such sale shall be made.

Sale of property for taxes.

§ 8. The collector shall then advertise such premises (in the newspaper publishing the ordinances of the city, or posting one notice in each ward) for sale, at least thirty (30) days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale. The proceedings for the sale of any piece of ground may be stopped at any time on the payment of taxes or assessment and interest, with expense of advertising the same.

Notice to taxpayers.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the premises for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interests and expenses for which the same was sold, and when the time to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable time.

Sales, manner of conducting.

Duplicate certificates.

Right of redemption.

§ 10. The right for redemption, in all cases for sale for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns to the same extent that is allowed by law in cases of sales of real estate for taxes, on the payment of double the amount for which the same was sold, and all taxes accruing chargeable or paid on the premises, subsequent to the sale, with interest; but infants, *femme coverts* or lunatics shall have no other or further rights of redemption than other persons. In case of redemption, the money may be paid to the purchaser, or the person entitled to the same, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council and countersigned by the clerk, conveying to such purchaser the premises sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax-sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Deed to purchaser.

§ 11. The assignee of any tax certificate of any premises, sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser: *Provided*, he or they through who he claims, shall have paid all taxes and assessments made since said sale of said premises.

City may purchase.

§ 12. If at any sale of real or personal estate for taxes or assessments no bid shall be made for any parcel of land, or any goods or 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 at such sales. All persons, before they shall be entitled to a deed for premises sold for the non-payment of taxes, shall comply with section 4, article 9, of the constitution of this state, and shall produce to the proper officer the proof thereof.

Shall convey perfect title,

§ 13. All sales of lands or lots for non-payment of taxes, contemplated by this act, and deeds made to purchasers or their assigns for the same, shall convey to the holder of such deed a perfect title, in fee simple, to said land or lot, and in all suits and controversies in relation thereto, any person claiming such title shall be compelled to prove only the order of the city council directing the sale and the process upon which the sale was made, as provided for in section seven, of article eight, of this act; and any person claiming title adversely thereto, shall be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the

taxes were paid or land or lot redeemed according to the provisions of this act. But no person shall be permitted to question the title acquired by said deed without first showing that he or they, or those under whom he or they claim, have paid the full amount of taxes, costs, expenses or assessments made on the land or lot since said sale for taxes, or that the same has been deposited with the city treasurer for the use of the one entitled to receive it.

ARTICLE IX.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding Fire department. against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and prohibit the rebuilding of wooden buildings. To declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct. To declare all wooden buildings which they may deem dangerous to contiguous buildings, in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

§ 2. The city council shall have power:

First—To regulate the construction of chimneys and Chimneys, etc. flues so as to admit of chimney-sweeps or other modes of cleaning, and to compel the sweeping and cleaning of chimneys.

Second—To prevent and prohibit the dangerous construction of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition when considered dangerous.

Third—To prevent the deposit of ashes in unsafe places, Ashes. and to appoint one or more officers to enter into buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Fourth—To require the inhabitants to provide as many Fire buckets. fire-buckets, and in such manner and time as they shall prescribe, and regulate the use thereof in times fire, and to require all owners and occupants of buildings to construct and keep in repair, wells or cisterns, upon their premises.

Fifth—To regulate and prevent the carrying on of man- Manufactories. ufactories and works dangerous in promoting or causing fires.

Sixth—To regulate, prevent and prohibit the use of fire- Fire works. works and fire-arms.

- Combustibles.** *Seventh*—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous material within the city; to regulate the keeping and conveying of the same, and use of candles and other lights in stables and other like houses.
- Parapet walls.** *Eighth*—To regulate and prescribe the manner, and order the building of parapets and partition walls and partition fences.
- Scuttles, etc.** *Ninth*—To compel the owners or occupants of houses or other buildings to have scuttle in the roofs, and have stairs or ladders leading to the same.
- Idle and suspicious persons.** *Tenth*—To authorize the mayor, fire-wardens or other officers of said city to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.
- Prevention and extinguishment of fires.** *Eleventh*—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.
- Engines.** § 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power:
- First*—To organize fire, hook, hose, ax and ladder companies, and such other companies as may be necessary.
- Second*—To appoint, during their pleasure, a competent number of able and respectable inhabitants of the city as firemen, to take the care of and management of the engines and other apparatus and implements used and provided for the extinguishment of fire.
- Duty of firemen.** *Third*—To prescribe the duties of firemen, and make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.
- Engineers.** *Fourth*—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.
- Exemption of city council.** § 4. The members of the city council and firemen shall, during their terms of service as such, be exempt from serving on juries, in the militia, or working on the streets or paying any taxes for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this sec-

tion, shall be the certificate of the clerk under the corporate seal, for the year in which exemption is claimed.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall have power to cause the lots blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks, in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted, to correspond and conform to the regular blocks, streets or alleys already laid out, or as they may be hereafter changed and established within the city. Survey and plat.

§ 2. The street commissioner, in addition to the penalty prescribed by the ordinance, shall, for willful neglect of duty, be liable to indictment and fine. Liability of street commissioner.

§ 3. Neither the city council or mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission, nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction, by indictment or otherwise. Fines.

§ 4. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken. Reconsideration of votes.

§ 5. The cemetery lots which may be laid out and sold by the city, or private persons, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemeteries exempt from attachment.

§ 6. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published by posting up one copy of the same in each of the wards of this city, or one publication in a newspaper published in said city: *Provided*, the proof of such publication shall not be necessary unless it is denied under oath, and such publication may be dispensed with entirely in cases of emergency, by the unanimous vote of the council; and proof Publication of ordinances.

of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed by the clerk, or the certificate of the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Action to recover fines.

§ 7. All actions brought to recover any penalty under this act, or any ordinance, by-law or police regulation made in pursuance thereof, may be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it, or the defendant may be tried by presentment in the circuit or magistrate's court.

Prosecutions.

§ 8. In all prosecutions for any violation of any ordinance, by-law or regulation, the first process shall be a summons, unless oath or affirmation be made for warrant as in other cases.

Jurisdiction of justices of peace

§ 9. Any justice of the peace in said city shall have jurisdiction in any actions for the recovery of any fines, penalty or forfeiture under this act or any ordinance, by-law or regulation, anything in the laws of this state to the contrary notwithstanding. Such justice shall have power to impose fines and penalties not exceeding one hundred dollars.

Executions.

§ 10. Execution may issue immediately on rendition of judgment, and the same execution shall require that if the defendant has no goods, chattels or real estate, within the county of Logan, whereof the judgment can be collected, that the defendant be arrested and confined in the county jail or work-house, or city prison, for a term not exceeding six months, as the council, by ordinance, may determine; and all persons who shall be committed under this section, shall be confined one day for each one dollar of such judgment and costs.

Incompetent judges, etc.

§ 11. No person shall be rendered incompetent as a judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in said city of Atlanta, in any action or proceeding in which the city may be a party in interest.

Prior ordinances to be in force

§ 12. All ordinances, regulations and resolutions now in force in the town of Atlanta, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the city council after this act shall take effect.

Rights, actions, etc.

§ 13. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued, shall be vested in and prosecuted by the corporation hereby created.

§ 14. All property, real, personal or mixed, belonging to the town of Atlanta, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall, respectively, continue in the same until superseded, in conformity to the provisions thereof, but shall be governed by this act, which shall take effect from and after its passage. Property, etc.

§ 15. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof hereof, which shall be required until denied under oath as aforesaid. Proof.

§ 16. The style of all ordinances shall be, "Be it ordained by the city council of the city of Atlanta." Style of ordinances.

§ 17. Any tract of land adjoining said city which may be laid out into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owners thereof, shall and may be annexed to said city, and form a part thereof. Additions.

§ 18. This act shall not invalidate any legal act done by the president and trustees of Atlanta or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liabilities which may have accrued to or been created by said corporation prior to the passage of this act. Not to invalidate previous acts.

§ 19. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city, commit for examination, and if necessary, to detain such persons in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe. Arrests, etc.

§ 20. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter. Publication of digest of ordinances.

§ 21. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage. Evidence of act.

§ 22. There shall be allowed to said city one or more justices of the peace, as hereinbefore provided, and their jurisdiction shall extend to all causes of action, at common law or by statutes, where the plaintiff's demand shall not exceed one hundred dollars; and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to a conviction. Jurisdiction of justices of peace

§ 23. This act shall take effect upon the fourth Tuesday of March, A. D. 1869: *Provided*, that this act shall be When act to take effect.

submitted to the legal voters of the district of country, in Logan county and state of Illinois, described in article 1st of section 1st of this act, for their ratification or rejection, at an election to be held on the third Tuesday of March, A. D. 1869. On the ballots used at said election there shall be written or printed the words "For city government" or "Against city government," and if a majority of the votes at said election shall be for city government, then this act

Accept charter. APPROVED March 4, 1869.

shall be in full force and effect; but if a majority of the votes cast at said election shall be against city government, then this act shall be null and void. Said votes, at said election, shall be canvassed and the result declared as in town elections held under the law of this state, incorporating said town of Atlanta, now in force.

In force when
adopted by le-
gal voters.

AN ACT to incorporate the city of Bushnell, in the county of McDonough, state of Illinois.

ARTICLE I.

BOUNDARIES, GENERAL POWERS, AND FORMATION OF WARDS.

Boundaries. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district of country, in the county of McDonough, and state of Illinois, embraced in the following limits, to wit: All of section number thirty-three, (33,) the south half of the south half of section number twenty-eight, (28,) the south half of the south-west quarter of section number twenty-seven, (27,) and the west half of section number thirty-four, (34,) all in township number (7) north of the base line of range one (1) west, of the fourth principal meridian, being known as the township of Bushnell, in McDonough county, state of Illinois, together with such other additions of land as may be incorporated with and come under its jurisdiction, is hereby created into a city,

Name and style. by the name of "The City of Bushnell."

§ 2. The inhabitants of the said city shall be a corporation, by the name of "The City of Bushnell;" and by that name shall have perpetual succession; sue and be sued, and complain and defend, in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Wards.

§ 3. The city of Bushnell shall be divided into four wards, the boundaries of which shall be fixed by the city

council, and shall be by the city council changed from time to time, as they shall see fit, having regard to the number of her inhabitants, so that each ward shall contain, as near as may be, the same number of male inhabitants. The city may create additional wards as occasion may require, and fix the boundaries thereof.

§ 4. The present board of trustees of the town of Bushnell shall have power, and it is hereby made their duty, before the first of April next, to divide the city into wards, by lines describing particularly the boundaries of each ward, and the number thereof—the wards to be as nearly equal in population as practicable.

Description of
boundaries of
wards.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the city mayor, and two aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor and collector, a city street commissioner, and a city surveyor; who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance.

Government.

Officers.

§ 2. All officers elected or appointed under this act, except such as are otherwise provided, shall hold their offices for one year, and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the second Monday of April in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council. All officers elected or appointed to fill vacancies shall hold for the unexpired time only, and until the election or appointment and qualification of their successors.

Term of office.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* residents thereof, and hold their office for two years after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward shall be annually elected. At the first meeting of the city council after the annual election in April next, the aldermen shall be divided into two classes by lot; the term of office of those of the first class shall expire in one year, and those of the second class in two years.

Representation.

Division of
aldermen.

Election, when
and where held.

§ 4. If, from any cause, there shall not be a quorum of aldermen, the mayor, or, in the contingency of his inability to act, the city clerk, shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, for any cause, the officers herein named shall not be appointed on the second Monday of April in each year, the city council may adjourn from time to time until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.

Removal from
office.

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense.

Vacancies, how
filled.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council.

Qualification of
officeholders.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act.

ARTICLE III.

OF ELECTIONS.

Elections.

SECTION 1. A general election shall be held in each ward of the city on the first Monday of April next, 1869. The time in said day, and the place of such election in each ward, shall be determined by the board of trustees of the town of Bushnell, who shall give ten days' notice thereof, posted in two public places in every ward; and they shall also appoint three judges of election for each ward. At such election shall be chosen one mayor by the city at large, and two aldermen in each ward—the alderman to be voted for only by the residents of the ward he is elected to represent; a city clerk, city marshal, a city collector and assessor, and street commissioner. Upon each and every first Monday in April thereafter, there shall be held a general election for all the officers required to be elected by this act.

Manner of vo-
ting.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll list, canvassing the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may be hereafter provided by law for state elec-

tions: *Provided*, the city council shall have power to appoint the judges thereof. The voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same power and authority, as the judges of state elections. After the closing of the polls, the ballots shall be counted as provided by law, and the returns shall be made, sealed, to the city clerk, within two days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the said election. The person having the highest number of votes for any office shall be declared elected; and whenever there shall be a tie vote, a new election shall be ordered by the city council. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment; and unless such persons shall qualify within ten days after such notice, the office shall become vacant. At the first election, held on the first Monday of April next, the returns shall be made to the clerk of the board of trustees of the town of Bushnell; and the president and trustees thereof shall meet and canvass the same, and declare the result of the election.

Oaths of judges.

Notifications.

Declare result.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at a state election, and who has not been a resident of said city at least three (3) months next preceding said election; and he shall have been, moreover, an actual resident of the ward in which he votes, for ten days previous to such election; and the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Who entitled to vote.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Oath of office.

§ 2. The mayor shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

Duty of mayor.

§ 3. He is hereby authorized to call on all male inhabitants of the city to aid in enforcing the laws of the state and ordinances of the city.

Enforce ordinances.

- Exhibit books.** § 4. He shall also have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers; and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.
- Malconduct of mayor.** § 5. He shall be liable to indictment in the circuit court of McDonough county, for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add as part of the judgment that he be removed from office.
- Mayor's salary.** § 6. He shall receive such salary as shall be fixed by ordinance, not exceeding five hundred dollars.
- Ordinances to be filed.** § 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and notice thereof given to the mayor; and if the mayor ap-
thereof he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections thereto. Upon return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members elected to the city council shall agree, by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to any such proceeding, for a longer period than three days after the same shall be placed in the clerk's office, and notice as aforesaid, the same shall go into effect: *Provided*, that a vote passing a resolution or ordinance over the veto of the mayor shall not be taken within one week after the passage of the resolution or ordinance. He shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, and certify the same 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.
- Returns.**
- Veto of mayor.**
- *Vacancy in office of mayor.** § 8. In case of vacancy in office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall assume his office, or the vacancy shall be filled by a new election.
- Fire wardens.** § 9. The members of the city council shall be, *ex-officio*, fire wardens and conservators of the peace within the city,

and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.

§ 10. The clerk shall hold his office one year; he shall keep the corporate seal, and all books and papers belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if originals were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct, and he shall have power to administer any oath required by this act.

§ 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council, or its committees: *Provided, however*, that the office of city clerk and city attorney may be vested in the same person.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn only in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and after, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 13. The city marshal shall hold his office one year, and perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the powers and authorities of a constable at common law, and under the statute of the state, and receive like fees, but shall not serve civil processes without first entering into bond as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof.

§ 14. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties, he shall have the same powers as

are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be hereinafter prescribed or ordained by the city council.

Street commissioner,
duties of.

§ 15. The street commissioner shall attend all local improvements in the city, and carry into effect all orders of the city council in relation to the same. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading and improvement thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying and relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and upon a failure of any person to comply with such notice, to cause the same to be laid or relaid or repaired, subject to the provisions hereinafter made; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate [account], in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account, and he shall render monthly accounts thereof to the city council.

Plans and estimates.

Further duties
and powers of
council.

§ 16. The city council shall have power, subject to the expressed provisions of this act, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix the compensation of all officers. They may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Bushnell, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all money and other property received by them; which bond, with the approval of the city council, certified thereon by the clerk, shall be filed in his office, and remain for the benefit of any person aggrieved by the official act of the officer.

Bonds, securities,
etc.

Engineer or
surveyor.

§ 17. The city council shall have power to appoint a city engineer, or surveyor, and a city treasurer, and the necessary number of policemen, and regulate the duties and fix the pay of each.

Commission of
officers.

§ 18. All officers, elected or appointed, shall be commissioned under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the city council. They shall meet and organize the first Monday after their election. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

Presiding officer of council.

§ 2. No member of the city council shall, during the period for which he is elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract, the expense of consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Compensation of city council.

§ 3. The city council shall hold twelve stated meetings, one in each month, during the year, and the mayor or any two aldermen may call special meetings of the council, notice to be served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the city council; and they shall determine the rule of their own proceedings, and shall have power to compel the attendance of absent members.

Council meetings.

§ 4. The city council shall have control of the finances, and of the property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance—

Finances and property.

Power 1.—To borrow money on a credit of the city, and issue bonds of the city therefor, but there shall never be outstanding bonds to a greater amount than two per cent. of the last assessed value of the real and personal property of the city, unless a majority of the voters of said city authorize them so to do, at an election to be held for that purpose, at such time and conducted as the city council may direct. It shall be the duty of the city council to provide, either by taxation or by the issue of bonds, for the payment of all claims against the city as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand, and shall draw no interest. No appropriation shall be made for any public building, or other improvements, out of the general fund of the city, except in such cases as where the city council shall not have authority to provide for the same by special taxation levied on the property benefited thereby, or where the city

Indebtedness.

Issue bonds.

Special tax may be levied.

council shall, by resolution, declare that it will be unjust and unequitable, that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interest of the city; and no appropriation shall be made for any public improvement until the expense of such improvement shall be estimated by the proper officers. And unless it shall be found by such estimate, and a statement of the estimated cost of all other public works in progress and other probable expenses of the city, that such works can be completed within due time by the ordinary surplus revenue of the city, and the issue of such bonds as the city council is by law authorized to issue.

Appropriations. Power 2.—To appropriate money and to provide for the payment of the debts and expenses of the city.

Power 3.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

General health. Power 4.—To make regulations to secure the general health and comfort of the inhabitants, to prevent, abate and remove nuisances, and punish the authors thereof by penalties and imprisonment, to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Nuisances.

Provide water. Power 5.—To provide the city with water, to make, regulate and establish public wells, pumps and cisterns, by drains, hydrants and reservoirs in the streets in the city or beyond the limits thereof, for the extinguishment of fire and manufacturing interest, and to prevent the necessary waste of water.

Streets, alleys and highways. Power 6.—To have the exclusive control and power over the streets, alleys and highways, and to abate and remove any encroachments or obstruction thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve any street or alley anywhere within the city limits, and to put drains or sewers therein, and to prevent the encumbering thereof, in any manner, and protect the same from any encroachments or injury.

Bridges and sidewalks. Power 7.—To establish, erect and construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any encroachments or obstructions thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or to wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Lighting streets. Power 8.—To provide for lighting the streets, and erecting lamp posts and lamps therein, and regulate the lighting there-

of, and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.

Power 9.—To establish markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location thereof, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same. Markets and market houses.

Power 10.—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds. Public grounds.

Power 11.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

Power 12.—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them. Incumbering streets.

Power 13.—To license, tax and regulate merchants and commission merchants, and all venders, dealers and traders in any goods, wares, merchandise, groceries, or liquids, alcoholic liquors excepted only as hereinafter provided, and inn keepers, brokers, money brokers, insurance brokers, and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn-brokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Licenses and taxes.

Power 14.—To license, tax, regulate and suppress, hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate and restrain runners for cars, stages and public houses. Porters.

Power 15.—To prohibit and suppress billiard tables, pin alleys, and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gambling and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of instruments and devices used for the purpose of gambling. Tippling houses

Power 16.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than Licenses.

one year, and no license shall be granted for more than thirty days, except with power reserved to the city council to revoke such license at pleasure. The city council shall have power to regulate, license, tax, prohibit and punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda water, or all or any drinks whatever.

Prohibit sale
of liquors.

Power 17.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, servant, or habitual drunkard, without the consent of the parent, guardian, master, or mistress.

Inspection of
meats, etc.

Power 18.—To prevent, restrain and punish engrossing, forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Butchers.

Power 19.—To regulate, license and prohibit butchers, and to revoke their license for malconduct in the course of trade.

Weights and
measures.

Power 20.—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders and dealers in merchandize or property of any description, which is sold by measure or weight, to cause their measures or weights to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Lumber.

Power 21.—To regulate and provide for the inspecting and measuring of lumber, shingles, timbers, posts, staves, heading, and all kinds of building materials, and for measuring all kinds of mechanical work, and to appoint one or more inspectors or measurers therefor.

Hay, lime, etc.

Power 22.—Exclusively to provide for the inspection and weighing of hay, lime, stone coal, and the place and manner of selling the same; to regulate the measurement of fire wood, charcoal, and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Inspection of
provisions.

Power 23.—To regulate the inspection of beef, pork, flour, meal, salt, and other provisions, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner thereof or his agent.

Bread.

Power 24.—To regulate the weight and quality of bread to be sold or used within the city.

Power 25.—To regulate the size and quality of bricks Bricks.
sold or used within the city, and the inspection thereof.

Power 26.—To create, establish and regulate the police Police, etc.
of the city, to appoint watchmen and policemen, and prescribe their duties and powers.

Power 27.—To prevent and suppress any riot, rout, Riots, etc
affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Power 28.—To prohibit, prevent and suppress horse Fast driving.
racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets.

Power 29.—To restrain and punish vagrants, mendicants and street beggars and prostitutes. Vagrants.

Power 30.—To regulate, restrain or prohibit the running at large of horses, mules, jackasses or jennies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for costs of the proceedings, and the penalties incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Running at large of animals

Power 31.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusement or practice tending to annoy persons passing on the streets, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. Annoying practices, etc.

Power 32.—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient. Abate nuisances

Power 33.—To do all acts, and make all regulations which may be necessary or expedient for the protection and promotion of health and the suppression of disease. Health and diseases.

Power 34.—To compel the owner of any grocery, cellar, soap or tallow chandler, or blacksmith shops, tanneries, stable, privy, sewer, or any other unwholesome or nauseous house or place, to cleanse, remove or abate the same as may be necessary for the health, comfort and convenience of the inhabitants. Offensive establishments.

Power 35.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, and packing houses; to direct the location, and regulate the management

and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the city limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or other places where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Power 36.—To regulate the burial of the dead; to establish one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Work house.

Power 37.—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by the proper officer; and all persons sentenced by any criminal court or magistrate in or for the city, for any assault and battery, petit larceny, or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail, be kept therein, subject to labor and confinement.

Destitute children.

Power 38.—To authorize and direct the taking up and providing for the safe-keeping and education, for such periods of time as may be deemed expedient, all children who are destitute of proper parental care, and left to wander about, and growing up in mendicancy, ignorance, idleness and vice.

Drains, sinks, etc.

Power 39.—To fill up, cleanse, drain, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expense thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks, bridges, etc.

Power 40.—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, sewers and culverts, when the city council may deem necessary. To direct and prohibit the use and regu-

late the speed of locomotive engines within the inhabited parts of the city. To prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Power 41.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment of six months, for any offense; and such fine or penalty may be recovered, with cost, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work house, or required to labor in the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Further powers of council.

Fines and imprisonment.

Power 42.—To recall and withdraw from circulation any of the matured city bonds for city indebtedness for the purpose of paying the same, or to have new bonds re-issued to those who are legally entitled to them; but in no case shall such bonds be disposed of under par, nor shall any greater rate of interest be paid than ten per cent. per annum.

Recall bonds and other indebtedness.

ARTICLE VI.

OF TAXATION.

The city council shall have power, within the city, by ordinance:

1st. To levy and collect, annually, taxes on all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for; which taxes shall constitute the general fund.

Taxes.

2d. To require every male resident of the city, over the age of twenty-one years and under fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay, in lieu there-

Labor on the streets and alleys.

of, one dollar for each day required: *Provided*, the same shall be within ten days after notification by the street commissioner. In default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.

Valuation of property.

3d. The valuation of any property, real or personal, by the assessor, shall not exceed the actual cash value of the same.

Rate of taxation

4th. The rate of taxation levied upon any property, real or personal, in any one year, shall not exceed one per cent. for general taxes, except as hereinbefore provided; and the rate of all special taxes, not including the assessments for benefit derived from opening or widening any neighborhood, street or alley, shall be within such limit as the city council may prescribe, subject to the provisions hereinafter set forth.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Streets, alleys and highways.

SECTION 1. The city council shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition, by the unanimous vote of the said city council, to open and lay out all public grounds or squares, streets, alleys and highways or sections thereof, and alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. The city council shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation can not be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time determine what persons will be benefited by such improvement, assess the

damages and expenses thereof on the real estate in the neighborhood of the improvement, benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected, shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties, they shall give at least five days personal notice of the time and place of their meeting, for the purpose of valuing the premises and making their assessments; which notice shall be given only to the owners who are residents thereof and known. They shall view the premises and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Commissioners' oath and duties.

§ 3. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Buildings taken, value to be estimated.

§ 4. At least five days' 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 a non-resident, notice to all persons interested shall be given by publication for ten days in the corporation newspaper; and such notice shall be signed by the commissioners, and specify the building and the award of the commissioners; it shall also require parties interested to appear by a day to be named therein, or give notice of their intention to the common council either to accept the award and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove the building, he shall have such time for that purpose as the common council may allow.

Notice by publication.

§ 5. If the owner refuse to take the building at its appraised value to remove or fail to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Sale of buildings

§ 6. In making their assessments, the said commissioners shall ascertain the value of the land taken, all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners, respectively, and be a lien upon the property on which it may be assessed, and collected as other taxes are

Assessment and valuation

collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him in the assessment against him for his share of the improvement, and if more, the difference shall be paid him in money before the land is taken. Said commissioner shall particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.

Notice given
by publication.

§ 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day.

Objections.

Confirmation.

The council shall have power, in their discretion, to alter, confirm or amend the assessment. If annulled, all the proceedings shall be void; if altered or confirmed, an order shall be entered directing a warrant to issue for the collection thereof.

Removal of
commissioners.

§ 8. The council shall have power to remove the commissioners, and, from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve.

Possession and
appropriation of

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any streets, alleys or other highways, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent—or, in case such owner or agent cannot be found in the city, deposited to his or their credit, in some safe place of deposit other than the hands of the trustees [treasurer]; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways, or public grounds, may be made and opened.

Appeals, how
taken.

§ 10. Any person interested may appeal from any final order of the common council for opening, widening and extending any street, alley, public ground or highway to any court of record in McDonough county, by notice, in writing, to the mayor or clerk at any time before the expiration of twenty days after the passage of such final order. In case of appeal the common council shall make 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 to investigation, by affidavit or oral testimony addressed to the court; and the burden of proof shall in all cases be upon the city, to show that the proceedings are in conformity with this act.

§ 11. 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 damages and injury upon persons or real estate benefited by the improvement; and in all such other respects as experience may suggest. Change of proceedings.

§ 12. 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 assessments shall be made upon or paid by any person where, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for any one so paying to sue for and recover of the person bound to pay the same 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 assessment. Expenses of assessments.

§ 13. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the foregoing section. Such expenses shall be likewise collectable of the owner or occupant of such premises, in suit for money expended to his or their use. In case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same. Expenses for the removal of nuisances.

§ 14. Commissioners appointed under this act may be sworn into office by the city clerk. They shall be allowed such compensation, for actual service, as the city council may direct; which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed a part of the expenses of the improvement, and included therein. The city attorney shall prepare such papers, and make such examinations as they may request. Compensation, commissioners.

§ 15. When any known owner, residing in said city or elsewhere, shall be an infant, and proceedings shall be had under this act, the judge of the circuit court of McDonough county, the county judge, or any judge of the supreme court or any other court of record in said county, may, on the application of the city council, or such infant or his next friend, Infants.

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 VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Streets, alleys
and sidewalks.

SECTION 1. The city council shall have power, from time to time, upon the petition of the owners of two-thirds of property fronting thereon, or without such petition by the unanimous vote of the city council, to cause any street, alley or other highway or section thereof to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and cross-walks, main drains and sewers, and private drains or sections thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public ground now or hereafter laid out, and build any school or other public building necessary and proper for the use of the city, and make the necessary appropriation therefor, subject only to the limitations herein provided limiting the rate of taxation and the issue of bonds.

City may lay
sidewalk and
collect cost.

§ 2. The city council shall have power to assess and collect, of the owners of lots or real estate on any street or other highway in which any sewer may be built, or any part thereof, in the same manner as other taxes, or in such a manner as may be provided by ordinance, all expenses and damages for the purpose of grading, paving, planking or sewerage such street, sidewalk, pavement or other highway. All owners or occupants of lots or lands, in front of or adjoining or upon whose premises the city shall order and direct sidewalks or private drains or gutters, or sewers communicating with any main drain or sewer, to be constructed, graded, paved, planked, repaired or relaid or cleansed, or shall declare any such lands or lots to be nuisances and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair or relay such sidewalks, or make or cleanse such private drains, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charge, within the time and manner prescribed by ordinances or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense and damage thereof by an order, to be entered in their proceedings, upon the lots and lands respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the

owner of such premises, for the recovery of such expenses, as for money paid and laid out to his use at his request: *Provided*, that no assessment shall be made upon any lot that shall exceed the benefits which the owners thereof shall derive from such improvements.

§ 3. The city council shall have power to compel the owners of lots or grounds, fronting or adjoining any private or public alley, to keep said alley clean, and, if necessary, to direct the same to be paved, macadamized, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments. Alleys cleaned.

ARTICLE IX.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions, in relation to revising, altering or adding to the lists, as they may deem proper and expedient. Assessments,
lists of.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August, in each year, but the time may be extended, by order of the city council, on return thereof. The city council shall fix a day for hearing objections thereto, and the register shall give notice of the time and place of such hearing by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to correct and revise the same. Time of returns.

Omissions.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order, confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and, if not for general purposes, the division of the city upon which the same are laid. Confirmation of.

Warrants to be
issued.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council, under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for as- Taxes, a lien.

Sale of property not to affect lien.

assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, in case of removal or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

Warrants.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down, opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Collection of.

§ 6. All warrants issued for the collection of general or special tax and assessments, shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be respectively issued. They shall be delivered to the collector of the city for collection at such times as may be provided by ordinance, if not otherwise paid. The collector shall have power to collect said taxes, with interest and cost, by suit, in the corporate name or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same. The assessor's lists shall, in all cases, be evidence on the part of the corporation: *Provided*, a notice published by the collector for ten days, in the corporation paper, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter, shall be deemed a refusal.

Assessor's list evidence.

Manner of collecting.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same authority as are given by law to collectors of county and state taxes. He shall pay the same as fast as collected into the city treasury, and his duty, in regard to returning warrants and settling with the city, and his liabilities, in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the common council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Non-payment of taxes.

§ 8. In case of the nonpayment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessment by the city council. Before any such sale an order shall be made by the city council, which shall be entered, at large, in the

records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrants, shall constitute the process upon which such sale may be made.

§ 9. The collector shall then advertise such premises in the corporation newspaper, for sale, for the period of thirty days, from and after the first publication of such notice, describing the same by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes or assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least three times. The proceedings may be stopped at any time on the payment of the taxes or assessments and interest, with expense of advestising.

Notice of sale
of premises.

§ 10. All sales shall be conducted in the manner required by law; but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector; one of which shall be delivered to the purchaser, and the other filed in the office of the clerk; which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the interest and expenses for which the same was sold and the time when the right to redeem will expire. The collector shall be entitled to the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Manner of con-
ducting.

Fees of collector

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors, assigns, to the same extent as is allowed, by law, in cases of sales of real estate for taxes, on payment, in specie, of double the amount for which the same was sold; and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under

Rights of re-
demption.

Deeds, how
made.

the corporate seal, signed by the mayor or presiding officer of the city council and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds, so made and delivered, shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Certificate of purchase. § 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Sale of to city. § 13. If, at any sale of real or personal estate for taxes or assessments, no bid 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 at such sale.

Evidence. § 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

Advertisement. *First.*—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Taxes not paid. *Second.*—That the taxes or assessments were not paid at any time before the sale.

Non-redemption. *Third.*—That the land conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts:
Notice of sale. *First.*—That the land or lot was advertised for sale the length of time and in the manner required by law.

Sale of land. *Second.*—That the land was sold for taxes or assessments as stated in the deed.

Deed. *Third.*—That the grantee in the deed was the purchaser.

Manner of conducting sale. *Fourth.*—That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale and the taxes or assessments had been paid; that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by the said deed without first

Title, by purchase.

showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims titles as aforesaid.

ARTICLE X.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guard-
ing against the calamities of fire, shall prohibit the erection, Fire department
placing or repairing of wooden buildings within the limits Prohibitions
prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages; to declare all dilapidated buildings to be nuisances, and to Nuisances.
direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

§ 2. The city council shall have power—

First.—To prevent and prohibit the dangerous construc- Chimneys, etc.
tion and condition of chimneys, flues, fire places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Second.—To prevent the deposit of ashes in unsafe places, Ashes.
and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Third.—To require the inhabitants to provide as many Fire buckets.
fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fourth.—To regulate and prevent the carrying on of Manufactories.
manufactories and works dangerous in promoting or causing fires.

Fifth.—To regulate, prevent and prohibit the use of fire Fire works.
works and fire arms.

- Combustibles. *Sixth.*—To prohibit or have the management of houses for storing of gunpowder, or direct and prohibit other and dangerous material within the city; to regulate the keeping and conveying the same, and the use of candles and other lights in stables and other like houses.
- Parapet walls. *Seventh.*—To regulate and prescribe the manner and order of the building of parapet and partition walls and of partition fences.
- Scuttles, etc. *Eighth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, stairs or ladders leading to the same.
- Idle and suspicious persons. *Ninth.*—To authorize the mayor, fire wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen.
- Prevention and extinguishment of fires. *Tenth.*—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.
- Engines. § 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—
- Hook and ladder companies. *First.*—To organize fire, hook, hose, ax and ladder companies.
- Firemen. *Second.*—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city, firemen, to take care and have the management of the engines and other apparatus and implements use and provided for the extinguishment of fires.
- Duty of firemen. *Third.*—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them.
- Engineers. *Fourth.*—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council.
- Exemption of city council. *Fifth.*—The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying taxes for the same. The name of each fireman shall be registered with the register of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the register, under

the corporate seal, for the year for which exemption is claimed.

ARTICLE XI.

BOARD OF HEALTH.

SECTION 1. A board of health, consisting of three or more commissioners, may be appointed annually by the city council, and the mayor or presiding officer of the city, council shall be president of the board, and the city clerk shall be their clerk and keep minutes of their proceedings.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious diseases, or to contain unsound provisions or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disorder, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter, or ought to be removed so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise, for the time being, such of the powers and perform such of the powers and perform such of the duties of marshal, or street commissioner, as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act or any ordinance.

§ 6. Every person practicing physic in the city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make a report, in writing, to the clerk of the board; and for neglect to do so shall be considered guilty of a misdemeanor, and liable

to a fine not exceeding fifty dollars, to be sued for and recovered with costs in an action of debt in any court having cognizance thereof, or before a justice of the peace, for the use of said city.

ARTICLE XII.

A SYSTEM OF GRADED SCHOOLS.

- School district. SECTION 1. All the territory within the limits of the city of Bushnell, in McDonough county, according to its present or future boundaries, is hereby created into a common school district.
- School fund. § 2. All school funds, from whatever source derived, belonging to township number seven (7) north of the base line, of range number one (1) west of the fourth principal meridian, known as the township of Bushnell, McDonough county, Illinois, held or owned for school purposes, shall be divided between the city of Bushnell and the portion of the said township without the same, in the proportion and manner following: The school trustees for the several districts of said township shall, within thirty days after the first election contemplated by this act, appoint two commissioners who are freeholders—one a resident of said city, the other of said township without the city—who, after [having] been sworn well and truly to discharge their duties, shall ascertain the whole number of persons under the age of twenty-one years residing in the whole of said township, and the whole number in said city, and in the township without the city; and thereupon said trustees shall divide and apportion said funds of said township between the city and the township without the city, according to the number of persons under the age of twenty-one years residing in said township. Said trustees shall have power to supply any vacancy occurring among said commissioners.
- Division of fund
- Apportionment of fund. § 3. The said trustees, or other person or persons having custody or control of said funds, shall pay over and deliver to the board of education of Bushnell school district the portion of funds to which said school district may be entitled. The public schools of said district shall be under the exclusive management and control of a board of education, to consist of the mayor of the city, who shall be the president of the board, and one from each ward of the city, to be known as the board of education of Bushnell school district; each of whom, with the treasurer and clerk of said board, shall be sworn to discharge their duties with fidelity.
- Board of education.
- Oath of office.
- General powers of board. § 4. Said board shall have the exclusive control over the school lands, funds, and other means of said district, for school purposes, and shall have full power to do all acts and things in relation thereto to promote the end

herein designed; may sell or lease said land, or other lands or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms, for cash or credit, and such time, as they may see proper. They shall have full power to receive conveyances or donations, and to make the necessary deeds or leases of lands; and all conveyances by the board shall be signed and acknowledged before some competent officer, by the president and secretary of said board: *Provided, however,* that no sale or lease of land for more than one year shall be made without the concurrence of said board of education. A majority of the directors, with or without the president, shall constitute a quorum for the transaction of business; and in the absence of the president, they may appoint one of their own number president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

Proviso.

President, *pro tem*.

§ 5. Said board shall have full power to buy or lease sites for school houses, with the necessary grounds therefor; to erect, hire or purchase buildings for school houses, and keep them in repair; to furnish schools with necessary

Powers of the board.

books, fixtures, furniture, apparatus and library or libraries; to establish, conduct and maintain a system of graded schools, to be kept in one or more buildings in said district; to supply the insufficiency of school funds for the

Libraries, furniture, etc.

payment of teachers, and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided; to determine the number, make the appointment, and fix the amount of compensation, of teachers within said district; and to appoint a general

Teachers.

superintendent of schools, prescribe his duties and fix his salary; and to appoint all other agents and servants, and fix their pay: *Provided,* that the said directors shall in no case receive any compensation, except such as may be

Superintendent.

determined and fixed by the city council; to prescribe the studies to be taught, and books to be used, including maps, charts, globes, etc.; to lay off and divide said district into smaller districts, and alter the same or erect new ones at

School books.

pleasure; to pass by-laws, rules and regulations, to carry their powers into complete execution, and for the government of their own body, their officers, agents and servants, and providing for their meetings and adjournments; and generally, to have and possess all power and authority necessary for the proper establishment and control of an effective system of graded schools within said district; and they shall visit each and all the schools therein as often as may be necessary.

To make by-laws and regulations.

§ 6. It shall be the duty of said board of education, and they shall have full power, to determine the amount of money needed and to be raised for school purposes, over and above the amount from the school funds hereinbefore

Duties of board.

enumerated, or from other sources: *Provided*, said board shall not, for any one year, require to be raised more than one per cent., for the benefit of said schools, on the assessed value of the real and personal property of said city for each year, unless a majority of the voters of said city authorize them to do so, at an election to be held for that purpose, at such time and conducted as the board may direct; nor shall said board or said city council make any loan whatsoever, for school purposes, without a previous authority by such vote; but, with a concurrence of a majority of such voters, it shall be lawful to raise such sum, either by taxation or loan, as said board shall see proper; and before the first day of August of each year, they shall determine the amount required to be collected by taxation, for expenditures, for one year from the first day of January the next ensuing, for school purposes generally, and certify the amount to the city council of Bushnell.

Shall estimate
amount required
for school.

School taxes.

§ 7. It shall thereupon be the duty of the city council to levy said sum, or so much thereof as they may deem necessary, on all the real estate and personal property of said city, according to the assessment and valuation thereof for the current year, equally, by a certain rate per centum, and collect the same as city taxes are collected. A special column shall be prepared in the city duplicate, headed "School Purposes," in which shall appear the amount of tax for school purposes chargeable against each parcel of real estate or amount of personal property; and when said taxes are collected, the treasurer shall keep a separate account of the same, and they shall be used and applied for school purposes only, and shall be paid only on the order of said board.

Abstract of
children.

§ 8. It shall be the duty of the board to cause an abstract of the whole number of children under the age of twenty-one years, within said district, to be made, and furnish the same, with such further information as is required in sections 36 and 79 of "An act to establish and maintain a system of free schools," approved February 16, 1847, to the school commissioner of McDonough county, Illinois, within ten days after the same shall have been ascertained; and the school commissioner shall pay, annually, to the said board, for the exclusive use of said district, the amount the district is entitled to receive from the funds that are or may be in his hands, subject to distribution for the support and benefit of the schools in said county, in accordance with the provisions of the free school law now in force, the same as if no special charter had been conferred upon the schools of the city of Bushnell.

Fund subject
to distribution.

Council may
borrow money.

§ 9. The city council of the city of Bushnell are hereby vested with full power to borrow such sums of money, being subject to the restrictions contained in the seventh section of this act, as they may deem necessary for school

purposes in said district, at a rate of interest not exceeding ten per centum per annum, which may be made payable semi-annually, at such place as may be agreed upon, and the money when so borrowed shall be placed under the control of the board of education.

§ 10. The treasurer and clerk of the city of Bushnell shall be the treasurer and clerk of the board of education, and the board shall determine their duties, compensation and amount of security to be given. Treasurer and clerk.

§ 11. Said board shall cause all funds not needed for immediate use to be loaned at the rate of ten per cent. per annum, payable semi-annually in advance. No loan shall be made for a longer period than five years, and if exceeding one hundred dollars, shall be secured by unincumbered real estate of at least double the value of the loan, without estimating perishable improvements. For any sum of one hundred dollars and under, good and satisfactory personal security may be taken. Funds loaned.

§ 12. All notes and securities shall be to the board of education for school purposes, and the borrower shall be at all expenses of examining titles, preparing and recording papers. Securities.

§ 13. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others, except those attending the last illness of the deceased, and his funeral expenses, including the physician's bill. Preference of school debt.

§ 14. If default be made in the payment of interest or of the principal when due, interest at the rate of twelve per cent. per annum on the amount due, shall be charged from the default, and may be recovered by suit. Suit may be for the interest only, whether the principal be due or not, and if the interest be not paid within ten days after the same becomes due, the principal, at the option of the holder of the note, shall thereby become due, and may be recovered by suit, if necessary. Default of payment.

§ 15. All judgments for principal or interest, or both, shall draw interest at the rate of ten (10) per cent. from the rendition of judgment, and said board may purchase in property sold on execution or decrees in their own favor as in cases. No judgment for costs shall be rendered against said board, to be paid out of the school funds. Judgment.

§ 16. If the security for any loan or other debt due the school district, in the judgment of the board, becomes doubtful or insecure, they shall cause the debtor to be notified thereof, and if he shall not immediately secure the same to the satisfaction of the board, the principal and interest shall thereby become due immediately, and suit may be brought against all the makers of the note, although such condition or stipulation be not inserted in the note. Notice to debtor

§ 17. The board of education shall be appointed, one in each ward of said city, by the city council, by a majority Ballot for board

vote or ballot, and no person shall be appointed unless a householder and a resident of said ward for which he is appointed, and each shall serve and hold their office for the term of one year from the date of their said appointment.

Vacancies, how filled.

§ 18. All officers, under this act, shall hold their offices until their successors are appointed and qualified. Removal from his ward, by any director, shall vacate his office; and whenever a vacancy shall occur in the office of director, the city council of Bushnell shall supply the same, upon notice thereof by the clerk of said city, which appointment shall be for the unexpired term only.

Annual statement.

§ 19. Said board of education shall publish, annually, the statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and expenditures of each school, specifying the sources of such receipts, and the object of such expenditure.

Admit other scholars.

§ 20. Said board shall have the power to admit persons who do not reside within said district into said school, upon such terms as may be agreed.

Ad children admitted.

§ 21. All persons over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said school free or upon the payment of such rates of tuition as the board shall prescribe; but nothing herein contained shall prevent persons from being suspended, expelled or kept out of said school altogether for improper conduct.

Purchase and lease ground.

§ 22. In purchasing or leasing grounds or buildings, or in the erection of buildings for school purposes, said board of education may do so on credit; and when the price and conditions of the purchase or lease or erection of said buildings is agreed upon, the board may certify the same to the city council of Bushnell, and the city council shall make or cause to be made, to the proper party, the bonds or obligations of said city for the payment of the money according to said terms, or said board may execute, in their own name, said contract, bond or obligation, and they shall be binding upon said city: *Provided*, a majority of the city council shall consent to the same; and the city council shall provide for the payment of the same and the interest thereon, as it becomes due, as though they were executed by the city of Bushnell, and under her corporate seal.

Debt, how paid.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

Report of receipts and expenditures.

SECTION 1. The common council shall, at least ten days before the annual election in each year, cause to be published, in the corporation newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and the mode of disburse-

ment, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges, for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

§ 2. The inhabitants of the city of Bushnell are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof, without said limits.

Citizens exempt from road labor outside of city limits.

§ 3. The street commissioners shall demand the services of all persons who are required to labor on the streets and roads of the city, at such time and place, and in such manner as the common council may direct, or the street inspector or supervisor shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the common council shall prescribe, which notice shall be given at least one day previous to the first day on which he or they are required to labor, requiring such persons to appear at such time and place as may be designated for the purpose of laboring upon the streets and roads. But a similar notice, published for ten days in the corporation newspaper, by the street commissioners, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting added thereto, or the same may be recovered by suit, with costs, as in other cases, or as may be prescribed by ordinance.

Manner of requiring and performing road labor

Notice.

Neglect to appear and labor.

§ 4. All fines, forfeitures and penalties collected for offenses committed within said city, shall be paid into the treasury of said city by the officers collecting the same; and all fines and forfeitures collected of any citizen of said city for any conviction in the city court, shall be paid over in like manner.

Fines and penalties to go into city treasury.

§ 5. The city council shall, in all expenditures for purposes strictly local, expend annually, in the several wards of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each ward to the general fund. Road taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

Expenditures.

§ 6. The street commissioners, in addition to the penalties prescribed by ordinance, shall, for willful neglect of

Penalty for street commissioner.

duty, be liable to indictment and fine in the same manner supervisors under the laws of the state.

Remission of
fines.

§ 7. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

Vote of city
council, how re-
scinded.

§ 8. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called, in whole or in part, for that purpose, and the aldermen be so notified, and unless at such special meeting there shall be present as large a number of aldermen as was present when the vote was taken.

Cemetery lots.

§ 9. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Survey and plat.

§ 10. The city council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks, in such manner as they may prescribe by ordinance; and such plat designation and number, when made and duly recorded, shall be a good and valid description of such blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Boundaries of
streets, etc.

Publication of
ordinances.

§ 11. Every ordinance, regulation and by-law, imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after its passage thereof, be published three days, where there is a daily paper published, otherwise once in a weekly paper: *Provided*, the proof of such publication shall not be necessary unless it is denied under oath; and such publication may be dispensed with entirely in cases of emergency, by the unanimous vote of the council; and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Proof of pub-
lication.

Actions for re-
covery of pen-
alty, etc.

§ 12. All actions brought to receive any penalty or forfeiture incurred under this act, or any ordinance, by-law or

police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 13. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

First process
to be summons.

§ 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate, within the county of McDonough, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse, or city prison, for a term of not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs; all expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Execution of
judgment.

§ 15. Any person who shall injure or destroy any bridge or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offense, to be recovered by the city, in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had; and such person shall also be liable in a civil action at the suit of the city, for the damages occasioned by such injury or destruction.

Injury to property, how punished.

§ 16. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Bushnell, in any action or proceeding in which said city may be a party in interest.

Competency of citizens in case where the city is a party.

§ 17. All ordinances, regulations and resolutions now in force in the town of Bushnell, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council, after this act shall take effect.

Old ordinances to be valid.

§ 18. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

All actions and suits vested in corporation.

§ 19. All property, real, personal or mixed, belonging to the town of Bushnell, is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall, respectively, continue in the same until superseded in conformity to the provisions hereof, but shall

Real property vested in corporation.

be governed by this act, which shall take effect from and after its passage.

Ordinances shall be evidence.

§ 20. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Style of ordinances.

§ 21. The style of all ordinances shall be, "*Be it ordained by the city council of the city of Bushnell.*"

Additions to the city.

§ 22. Any tract of land adjoining said city which may be laid off into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

This act shall not invalidate certain rights.

§ 23. This act shall not invalidate any legal act done by the city council of the city of Bushnell, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation, prior to the passage of this act.

Requirements of police magistrates.

§ 24. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and to conform to the ordinances and resolutions passed from time to time.

No fees of office when city unsuccessful.

§ 25. The police magistrate and all other officers of the city shall not be entitled to receive any fees from the city, when, from any cause, the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same.

Power to make arrests and to confine prisoner

§ 26. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such person in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

This act shall not invalidate certain rights.

§ 27. This act shall not invalidate any legal act done by the president and trustees of Bushnell, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liabilities which may have accrued to or been created by said corporation prior to the passage of this act.

Digest of ordinances.

§ 28. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within a period of five years thereafter.

When act to take effect.

§ 29. This act shall be deemed a public act, and may be read in evidence with proof, and judicial notice shall be

taken thereof in all courts and places, and shall take effect from and after its passage.

§ 30. The act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27th, 1854, shall be constituted a part of this charter of the city of Bushnell the same as if specially recited, except that the jurisdiction of police magistrates shall be extended to all causes of action, at common law or by statute, where the plaintiff's demand shall not exceed five hundred dollars; and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to conviction.

Another act to constitute part of this act.

§ 31. Transcripts of judgments arising under the charter of ordinances of the city may be taken from the docket of magistrates, and filed in the office of the clerk of the circuit court of McDonough county, and shall have the same force and effect as transcripts in other cases, and executions shall be issued thereon and collected in like manner. This section shall be taken to include police magistrates when elected in said city.

Jurisdiction of circuit court.

Police magistrates.

§ 32. The trustees of the town of Bushnell shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Bushnell, and issue their proclamation for an election to be held in said town at least ten days prior to the election of city officers, at which election, the inhabitants residing within the territory described in the first 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 shall be for the charter, this act shall immediately take effect as a law, and the trustees shall proceed as directed in article third of this charter; but if a majority of the votes shall be against the charter, then this act shall be of no effect.

Notice of election.

APPROVED March 11, 1869.

AN ACT to incorporate the city of Carbondale, in the county of Jackson. In force April 15, 1869.

ARTICLE I.

GENERAL POWERS AND BOUNDARIES.

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 Carbondale, in the county of Jackson and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Carbondale;" and, by that name, shall

Corporators.

Name and style.

have perpetual succession; may have and use a common seal, which they may alter or change at pleasure; and by that name and style may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; and shall have power to purchase, receive and hold property, real or personal, in said city; to purchase, receive and hold property, real or personal, beyond the city limits, for burial grounds and other purposes, for the use of the inhabitants of said city, to sell, lease and convey such property for the benefit of said inhabitants, and to improve and protect the same, and to do all other acts thereto as natural persons.

May purchase
and hold prop-
erty.

Boundaries.

§ 2. The corporation limits and jurisdiction of the city of Carbondale shall extend over, include and embrace the following territory, to-wit: The west half of the south-west quarter of section fifteen (15), the south half of section sixteen (16), the east half of the south-east quarter of section seventeen (17), the east half of the north-east quarter of section twenty (20), the east half of the south-east quarter of section twenty (20), all of section twenty-one (21), the west half of the south-west quarter of section twenty-two (22) and the west half of the north-west quarter of section twenty-two (22), all in township nine (9) south, range one (1) west, in the county of Jackson, and state of Illinois.

Additions.

§ 3. Any tract of land adjoining the limits of said city and extending not more than eighty rods from the city limits, may be laid off into lots and included within the city limits: *Provided*, that the city council shall have power to adopt a plan for the laying out and platting of all additions which may be made to said city, or of subdivision of lands lying within the city, so as to secure regularity and uniformity in the streets and highways of the city and vicinity, and to require that all additions or subdivisions which may be so laid out and platted, shall conform to such plan; and no map or plat of any addition to said city, or of any subdivision of lands lying within the same, or within eighty rods of the limits thereof, shall be entitled to record or shall be recorded in the office of the recorder of Jackson county, until the same shall have been approved by the city council of said city; and all such additions or subdivisions shall be null and void, unless a correct plat or map thereof shall be approved by the city council of said city before the same is filed for record: *Provided, further*, that whenever any lands lying within eighty rods of the city limits are laid out in lots of less than five acres, and sold or offered for sale by the owner or owners thereof, the city council shall have the power, by ordinance, to include the same within the limits and jurisdiction of the city.

Approval.

ARTICLE II.

CITY GOVERNMENT.

SECTION 1. The legislative powers of the city of Carbondale shall be vested in a council, and the executive powers of said city shall be exercised by a mayor and such other officers as are provided by this act, or as may be established by ordinance of said city. General powers.

§ 2. There shall be established in said city a court of justice, to be styled "The City Court of Carbondale," and there shall be such other courts of justice as now or hereafter may by law be established in said city. Courts.

ARTICLE III.

CITY COUNCIL.

SECTION 1. There shall be elected, by the qualified voters of said city, a city council, to consist of a mayor and board of aldermen. Mayor and board of aldermen.

§ 2. The board of aldermen shall consist of four members, who shall be elected from the city at large; and no person shall be an alderman who is not over twenty-one years of age, a citizen of the United States, a freeholder in the city, and who has not resided within the city limits one year next preceding his election. If any alderman shall remove his residence beyond the city limits his office shall be vacated: *Provided*, that the city council may, when the interests of the city demand it, lay off the city into four wards, define the boundaries thereof, and provide by ordinance for the election of aldermen by wards. Qualification.

§ 3. The city council shall judge of the qualifications, elections and returns of its members, and shall determine all contested elections; shall have power to make rules for the government of its meetings, to punish its members for disorderly or unbecoming conduct, and for good and sufficient cause, two-thirds of the members elect concurring, may expel a member. Powers.

§ 4. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, may fine absent members, and compel their attendance. Quorum.

§ 5. The council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered thereon, which journal shall, from time to time, be published. Record of proceedings.

§ 6. The mayor and aldermen, before entering upon the duties of their respective offices, shall take an oath to support the constitution of the United States and of this state, and that they will well and faithfully perform the duties of their offices to the best of their skill and ability. Oath of office.

Vacancies, how filled. § 7. All vacancies that may occur in any of the elective offices of the city, shall be filled by election, or otherwise, as may be provided for by ordinance; whenever there shall be a tie in the election of any elective officer, the officers of election shall certify the same to the city council, who shall determine the same by lot.

Stated meetings § 8. The city council shall hold stated meetings for business, on such day as they may designate by resolution or ordinance, but shall not at any time adjourn for a longer period than one month. Called meetings may be held when demanded by the mayor or two aldermen.

Clerk's duties. § 9. The city council shall have power to appoint a clerk, and define his duties and fix his compensation by ordinance; to appoint a treasurer, assessor and prosecutor, and define their duties and fix their compensation by ordinance; and may require the same individual to discharge the duties of two or more of said offices, if not inconsistent with the interests of the city.

No alderman appointed to office. § 10. No alderman shall be appointed to any office which shall have been created, or the emoluments of which shall have been increased during the term for which he shall have been elected.

Fire wardens. § 11. The members of the council shall be fire wardens and conservators of the peace, and shall be exempt from jury duty and labor upon the streets during their term of office.

No member shall be interested in contracts. § 12. No member of the city council shall be, directly or indirectly, concerned or interested in any contract to which the city is a party, or the expenses or consideration whereof are to be paid by said city; and if any member of said council shall be so concerned or interested, he may be removed from office, and the execution of such contract may be enjoined at the suit of any resident tax payer of said city.

ARTICLE IV.

THE MAYORALTY.

Mayor. SECTION 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 two years, and until his successor shall have been elected and qualified.

Qualification. § 2. No person shall be eligible to the office of mayor who has not attained the age of twenty-one years, is not a citizen of the United States, a freeholder within the limits of the city, and who has not resided within said city limits for one year next preceding his election.

Duty of mayor. § 3. The mayor shall preside at all meetings of the council, and have a casting vote and no other, and in his absence, at any meeting of the council, the board of aldermen shall appoint one of their number president *pro tem*.

§ 4. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city, and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and to give notice of their neglect of duty, violation of law or other unbecoming conduct to the council; and at the regular meetings in April of each year, and at such other times as he may deem expedient, communicate, in writing, to the board of aldermen, such information and recommend such measures as, in his judgment, may conduce to the improvement of the finances, the police, the security, the health, comfort or ornament of the city. The mayor shall receive for his services such compensation as shall be fixed by ordinance. For omission or neglect of official duty or malconduct in office, or other good and sufficient cause, the mayor may be removed from office—a majority of all the aldermen elect voting for such removal. Before the board of aldermen shall proceed to try the mayor, specific charges shall be preferred by said board, and a day set, not less than ten days, and notice in writing, and a copy of said charges and the time set for the trial, shall be served on the mayor; when the board meets for such trial, they shall select one of their number chairman, and the board shall be sworn as a court of impeachment. The chairman may administer oaths and shall have the power, with a concurrence of a majority of the board, to send for persons and papers. If the charge or charges are sustained, the mayor shall be removed from office and the vacancy shall be filled by the board of aldermen, subject to such regulations as may be made by ordinance for filling vacancies in said city.

Enforce ordinances.

Compensation.

Removal from office.

§ 5. In case of the temporary absence of the mayor from the city, or from sickness or other cause, he be unable to discharge the duties of his office, the board of aldermen shall, by ballot, elect one of their number to discharge the duties of mayor, who shall take the same oath required to be taken by the mayor, during such temporary absence or inability of the mayor, and whose official designation shall be "Acting Mayor."

Mayor, pro tem.

§ 6. The mayor shall have power to administer oaths or affirmations, in all matters arising under this act or the laws of this state. He shall be a conservator of the peace, and may call upon every male inhabitant of the city, over the age of eighteen years, to aid in enforcing the laws and ordinances of the city, and to enforce obedience to said call in such manner as may be provided by ordinance.

Power of mayor to enforce ordinances.

ARTICLE V.

ELECTIONS.

Elections.

SECTION 1. On the first Tuesday in April next, an election shall be held in said city, for one mayor, (who shall hold his office for two years and until his successor shall have been elected and qualified), one judicial officer (to be styled the "judge of the city court of the city of Carbondale,") who shall hold his office for four years, and until his successor shall be elected and qualified, four aldermen and one city marshal, who shall hold their offices, respectively, for one year and until their successors are elected and qualified; and forever, thereafter, on the first Tuesday in April of each and every year, an election shall be held in said city for aldermen and such other officers of the city as are or may be made elective. All qualified voters of the state of Illinois, who have been residents of the city for thirty days next preceding any election, shall be legal voters.

Term of office.

Judges of election.

§ 2. The judges of the election, to be held on the first Tuesday in April next, shall be appointed by the trustees of the town of Carbondale; and for all elections thereafter the city council shall appoint three judges and one clerk, at their regular meeting in March, or as soon thereafter as practicable, who shall hold their office for one year, and receive such compensation for their services as may be provided by ordinance.

Duties of.

§ 3. The judges of any city election shall, within five days after such election, deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books and enter the result of the election on their journal; and if the persons elected do not take the oath of office within ten days after said election, required in section 6, article 3, of this act, their office shall be declared vacant and a new election ordered.

Notice of.

§ 4. The trustees of the town of Carbondale shall cause public notice to be given of the election to be held on the first Tuesday in April next, as provided for in section 1, article 5 of this act, by publishing such notice in a newspaper published in said town—or, if no newspaper be published in said town, then by posting three or more printed or written notices in the most public places in said town, at least ten days before said election; and for all city elections thereafter to be held, the city council shall give similar notices in like manner.

General laws to govern.

§ 5. All elections, not otherwise provided for in this act, shall be conducted, and the officers of the elections shall be governed by the general election laws of this state; and persons are subjected to the like penalties for illegal voting, in all elections held under this act, as are imposed for like offenses under the election laws of the state of Illinois.

ARTICLE VI.

CITY COURT.

SECTION 1. The judge of the city court is hereby constituted a justice of the peace, and shall be commissioned by the governor, and qualify as other justices of the peace, and have, possess and exercise all the powers conferred, by law, upon justices of the peace in this state. He shall have exclusive jurisdiction of all suits or prosecutions, for the violation of the ordinances of the corporation: *Provided*, that in the absence of the city judge, or his inability to try such suit or prosecution, or in case grounds for a change of venue may be made out by the defendant or defendants, the mayor or any justice of the peace, in said city, may hold said city court and try such suit or prosecution. The judge of the city court shall have concurrent jurisdiction with justices of the peace of Jackson county; and he shall, also, have additional statute, criminal and common law jurisdiction, in all cases where the demand, damages or fine does not exceed five hundred dollars, and where the imprisonment extends only to the county or city jail: *Provided*, that the city marshal, or any other officer authorized to execute writs or process issued by said judge, shall have power to execute the same anywhere within the limits of Jackson county. In all suits and proceedings before said judge of the city court, where the amount in controversy or demand does not exceed one hundred dollars, said judge shall be entitled to the same fees allowed by law to justices of the peace for like services; and in all suits or proceedings, where the demand or amount in controversy exceeds one hundred dollars, he shall be entitled to receive the same fees as allowed, by law, to the clerk of the circuit court for like services. The judge of the city court shall have power, and it is made his duty, when any person is found guilty of violating any ordinance of the city, to impose upon him or them such punishment, by fine or imprisonment, as may be fixed by ordinance, and none other, and to order him or them to be held in custody by the city marshal, or imprisoned in the city jail, until the fine and costs are paid: *Provided*, that no person shall be fined, for violating any city ordinance, more than five hundred dollars, nor imprisoned more than three months. He shall also have power to fine and imprison for contempt of his court when in session. He shall hold a session of his court for the trial of causes on every Monday, and shall keep the same open, from day to day, if necessary, until all the business before him shall have been disposed of; and shall have and keep a docket similar to that of the circuit court.

Judge commissioned by governor.

Jurisdiction.

Fees of Judge.

Punishment for violations.

Appeals, how
taken.

§ 2. Either party may appeal from the decision of said judge or from any judgment rendered by him, in the same manner and under the same regulations that appeals are allowed by the laws of this state from judgments of justices of the peace: *Provided*, that in case the city of Carbondale 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.

Marshal.

§ 3. The city marshal shall also be collector of the city revenue, street commissioner and market master, and shall have power to appoint one deputy, with the approval of the council: *Provided*, that the council may, whenever they deem it expedient, appoint other person or persons to the office of street commissioner and market master. The city marshal shall promptly arrest all violators of any ordinance, and carry them before the judge of the city court; and shall have power to summon witnesses, without written subpoena, to appear and give evidence against such violators, and upon the failure of such witnesses to attend, the judge shall forthwith issue a writ of attachment against them; and said judge shall proceed to try such offenders forthwith, or as soon as the witnesses can be brought before him. If either the city or the party arrested is not ready for trial, the judge may continue the case not more than three days, and may admit the accused to give bond for his appearance at the time named therein, which bond shall be made payable to the city of Carbondale, and collectable by action of debt before the judge of the city court. Upon the refusal or failure of the accused to execute such bond, the judge may order him or them to be committed to the city jail until the time set for trial. Any person fined for the violation of any city ordinance, may replevy the same by giving security for the payment of such fine and costs, within three months; and at the expiration of said time, if the fine and costs be not paid, the judge shall render judgment against the principal and his sureties, and forthwith issue execution thereon, directed to the city marshal.

Judge may
continue cause.

Bond given.

Process to be
served by mar-
shal.

§ 4. All process issued by the judge of the city court or any police magistrate of the city, shall be directed to and shall be served by the city marshal, who shall receive the same fees allowed by law to sheriffs for like services, unless the same be changed by ordinance. He shall receive such compensation, for his services as street commissioner and market master, as may be provided by ordinance. For neglect or omission of duty, or other good cause, the city marshal may be punished by fine to be prescribed by ordinance of the city, and may be removed by the city council; and in case of his removal, the council shall fill the vacancy by appointment until the next regular election.

Power to arrest.

§ 5. The city marshal have power to commit to the city prison any and all persons arrested for violation of the city

ordinances, when the city court shall not be open for business, but shall take such person or persons before the court at the earliest time practicable.

ARTICLE VII.

LEGISLATIVE POWERS.

SECTION 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 and the state of Illinois. Levy and collect taxes.

§ 2. The city council shall have power to require all officers, elected in pursuance of this charter or appointed by the council, to take the oath of office and execute bonds, with security conditioned for the faithful performance of their respective duties, before entering upon the discharge of the same. Bonds.

§ 3. To borrow money on the credit of the city, by and with the consent of a majority of the voters present, at an election for the purpose: *Provided*, that no money shall be borrowed at a greater rate of interest than ten per cent. per annum, nor shall the interest on the amount borrowed and outstanding at any time exceed one-half of the revenue of the city arising from taxes assessed on real estate. May borrow money on credit of city.

§ 4. To make regulations to secure the general health of the inhabitants, to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city. To declare what shall be a nuisance, to prevent, abate and remove the same. General health.

§ 5. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, when necessary for the public convenience, the avenues, streets, alleys and other public highways of the city. Repair streets.

§ 6. To establish, support and regulate night watches, and other police. Police, etc.

§ 7. To establish market places, and provide for the government and regulation thereof. Markets.

§ 8. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, hawkers, peddlers and brokers. Auctioneer peddlers, etc.

§ 9. To provide for all needful buildings for the use of the city, and to provide for the inclosing, improving and regulating all public grounds belonging to the city. Public grounds.

§ 10. To license, tax and regulate all hackney coaches, 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 merchandise or other property. Vehicles.

- Exhibitions.** § 11. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Prohibit sale of liquors.** § 12. To license, tax and regulate, or to restrain, prohibit and suppress all tippling houses, dram shops, groceries, saloons, coffee houses, and other places where wine, gin, rum, brandy, whisky, beer, ale or other intoxicating liquors are sold, bartered or given away in said city, or within one mile outside and next beyond the city limits: *Provided*, that no license shall be granted for selling any such liquors, either by wholesale or retail, until a majority of all the legal voters of the city, at a special election to be held for that purpose, shall vote in favor of granting such license.
- Combustibles.** § 13. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- City taxes.** § 14. To provide, by ordinance, for the manner and time for assessing and collecting city taxes, where the same may not be fully provided for in this charter.
- Hay and fuel.** § 15. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood and other fuel to be used or sold in the city.
- Census.** § 16. To provide for the taking the enumeration of the inhabitants of the city.
- Election of officers.** § 17. To regulate the election of city officers, and provide for the removal of any person holding an office created by ordinance.
- Compensation, fees, etc.** § 18. To fix the compensation, by fees, commission or otherwise, of city officers, to regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance of the city council.
- Regulate police.** § 19. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.
- Ordinances.** § 20. The city council shall have power to make all ordinances which may be necessary and proper for carrying into execution the powers specified in this act, not inconsistent with the constitution of the United States or this state.
- Style of ordinances.** § 21. The style of the ordinances of the city shall be "*Be it ordained by the City of Carbondale.*"
- Publication of ordinances.** § 22. All ordinances passed by a majority of aldermen present at any meeting, when a quorum is in attendance, and approved and signed by the mayor, shall be in force from their passage, unless otherwise provided for in the ordinance. All ordinances shall be published by the clerk of the council, as soon as practicable after their passage, in some newspaper in the city, or if no newspaper be published in said city, then by posting written or printed copies thereof in not less than four public places in said city.

§ 23. All ordinances, resolutions, laws or orders, may be proven by the attestation of the clerk or mayor, under the seal of the corporation, or by the affidavit of the mayor or clerk; and when printed or published in book or pamphlet form, and purporting to be published by the authority of the corporation as in force, the same shall be received in evidence in all courts and places without further proof. Evidence and proof of.

ARTICLE VIII.

REVENUE.

SECTION 1. All real and personal property within the limits of the city of Carbondale shall be subject to taxation by the city council, for the use and benefit of said city. Tax for use of city.

§ 2. The fiscal year of the city of Carbondale shall commence with the first day of April, and close on the thirty-first day of March, in each year; and all assessments for taxation shall be made as on the first day of April, annually. Fiscal year.

§ 3. The city council shall have power, by ordinance, to prescribe the form of assessment rolls, to define the powers and duties of assessors, and make such rules and give such directions in relation to revising, altering or adding to the rolls, as they may deem proper and expedient. Form of assessments.

§ 4. On the return of the assessment lists, the time for which shall be fixed by ordinance, the city council shall fix a day for hearing objections thereto, notice of which shall be given by the city clerk, when any person feeling aggrieved may present his complaint. The city council shall have power to equalize the assessment, to correct and revise the same, to supply omissions, or to refer them back to the assessor, with instructions. Objections.

§ 5. When the assessment rolls have been corrected and revised, and an order of confirmation passed, the council may proceed to levy such a per cent., not exceeding one-half of one per cent., as they may deem necessary to meet the several purposes for which such taxes are intended. Confirmation.

§ 6. The city clerk shall issue a warrant for taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or the estate subject thereto. Each column shall be headed with the name of the tax set down. Duty of clerk.

§ 7. Warrants issued for the collection of taxes shall contain a true copy of the corrected assessment list, and be certified under the corporate seal, and signed by the clerk. They shall be delivered to the collector for collection within such time, after the filing of the corrected assessment lists, as the council may direct. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property, after a demand for and a refusal to Warrants for collection of taxes.

pay the same, by giving due notice. The assessor's list shall in all cases be evidence on the part of the city corporation.

Duty of collector § 8. In the return to said warrant, the collector shall give a list of the persons whose tax upon 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.

Delinquent tax-payers. § 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 such 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 and sworn to by him, that said taxes remain unpaid, and that he could find no goods or chattels whereon to levy, and out of which to collect the same; and the city council may credit him with such amount.

Evidence of tax list. § 10. The said list shall be evidence of the tax and costs due on any real estate in said city; and whenever any person, owning real estate in said city, shall fail to pay the tax assessed on the same, on or before the first day of October, of any year, the city collector shall thereupon proceed to obtain judgment against, and to sell said real estate for taxes and costs, in the same manner as is provided by the revenue laws of this state for obtaining judgment against and selling delinquent lands.

Sale of real estate for taxes. § 11. All real estate sold for taxes and assessments, made under this charter, shall be sold, and may be redeemed in the same manner and upon the same terms as lands are now sold and redeemed, in cases of sale for state and county taxes; and the deed of the city collector for real estate, sold under this charter, shall have the same force and effect as deeds made by county collectors of this state for delinquent lands sold for state or county taxes.

ARTICLE IX.

MISCELLANEOUS.

Exempt from road labor. SECTION 1. The inhabitants of the city of Carbondale are hereby exempted from working on any road beyond the city limits, and from paying any tax to procure labor to work the same.

Street labor, how performed. § 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 able-bodied male inhabitant of said city, over the age of twenty-one years and under the

age of fifty years, to labor on the streets, lanes, avenues, alleys and other highways, not exceeding five days in each year, and every person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar per day, for each day he so fails or refuses to work: *Provided*, that any person liable to such labor, may, when notified to work by the street commissioner, pay him at the rate of one dollar per day for each day he shall be liable; and all moneys so paid shall be expended by the street commissioner in keeping in repair the streets of the city.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment, in the city jail, in all cases where such offenders shall refuse or fail to pay the fines and forfeitures, with all costs, which may be recovered against them. Fines and penalties.

§ 4. The city council shall cause to be published, in a newspaper published in said city (or if no newspaper be published in said city, then by posting in four or more public places in the city), annually, on the first Monday in April, a complete statement of all moneys received and expended by the corporation during the preceding year, showing on what account received and expended. Said statement shall be certified by the mayor and city clerk. Exhibit of receipts and expenditures.

§ 5. All suits and prosecutions instituted by the corporation hereby created, shall be instituted and prosecuted in the name of "The City of Carbondale," and all actions commenced by and all fines and forfeitures which have accrued to the president and trustees of the town of Carbondale, shall be vested in and prosecuted by the corporation hereby created; and all the rights which have accrued to said president and trustees, and all property held for the use of the inhabitants of the town of Carbondale, shall be vested in the corporation hereby created. Suits, how instituted.

§ 6. Whenever the city marshal is unable to serve or execute any process, issued by the judge of the city court, the same shall be served by the sheriff or any constable of Jackson county. Sheriff or constable may serve process.

§ 7. All fines and forfeitures, recoverable by indictment or otherwise, for any offenses committed within the limits of the city, shall be paid into the city treasury, for the use of the corporation. Fines and forfeitures, how applied.

§ 8. The city marshal shall have power, with or without process, to arrest or cause to be arrested, upon view or information, all persons who shall break or threaten to break the peace, or who shall be found violating any city ordinance, or who may be a suspected felon, and may commit such person or persons to the city jail, until they can be brought before the city court for trial. Power to arrest with or without process.

Incompetent
witnesses or jurors

§ 9. No person shall be incompetent as a witness or juror in any suit, where the city of Carbondale is a party, by reason of his or her being an inhabitant of said city.

Ordinances to
be in full force.

§ 10. All ordinances of the president and trustees of the town of Carbondale, now in force, shall remain in force until repealed by the city council.

Collection of
revenue.

§ 11. The city council may in their discretion appoint a city collector, and relieve the city marshal of the duty of collecting the city revenue.

Bawdy houses.

§ 12. The city council shall have power to pass all necessary ordinances to prevent the establishment of bawdy houses or houses of prostitution, or of assignation houses within the limits of the city, and two miles next beyond the city limits, and to punish by fines and penalties persons frequenting such houses.

Ordinances to
be approved by
mayor.

§ 13. Every ordinance passed by the board of aldermen shall be presented to the mayor, before it becomes a law: if he approve, he shall sign it, but if not, he shall return it with his objections. The objections shall be entered at large upon the journal, and the board of aldermen shall proceed to reconsider it. If, after such reconsideration, a majority of the members elect shall agree to pass the ordinance, it shall become a law, notwithstanding the objections of the mayor.

Clerk to ad-
minister oaths.

§ 14. The clerk of the city council shall have power to administer oaths, affirmations and affidavits in all matters arising under this charter or the laws of the state.

Publication of
ordinances.

§ 15. All notices, proceedings, ordinances and statements which shall be issued, adopted or made by the city council, shall be published in some newspaper, published in said city, or if no newspaper be published in said city, then by posting, in printed or written form, in four public places in said city.

Conflicting acts
repealed.

§ 16. All acts or parts of acts, contrary to or inconsistent with any of the provisions of this act, are hereby repealed.

When this act
shall take effect.

§ 17. This act is hereby declared to be a public act, to be in force from and after its passage, and may be read in evidence in all courts and places without proof.

IN FORCE April 15, 1869.

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

EDWARD RUMMEL, Sec'y of State.

In force when
adoped by le-
gal voters.

AN ACT to incorporate the city of Evanston.

CHAPTER I.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of that portion of Cook county, bounded as*

follows, to-wit: Commencing at the lake shore, at the northeast corner of lot thirty-five (35), in the subdivision of Baxter's share of the south section of Onilmette's reservation, in township forty-two (42) north, range thirteen (13) east of the third principal meridian; running thence west, along the north line of said subdivision, to the northwest corner of lot nine thereof; thence south, along the west line of said lot nine (9) and along the west line of lots seven (7) and eight (8), in George Smith's subdivision of the south part of said Onilmette's reservation, to the northwest corner of section twelve (12), township forty-one (41) north, range thirteen (13); thence south to the southwest corner of section twenty-four (24), in said last mentioned township and range; thence east, along the south line of said section twenty-four (24) and section nineteen, township forty-one (41) north, range fourteen (14), to the shore of Lake Michigan; thence northerly, along the shore of Lake Michigan, to the place of beginning, shall be a body corporate and politic, under the name and style of the "City of Evanston;" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded; have and use a common seal, and break, make and alter the same at pleasure, with full jurisdiction one-half mile into and over that part of Lake Michigan opposite said corporate limits. Whenever any tract of land adjoining the said city shall be laid off into town lots and duly recorded, the same may be annexed, by a vote of the common council, to and shall then form a part of the city of Evanston.

Name and style;

Jurisdiction.

§ 2. The said city, by the name and style aforesaid, shall have power to take, hold, purchase, sell, lease and convey such real, personal or mixed estate as the purposes of the corporation may require; improve and protect the same, and do all other things in relation thereto as a natural person may or can do.

Powers and privileges.

§ 3. The city shall be divided into four wards, as follows: First ward—all that part of the city which lies east of Sherman avenue and the center line thereof extended north to the northern boundary of the city, and lying north of Davis street, shall constitute and be designated as the first ward. Second ward—all that part of the city lying west of Sherman avenue and the center line thereof extended north to the north line of the city, and lying north of College avenue and the center line thereof extended west to the west line of the city, shall constitute and be designated as the second ward. Third ward—all that part of the city which lies west of Sherman avenue and the center line thereof extended south to the south line of the city, and south of College avenue and the center line thereof extended west to the west line of the city, shall constitute and be designated as the third ward. Fourth ward—all that part of the city lying east of Sherman avenue and the center

Wards, how divided.
First ward.

Second ward.

Third ward.

Fourth ward.

Change boundaries.

line thereof extended south to the south line of the city, and south of Davis street and the center line thereof extended east to the east line of the city, shall constitute and be designated as the fourth ward. The common council shall have power to alter the boundaries of the wards of the city, and may create additional wards and fix the boundaries thereof as they may see fit—in these changes regard being had to the number of inhabitants, so that each ward shall contain, as near as may be, the same number.

CHAPTER II.

GOVERNMENT.

Government.

SECTION 1. The municipal government of the city shall consist of a common council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a city surveyor and a city supervisor of public works, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance—to be appointed by the common council, and to perform such duties as may be prescribed by ordinance.

Officers.

Term of office.

§ 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the common council, by ballot, on the second Monday of May in each year, or as soon thereafter as may be; but the common council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the common council: *Provided*, the mayor and marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Mayor.

Division of aldermen.

§ 3. The several wards of the city shall be represented in the common council by two aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two year from and after their election, and until the election and qualification of their successors. At the first meeting of the common council after the annual election in April next, the aldermen shall be divided into two classes, by lot; the terms of office of those of the first class shall expire in one year, and of those of the second class in two years.

§ 4. If, from any cause, there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, for any cause, the officers herein named shall not be appointed on the second Monday of May in each year, the common council may adjourn, from time to time, until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the common council may forthwith order a new election.

Removal from
ward, how filled

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the common council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer such charge, then the common council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the common council. Such officer may be removed at any time, by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges, when preferred.

Removal from
office.

Limit of time.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, and the common council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the common council. But no special election shall be held to fill vacancies if more than nine months of the time has expired, except in the case of no quorum, mentioned in section four.

Vacancy in of-
fice of mayor.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may be hereafter a defaulter to said city or to the state of Illinois, or to any other city or county thereof, or who shall have taken, given or offered a bribe for an official act or vote; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over, to the party authorized to receive the same, any public money which may have come into his possession. And if any person,

Qualification of
officeholders.

holding any such office or place, within this city, shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Tie vote.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the common council.

CHAPTER III.

ELECTIONS.

Election of officers.

SECTION 1. The mayor, aldermen, marshal, treasurer, assessor and collector shall be elected by the qualified voters of the city. All other officers of the city, except as otherwise provided for herein, shall be appointed by the council.

Election, time and place of.

§ 2. The president and board of trustees of the present town of Evanston shall have the power, and it is hereby made their duty, before the first day of April next, to designate one place in each ward in the city as the place of holding the first election under this act, and appoint three judges of election for each ward, who shall be sworn faithfully to perform the duties of their office, and shall preside at said first election, canvass the votes and make returns thereof, within three days thereafter, to the clerk of said town board, whose duty it shall be to notify the persons elected of their election, within three days after the town board have determined who are elected. The president and board of trustees of the said town of Evanston shall hold a meeting on the first Friday after said first election for the purpose of determining who is elected to each office under this act, and shall cause the officers elected to be notified of their election, as herein provided. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the second Tuesday of April in each year, at such places as the common council may appoint, and of which six days' previous public notice shall be given, by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city—said notice to be given by the city clerk.

Notification of election.

Manner of voting.

§ 3. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll list, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the common council shall have power to regulate elections and the appointment of judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same

powers and authority as the judges of general elections. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same, and declare the result of the election. Declare result. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment; and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.

§ 4. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and who has not been a resident of said city at least one year next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for thirty days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I Oath. swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States (or was a resident of this state at the time of the adoption of the constitution), and have been a resident of this state one year and a resident of this city one year immediately preceding this election, and am now and have been for the last thirty days past a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Who entitled to vote.

Oath.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process, within said city, upon the day on which said election is held; and all persons illegally voting at any election under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

No arrests on election day.

CHAPTER IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear (or affirm) "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the common council, and shall take care that the laws of this state Oath of mayor. Duty of mayor.

and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city.

Enforcing or-
dinances, etc.

§ 3. He is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years to aid in the enforcing the laws of the state or the ordinances of the city, and in case of riot to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

Exhibit books.

§ 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

Malconduct of
mayor.

§ 5. He shall be liable to indictment in the circuit court of Cook county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon recommendation of the jury, to add, as part of the judgment, that he be removed from office.

Approval of
ordinances.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk; and if the mayor approve thereof, he shall sign the same; and such as he shall not approve he shall return to the common council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members elected to the common council shall agree, by the ayes and noes, (which shall be entered upon the journals,) to pass the same, it shall go into effect. And if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall, *ex officio*, have power to administer any oath required to be taken by this act, or any law of the state; 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.

Objections.

Limit of time.

Acknowledg-
ments.

Vacancy in of-
fice of mayor.

§ 7. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the common council shall appoint one of its members, by bal-

lot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall assume his office, or the vacancy shall be filled by a new election.

§ 8. The members of the common council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office. Ex-officio officers.

§ 9. The clerk shall keep the corporate seal, and all papers and all books belonging to the city. He shall attend all meetings of the common council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the common council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct; and he shall have power to administer any oath required to be taken by this act. Duties of clerk.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the common council or its committees. City attorney.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such a manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the common council, by a treasury warrant, signed by the mayor or the presiding officer of the common council, and countersigned by the clerk. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the common council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk. Treasurer.
Draw warrants.
Exhibit book.

§ 12. The city marshal shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, the collection of license money, fines or otherwise. He shall possess the powers and authority of a constable at common law and under the statutes of the state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, Marshal.

to be approved as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof.

Surveyor.

§ 13. The city surveyor shall have the power, under the direction and control of the common council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services, as the common council shall direct and prescribe. He shall possess the same powers, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the common council; shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the common council, and approved by them, or they shall not be valid.

Assessor.

§ 14. The assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the common council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, he shall sign and return them to the common council, and perform such other duties as may be herein prescribed or ordained by the common council.

Collector.

§ 15. The collector shall collect all taxes and assessments which may be levied by the common council, and perform such other duties as may be herein prescribed or ordained by the common council.

City supervisor.

Streets, alleys
and highways.

§ 16. The supervisor of public works shall superintend all local improvements in the city, and carry into effect all orders of the common council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any persons to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the amount thereof to the city clerk, to be laid before the common council; to make plans and estimates of any work ordered in relation

to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the common council.

§ 17. The common council shall have power, from time to time, to require further and other duties of all officers

City council.

whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Evanston, in such sum and with such securities as they may approve—conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the common council certified thereon by the clerk, shall be filed in his office.

Additional duties of officers.

§ 18. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects, of every description, in his possession, belonging to said city, or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of the state.

Deliverance of records.

§ 19. All officers elected or appointed under this act shall be commissioned by warrants, under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk.

Commission of officers.

§ 20. The offices of marshal, assessor and collector may be held by the same person, unless prohibited by ordinance of the common council.

Offices held by one person.

CHAPTER V.

OF THE LEGISLATIVE POWER OF THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council of the city. The common council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote; in his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

City council.

- Compensation.** § 2. The mayor and aldermen shall not, during the period for which they are elected, receive any compensation for their services, or be appointed to or competent to hold any office of which the emoluments are paid from the city treasurer or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expense or consideration whereof are to be paid under any ordinance of the common council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.
- Meetings.** § 3. The common council shall hold twelve stated meetings, one in each month, during the year, and the mayor or any two aldermen may call special meetings, by notice to each of the members of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the common council, and they shall determine the rule of their own proceedings, and be the judges of the election and qualifications of their own members, and shall have power to compel the attendance of absent members.

ARTICLE VI.

- Finances and property.** SECTION 1. The city council shall have the control of the finances, and of all property, real, personal and mixed, belonging to the corporation, and shall, likewise, have power, within the jurisdiction of the city :
- Indebtedness.** *First.*—To appropriate money and to provide for the payment of the debts and expenses of the city, as herein provided.
- Contagious diseases.** *Second.*—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within three miles thereof.
- General health.** *Third.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; and to prevent indecencies within the corporation and on Lake Michigan within one mile of the shore.
- Wells, cisterns.** *Fourth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.
- Streets, alleys, and highways.** *Fifth.*—To have exclusive control and power over the streets and highways and alleys of the city, and to abate and remove any encroachments or obstructions thereon; to

open, alter, abolish, widen, extend, straighten, establish, regulate, grade, pave, macadamize, gravel, clean or otherwise improve the same; to put drains or sewers therein, and prevent the encumbering in any manner, and protect the same from any encroachment or injury.

Sixth.—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and cross-ways, and regulate the construction and use of the same, and to abate any obstruction or encroachment thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling, altering or changing the channels thereof by private persons. Bridges and sidewalks.

Seventh.—To provide for the lighting of the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts. To exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks. Lighting streets

Eighth.—To establish and erect markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection and the continuation of such as are already erected within the same. Markets.

Ninth.—To provide for the closing, regulating, protecting and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds and cemeteries, and cause cemeteries to be removed, and prohibit their establishment within one mile of the city, and prevent the extension of any cemetery now established within that distance. Public grounds and cemeteries.

Tenth.—To erect or establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

Eleventh.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, or any other thing whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them. Obstructions.

Twelfth.—To license, tax and regulate auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, theatrical or other exhibitions, circuses, menageries and amusements. Auctioneers, peddlers, etc.

Thirteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to Porters, hackmen, etc.

prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses.

Suppress d'sor-
derly houses. *Fourteenth.*—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Liquors. *Fifteenth.*—To prohibit the selling or giving away of any intoxicating or malt liquors by any persons within the city; to forbid and punish the selling or giving away any intoxicating or malt liquors to any minor, apprentice or servant.

Restrictions. *Sixteenth.*—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables; of butter, lard and other provisions, and kerosene oil, and the place and manner of selling fish and inspecting the same.

Weights and
measures. *Seventeenth.*—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders or dealers in merchandise, or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Lumber. *Eighteenth.*—To regulate and provide for the inspection and measuring of lumber, timber, shingles, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Hay, lime, etc. *Nineteenth.*—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Inspection of
provisions. *Twentieth.*—To regulate the inspection of beef, pork, flour, meal and other provisions and salt, to be sold in barrels, hogsheads and other vessels or packages, to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Bread. *Twenty first.*—To regulate the weight and price of bread to be sold or used within the city.

Bricks. *Twenty second.*—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Twenty-third.—To create, establish and regulate the Police. police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-fourth.—To prevent, suppress and punish any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city. Riots, etc.

Twenty-fifth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets. Horse-racing and fast driving.

Twenty-sixth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants, prostitutes, etc.

Twenty-seventh.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Running at large of animals

Twenty-eighth.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices, tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. Annoying practices, etc.

Twenty-ninth.—To abate all nuisances, which may injure or affect the public health or comfort, in any manner they may deem expedient. Abate nuisances

Thirtieth.—To do all acts, and make all regulations, which may be necessary or expedient for the promotion of health and the suppression of disease. Health and diseases.

Thirty-first.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer, or other unwholesome or noxious house or place, to cleanse, remove or abate the same, as may be necessary for the health, convenience and comfort of the inhabitants. Offensive establishments.

Thirty-second.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within Breweries, tanneries, stables.

the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering houses, establishments for straining and rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Census.

Thirty-third.—To provide for the taking an enumeration of the inhabitants of the city.

Work house.

Thirty-fourth.—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such work house or house of correction, may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate, in and for the city or for the county of Cook, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs, imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Cook county, be kept therein, subject to labor and confinement.

Destitute children.

Thirty-fifth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Construct drain

Thirty-sixth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks, privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks and bridges, etc.

Thirty-seventh.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks, for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, ditches, sewers and culverts, when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines, within the inhabited portions of the city; to prohibit and restrain railroad companies

from doing general storage or warehouse business or collecting par for storage.

Thirty-eighth.—The city council shall have the power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States and of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper, to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof, by fines, penalties or imprisonment in the county jail, city prison or work house, or both, or either in the discretion of the court or magistrate before whom conviction may be had, but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted. Any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Pass, amend and repeal ordinances.

Enforcement of ordinances.

Imprisonment for fine.

CHAPTER VII.

SECTION 1. The common council shall have power:

First.—To levy and collect, upon all property, real and personal, within the city, made taxable by law for state purposes, not exceeding one-half of one per centum per annum, upon the assessed value thereof, to defray the contingent and other expenses of the city, not otherwise provided for; which taxes, together with the moneys arising from licenses, fines and penalties, shall constitute the general fund.

Taxation.

Second.—To levy and collect, upon all such property, taxes, not exceeding one per centum per annum, upon the assessed value thereof, to defray the costs and expenses of making any and all improvements authorized by this act, the whole or any portion whereof shall be payable out of the public fund, and also for the erection of a city hall, markets, hospitals, city prison or work house, the purchase of grounds therefor, and for public squares or parks.

Improvements.

Third.—To levy and collect, upon all such property, taxes, not exceeding one-half of one per centum per annum, upon the assessed value thereof, to meet the interest which may accrue upon the city debt, other than upon school bonds. And the city council shall pass no ordinance

Interest on debt

or resolution for the creation of a bonded debt, without, at the same time, making provisions for the levying of a tax sufficient to meet the payment of the interest thereon, as the same shall become payable.

Lighting streets *Fourth.*—To levy and collect, upon all such property, in such lamp districts as they shall from time to time create, a tax, sufficient to defray the expenses which may be incurred by the city in erecting lamp posts and lamps and lightening the streets, in such districts; and the tax thus collected shall be exclusively expended for such purpose in the districts paying the same.

Labor on the streets and alleys. *Fifth.*—To require every male resident of the city, over the age of twenty-one years and under the age of fifty-five years, to labor three days in each year upon the streets and alleys of the city, and to fix a rate at which said labor may be commuted and payment instead thereof made in money, and fix a penalty for the non-payment thereof, not exceeding three dollars and costs of suit.

May borrow money and issue bonds. § 2. The common council shall have power to borrow money, on the credit of the city, and issue the bonds of the city therefor; but no money shall be borrowed at higher rate of interest than ten per centum per annum: *Provided*, the whole amount of the bonded debt of the city shall not, at any one time, exceed ten per cent. of the last assessed valuation of the taxable property of the city; and the amount of principal and interest falling due in any one year shall not exceed one per cent. of the assessed valuation for that year. The city may provide for a sinking fund, for the payment of the principal of any indebtedness.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The common council shall have power, from time to time :

Open streets. *First.*—To lay out public streets, alleys, lanes and highways, and to make docks, wharves and slips, and extend, alter, widen, contract, straighten and discontinue the same.

Purchase ground for public parks. *Second.*—To purchase ground for and lay out, alter, vacate and discontinue public parks, squares and grounds.

Improvements. *Third.*—To cause any street, alley, lane or highway to be filled, excavated, graded, leveled, paved, curbed, walled, graveled, macadamized, or planked, and keep the same in repair.

Drains. *Fourth.*—To cause cross and sidewalks, area walls, lamp posts, and public and private drains, ditches and sewers, to be made, laid, constructed, erected, relaid, cleansed and repaired.

Improve sidewalks. *Fifth.*—To fill, grade, improve, protect and ornament sidewalks, public squares and public grounds.

§ 2. The expenses and costs of any improvement mentioned in the foregoing section may be defrayed, save as is herein otherwise provided, by a special assessment upon the real estate benefited thereby, to the extent of the benefit so conferred or to be conferred by such improvement, and the balance may be paid out of the general funds of said city.

Special assessments for expenses.

§ 3. Whenever any improvement, the whole or any part of the expense and cost of which is to be assessed upon property benefited thereby, shall be applied for or proposed, it shall be the duty of the common council to refer the same to a committee of its own body or to three other persons, whose duty it shall be to examine the premises where such improvement is proposed to be made, and if they shall determine that such improvement is necessary and proper, they shall so report to the common council, with an estimate of the probable expense thereof, and a proper ordinance or order, directing the work. If they do not approve of such proposed improvement or work, they shall report the reasons for their disapproval, and the common council may then, in either case, order the doing of such work or making of such improvement, after having first obtained an estimate of the expense thereof. The common council may make changes in the plans of such work, when deemed necessary, and add to or diminish the estimated cost.

Expense of improvement, to whom referred.

Committee to report to council

§ 4. Whenever the common council shall determine to open, straighten, widen or extend any street, lane, alley or highway in said city, they shall cause a plan or profile of the contemplated improvement to be made and filed in the office of the city clerk.

Profile.

§ 5. Whenever the proposed improvement is not asked for by the petition of the owners of more than one-half in value of the property to be assessed for such improvement, the same shall be ordered, only, by the votes of at least three-fourths of all the aldermen present; such vote to be entered, by ayes and noes, on the record of the common council. The report of the committee provided for in section three of this chapter shall be *prima facie* evidence as to the number of said petitioners and of their interest in the property assessed; and no objection shall be made to such order, unless made before the final order confirming the assessment for said improvement.

Petition for.

§ 6. Whenever any public street, highway or alley, lane or public park or grounds, shall be laid out, altered, widened, contracted or straightened, a map thereof, certified by the mayor and city clerk, shall be filed and recorded in the recorder's office of Cook county; and whenever any street, alley, lane, highway, public park or grounds, shall be vacated, a certificate of such vacation, by the same officers, shall be, in like manner, filed and recorded.

Map and profile to be filed.

CONDEMNATION PROCEEDINGS.

Condemnation
of land.

Benefits and
advantages as-
sessed.

§ 7. Whenever any order is passed by the common council, by virtue hereof, for the making of any improvement authorized by this act, which shall require the appropriation or condemnation of any land or property, the common council shall appoint three persons, not interested in the property to be affected by such improvement, as commissioners, who shall forthwith proceed to ascertain and assess the damages and recompense due the owners of such lands or property, respectively, and, at the same time, to determine what proportion of the damages, costs and expenses of such improvement should be borne by the public and what by the property deemed benefited, having regard to the proportional benefit said improvement will be to each, and, having ascertained the proportion which should be assessed upon property, shall proceed to assess the same upon the property, benefited or to be benefited, in proportion, as near as may be, to the benefit resulting to each separate lot or parcel. The council may, at any time, fill vacancies in the board of commissioners and substitute another or others in the stead of one or all of them.

Commissioners,
oath of.

No ice given.

§ 8. Before proceeding to make such assessment, the commissioners shall be sworn faithfully to execute their duty according to the best of their ability. They shall give at least six days' notice in a newspaper published in said city, or in the city of Chicago, to be designated by the council as corporation newspaper, or by posting notice in at least three public places in said city, of the time and place of their meeting for the purpose of making such assessment, in which notice they shall specify what such assessment is to be for, and shall give some general description of the land to be condemned. The meeting of said commissioners, when engaged in making such assessment, shall be held in a public place in said city, to be specified in said notice, and all persons interested in such assessments shall have the right to be present and be heard, either in person or by counsel. The commissioners shall view the premises to be condemned or assessed, and receive any legal evidence that may be offered for the purpose of proving the true value thereof, or the damages that may be sustained or benefit conferred by reason of such improvement, and the said commissioners for this purpose are hereby authorized to administer oaths to all witnesses produced before them. The interest of the city may be represented by an attorney or otherwise, and the commissioners may adjourn, from time to time, until said assessment is completed; they may hold their meetings in the day time, or at a convenient hour in the evening.

City represent-
ed by attorney.

Assessment
and valuation.

§ 9. The commissioners, in making such assessment shall determine and appraise to the owner or owners the

value of the real estate and property appropriated for the improvement and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owner or owners, respectively.

§ 10. In case only a part of any lot or piece of ground is condemned for such improvement, and the balance is benefited by such improvement, the damages and benefits shall be assessed in separate sums, and if the one be greater than the other, a balance shall be struck and the difference carried forward to another column, and the difference only shall, in any case, be collectable or payable. Damages and benefits in separate sums.

§ 11. Upon the settlement of any assessment of damages and benefits, the city and the owner may be entitled to offset the one against the other so far as the one may be sufficient to offset the other: *Provided*, that no owner may be entitled to offset as to a part of an assessment and contest the payment of another part. May offset assessment.

§ 12. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be laid out into such street or alley has been theretofore donated to any person, persons or corporation for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person, persons or corporation making such donation, or those claiming under them; but nothing herein contained shall authorize any person, persons or corporation by whom such donation is made, to claim of or from the city the amount of such appraisal, except as an offset as herein provided. And where the assessment is one for widening or straightening of any street or alley which may have been theretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall be lawful for the commissioners, in their discretion, to make such allowances therefor, in their assessments of benefits, as shall to them seem equitable and just. Lands donated.

§ 13. If any buildings or part of building stand on the land to be taken, the commissioners shall add to their estimate of damages for the land, the damages also, for the building or part of building necessary to be taken or removed, if it belong to the owner of the land; when owned by any other person the damages for the building shall be assessed separately. The value of such building to remove, or of the part thereof necessary to be removed shall, also, be determined by the commissioners, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known or is a non-resident of the city, ten days' notice addressed to all per- Buildings taken, value to be estimated.
Notice to owner

Damages for
the removal of
buildings.

sons interested, by posting in three public places in said city, or publication in a newspaper in said [city] or Chicago. Such owner may at any time within ten days after service, or the first day of such posting or publication of such notice, notify said commissioners, in writing, of his election to take such building, or part of building, at their appraisal, and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages for the building; and the owner shall have such time for the removal, after the confirmation of the assessment, as the common council may allow. If the owner shall refuse or fail to take the building at the appraisal within the time prescribed, then no deduction shall be made from the estimated damage aforesaid; then after the confirmation of the assessment and the money is collected, or compensation therefor is provided and ready to be paid over, or offset by assessments for benefits to other property of the same owner, the city may cause such building to be sold at public auction, for cash, giving at least five days' public notice by posting notices in three public places in the city, and cause such building to be forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of the special assessment fund raised for such improvement.

When owner
refuses to take
valuation.

Leases and
mortgages.

§ 14. If the land or buildings belong to different persons, and their interests are separate, or if the same be subject to lease, the injury done to such separate interests may be assessed for damages and benefits, separately.

Apportionment
of damages.

§ 15. Having ascertained the damages and expenses of such improvement, including the costs of the proceeding, the commissioners shall thereupon apportion and assess that portion which they shall find assessable upon property for benefits, in proportion to the benefits resulting thereto, from the improvement, as nearly as may be, briefly describing the real estate and property upon which their assessments may be made; and it shall constitute no legal objection to said assessments that the amount thereof either exceeds or falls short of the original estimate of the expense and cost of the improvement submitted to the common council.

Report to be
filed with clerk.

§ 16. When the commissioners shall have completed their assessment roll, they shall sign and file the same in the office of the city clerk, who shall give at least six days' notice of the filing of the same, by posting notices in three public places in said city, or publishing notice in some authorized newspaper, which notice shall specify at what meeting of the common council the same will be presented for confirmation; should no quorum be present at such meeting, the matter shall stand postponed to the next meeting of the council, when there shall be a quorum. The council shall have power to adjourn such hearing, from

Council may
correct assess-
ment lists.

time to time, and have power, in their discretion, to revise and correct the assessment, and confirm or amend the same, or refer the same back to the commissioners for revisal, or direct a new assessment to be made. Said assessment, when confirmed by the common council, shall be final and conclusive upon all parties interested therein, except as is hereinafter provided; and when said assessment is confirmed and no appeal is taken as herein provided, a warrant shall issue for the collection of the same, signed by the mayor and city clerk. If said assessment shall be annulled by the common council, or set aside or declared illegal by the court, a new assessment may be made, returned and acted upon, in like manner and upon like notices, and with the same rights to the parties interested as in the first. And in case judgment against any lot or piece of property shall be refused by the court to which application shall be made for judgment upon any assessment, if such refusal is on account of irregularity in the proceedings subsequent to the making of such assessment, the amount assessed against such lot or piece of property may be added to any other special or general assessment, and collected therewith, or other proceedings taken for judgment against such lots or pieces of property.

Confirmation.

§ 17. All objections to assessments shall be in writing, and filed with the city clerk at least one day prior to the meeting of the common council, to consider such assessment.

Objections.

§ 18. Any person whose property has been appropriated or assessed, and who has filed objections to said assessment as hereinbefore provided, shall have the right—at any time within ten days after the confirmation of the same by the common council, and not after that time, having first given notice of his or her intention so to do, to the council, to the corporation or city attorney, specifying in such notice the court to which the appeal is to be taken—to pray an appeal to any court of general jurisdiction in Cook county, from the order of the common council, confirming such assessment, upon filing a bond to said city, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the city harmless from all damages caused by the taking of such appeal. In case of appeal, a copy of the assessment roll as confirmed by the common council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of Evanston as an appeal from assessment. The said cause shall then be at issue, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and in such trial the only questions to be passed up-

Notice of intention to contest.

Appeal taken.

Jurisdiction.

Valuation. on, shall be, whether the common council had jurisdiction in the case, and whether the valuation of the property specified in the objection is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of error shall lie.

Condemnation of land. § 19. When any such assessment shall have been confirmed by the common council, and no appeal have been taken therefrom, or if an appeal shall have been taken when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The city shall thereupon order to be paid to the owner of such property, or his agent, the amount of damages, over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the

Abstract of title assessment shall have been collected for that purpose; but the claimant shall in all cases furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If, in any case, there shall be any doubt as to who is entitled to damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses, in case any other person should claim said damages. In all cases, the title to land taken and condemned, in manner aforesaid, shall be vested absolutely in the city, in fee simple.

When damages are paid city may possess. § 20. Whenever the damages awarded to the owner, for any property condemned by said city for public use, shall have been paid to such owner, or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owner, and ten days' notice thereof shall have been given, by posting notices in three public places in said city, the city may enter upon and appropriate such property to the use for which the same was condemned.

Landlords and tenants. § 21. When 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 landlords and tenants, or any other contracting parties, touching the same, or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Contracts discharged. § 22. 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 publication of the aforesaid notice, 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 or 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 the same.

§ 23. All proceedings taken by said city, in relation to the laying out of any street, alley, lane or highway, wharf, slip, public square or ground, or the widening, contracting, straightening or discontinuing the same, shall be recorded in a book or books kept for that purpose, describing particularly the said improvements, and the real estate to be taken therefor.

Record of proceedings.

§ 24. Whenever an order shall be passed by the common council of the said city, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, planking or repairing of any street, lane, alley or highway, or for the construction, reconstruction, laying or relaying of any sidewalk, or any sewer, ditch, public or private drain, or other improvement authorized by this act, the common council shall appoint commissioners, as provided in section seven of this chapter, who shall proceed to determine what proportion of the expense and the cost of such improvement will be of public benefit, and what of benefit to property, and, having ascertained the proportion which will be of benefit to property, shall proceed to assess the same upon the property benefited or to be benefited by such improvement, in proportion, as near as may be, to the benefit resulting to each separate lot or parcel. The assessment in such cases shall be made and returned in the manner provided in sections eight, fifteen, sixteen, seventeen, eighteen and nineteen of this chapter. That portion of the cost and expense of such improvement as said commissioners shall find to be of public benefit shall be paid out of the general fund of said city.

Commissioners appointed.

Benefits.

§ 25. Where, in any case, any portion of the costs and expense of making any improvement mentioned in the foregoing section shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon said railway company, and the balance only upon the real estate benefited thereby; and the city may collect the amount so assessed upon the said railway company, by distress and sale of personal property, as in other cases, or by suit brought for that purpose: *Provided*, that any real estate belonging to such railway company, and deemed benefited by the said improvement, shall be assessed as in other cases.

Expenses of improvements.

Railway companies assessed.

§ 26. The common council may order the owner of any lot in front of which any sidewalk shall be needed to be made, laid, raised, lowered, repaired, or upon which any

May order sidewalks.

private drain may be required to be made, laid, constructed, raised, lowered or repaired, relaid or cleansed, to make, lay, raise, lower, repair, construct, relay or cleanse, in such manner and at such time as the common council shall fix by ordinance; and may enforce such order by fine or penalty, or may cause the work to be done, and paid for out of any moneys that may be appropriated therefor, and may assess the expense and cost thereof, as in the case of other public improvements.

Other improvements.

§ 27. After a street has been filled, curbed, macadamized, or other public work has been done, it shall be lawful for the common council to provide for the payment of any subsequent improvement thereto, in whole or in part, out of the general fund. All special assessments shall draw interest at the rate of ten per cent. per annum, from the day on which they shall become payable: *Provided*, the common council may remit the same.

Sidewalks to be kept in repair.

§ 28. The duty is hereby expressly enjoined and imposed upon all owners and occupants of real estate to keep the sidewalk adjacent thereto or in front of their respective premises in a safe condition, and in a good and thorough state of repair; and if, at any time, any injury shall be sustained by any individual, or the city shall be subjected to any damages, in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit, in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property, by attachment, as in other cases of attachment under the laws of this state.

May levy and assess for improvements.

§ 25. Whenever any improvement authorized by this act, or that may hereafter be authorized to be made, shall be ordered by the common council, the cost and expense of the same may be assessed, levied and collected in the manner herein provided, or in any other manner to be provided by ordinance of the common council, not inconsistent with the laws of this state.

Expenses for the removal of nuisances.

§ 30. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, and assessments may be made the same as in other cases. Such expenses shall be, likewise, collectable of the owner or occupant of such premises, in a suit for money expended for his, her or their use. Suits may in like manner be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same.

Landlord to pay all charges.

§ 31. 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 charge or assessment made for the expense of any public improvement. Where any such charge or 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; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant or other persons, respecting the payment of such assessments.

§ 32. When any known owner, residing in said city or elsewhere, shall be an infant, and any proceedings had under this act shall render it necessary, the circuit court of the county of Cook, the judge thereof, or any judge of any court of general jurisdiction in said city, or the judge of the county court, may, upon application of the city 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 personal notices and summons required by this act may be served on such guardian.

Infant or female covert.

§ 33. No writ of *certiorari* shall be allowed in the case of any special assessment proceedings commenced under the provisions of this act, unless applied for within thirty days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmation, as hereinbefore provided, unless the party applying for the writ shall satisfy the court, by legal and satisfactory evidence, other than his own oath, that he has a sufficient legal excuse for such omission or neglect.

I-sue writ.

§ 34. If, in any case, the first assessment prove insufficient, one or more additional assessments may be made in the same manner, until sufficient money shall have been realized to pay for such improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

When assessment insufficient.

§ 35. If, from any cause, the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied for any public improvement required to be paid for by special assessment and which shall not be canceled and set aside by the order of any court, upon *certiorari* or appeal, the common council may, at any time, within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property, for the amount of such deficiency and interest thereon from the date of such original assessment; which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessment, they shall be credited or

When city fails to collect.

Assessments, how credited.

Special assess-
ments.

allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the common council may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such reassessments, that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the costs and expenses of all public improvements to be paid for by a special assessment a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered by the common council within that period.

Notices.

§ 36. Two or more notices, required or authorized to be given in any special assessment proceeding, and which may be of like general character, may be comprised in one advertisement. Notices of application for judgment may contain any one or more special assessments and also assessment for general tax.

Council may
designate paper
for publishing
notice.

§ 37. The common council may designate some newspaper, of general circulation, published in the city of Chicago, or in the city of Evanston, as the corporation newspaper; and all notices required by this act to be given, and all ordinances required to be published, may be given and published in such paper, instead of by posting, as herein provided; and the certificate of such publication, by the editor, agent or proprietor thereof, shall be sufficient proof, in all courts and proceedings, of the due publication thereof.

CHAPTER IX.

COLLECTION OF TAXES AND ASSESSMENTS.

Assessment
lists, form of.

SECTION 1. The common council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors; they may also make such rules and give such directions, in relation to the revising, altering or adding to the lists, as they may deem proper or expedient.

Time of returns.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year, but the time for such return may be extended by order of the common council. The common council, upon the return of such lists, shall fix a day for hearing objections thereto; and the city clerk shall give notice of the time and place of such hearing, by posting notices in three public places in said city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and

make his objections. The council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same to alter, add to or take from and otherwise correct and revise the same, or to refer it back to the assessor, with instructions to revise and correct the same.

§ 3. When said revision shall have been completed, the city clerk shall enter in one or more books, to be prepared for that purpose, a complete list of all the taxable real estate in said city, according to the lists so returned and revised, showing, in proper columns, the names of the different owners, so far as known to the assessor, and the valuation in each case. Said books shall also have ruled therein proper columns for extending or inserting the amount of the taxes which may be levied upon said property. Said book or books shall constitute the tax list of real estate for such year. The city clerk shall also enter, in a book to be prepared for that purpose, a complete list of the taxable personal estate in said city, as returned and revised, showing, in proper columns, the names of the different persons whose property has been assessed and the valuation made thereon, and for extending the taxes as in the case of real estate. Said book shall constitute the personal tax list for such year. The clerk shall add up the valuations in each list, and the aggregate amount thereof, entered at the foot of the appropriate column. When the said tax lists shall have been so completed, they shall be signed by the assessor and left in the custody of the city clerk and shall constitute the only record, in any case, in which the assessments may be drawn in question.

§ 4. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized percentage), particularly specifying the purpose for which the same are levied.

§ 5. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed the city clerk shall attach to each of said tax lists a warrant, under the corporate seal, to be signed by the mayor and city clerk, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

Lists to be delivered to collector.

§ 6. Said tax lists, with the warrants attached, shall be delivered to the collector by the city clerk on or before the last day of October, in each year, and shall constitute the only process necessary to be issued for the collection of the annual taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the amount of the taxes levied in each list.

When assessments are confirmed.

§ 7. When any special assessment shall have been confirmed by the common council (and no right of appeal therefrom is given by this act), it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the mayor and city clerk, and shall contain a copy of the assessment roll as confirmed by the common council, or so much thereof as describes the real estate assessed and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeal; and if, in any case, an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

Warrants to be received for.

§ 8. All warrants issued for the collection of special assessments shall be delivered by the city clerk, to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

Notice.

§ 9. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give ten days' notice, by posting notices in three public places in said city, that such warrant is in his hands, for collection—briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that, in default thereof, the same will be collected at the cost and expense of the persons liable for the payment of such taxes or assessments. Immediately after receiving the personal property tax list he shall notify all persons, through the postoffice, of the amount of their personal property tax. In the notice (to be posted in three public places) he shall notify all parties interested that after the expiration of sixty days, from the day of receiving said list, he will levy upon the personal property of all who have failed to pay; and at the end of sixty days he shall so levy, if property belonging to such delinquent persons can be found; and he shall be liable for the amount of their tax, in case of neglecting to do so. Where persons cannot be found, or property belonging to them, the collector shall advertise their names and call for information concerning them and their property, and state the amount of their tax by posting notices in three public places in said city; and this tax shall be a lien upon any

May levy on personal property.

Tax, a lien on property.

property they may have or may thereafter acquire, until paid, and the collector or his successor in office may, at any time thereafter, levy for the same; but nothing in this section contained shall be so construed as to prevent the collector from levying at any time after the publication of the ten days' notice above required.

§ 10. All taxes levied by the common council, under this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector, and no sale or transfer of said property shall affect the lien; but the said property may be seized by the collector, wherever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment.

Lien on real estate.

§ 11. If, from any cause, the taxes charged in the real estate tax list shall not be collected or paid, on the lands or lots described therein, on or before the first day of January ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case; and if the assessments charged in any special assessment warrant shall not be paid within sixty days after the first publication of notice, by the collector, that he has received such warrant for collection, the assessments then remaining unpaid shall be collected, with damages, at the rate of one per cent. thereon for each and every month thereafter until the same shall be paid.

When tax not collected.

§ 12. It shall be the duty of the collector, between the fifteenth day of January and the last day of February, in each year, to make report to some court of general jurisdiction, held in said county, at any special or general term thereof, of all the taxes and assessments then remaining unpaid upon the real estate tax list, and all special assessment warrants which were delivered to him on or before the last day of the preceding October, asking for judgment against the several lots and parcels of land, or other property described in such list or warrants, for the amount of the taxes, assessments, damages and costs respectively due therein. The collector shall give six days' notice, by posting notices in three public places in said city, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested

Collector to make report.

to attend at such term. The advertisement so posted shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application, by the collector, to such court, for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

Collector to
obtain copy of
notice.

§ 13. The collector shall obtain a copy of the notice posted, referred to in the preceding section, together with an affidavit of the due posting thereof, and shall file the same with the clerk of such court, at the said term, with said reports.

Clerk to file
report.

§ 14. The clerk of said court, upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form, as nearly as may be, to wit; "City of Evanston *vs.* ———, and others. Suit for taxes." Or, if it be an assessment for some specified improvement, in the manner following: "City of Evanston *vs.* ———, and others. Suit for assessment on warrant for ———." Or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

Duty of court
and proceedings

§ 15. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land, or other property described in said reports, for which no objections shall be filed, for the amount of the tax or assessment, damages and costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court, at the time designated in the collector's notice, and file objections, in writing, to the recovery of judgment against such property; but no objection shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice; but should justice require that, for any cause, the suit as to one or more owners should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

Judgment.

§ 16. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same; which said order shall be substantially in the following form: "Whereas due notice has been given of the intended application for a

Form of order.

judgment against said lands and other property, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property, for the taxes (or assessment, as the case may be), damages and costs due and unpaid thereon; therefore it is considered, by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property, in favor of the city of Evanston, for the sum annexed to each lot or parcel of land or other property, being the amount of the taxes (or assessment), damages and costs due, severally, thereon. And it is ordered by the court that the said several lots and parcels of land and other property, or so much thereof as shall be sufficient of each of them to satisfy the amount of the taxes (or assessment), damages and costs annexed to them, severally, be sold as the law directs." In all cases, where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made out and entered of record. Ten cents costs shall be taxed to each lot against which judgment is rendered—five cents to be [charged] for clerk and judge's fees, and five cents for advertising the notice of the sale.

§ 17. It shall be the duty of the clerk of such court, within twenty days after such order is granted, as aforesaid, to make out, under the seal of said court, a copy of so much of said collector's report in such case as gives a description of the land or other property against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereof; which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land or other property shall be sold for the amount of any taxes, assessment, damages and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten days' notice, to be made by posting notices in three public places in said city.

Clerk to make
report.

§ 18. The said notice, so to be posted in each case of a judgment upon any special or general collection warrant and report, as aforesaid, shall contain a list of the delinquent lots and parcels of land or other property to be sold, the names of the owners, (if known), the amount of the judgments rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said notice by said collector. The omission of the name of any owner or any mistake respecting the same shall not invalidate the sale, if the property be otherwise described

Delinquent lots
and land.

with sufficient certainty. The proceedings may be stopped at any time upon payment of said judgment to the collector.

Sale of land.

§ 19. In all proceedings and notices for the collection of such taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Certificates of sale.

§ 20. The sale shall be made for the smallest portion of ground (to be taken from the east side of the premises) for which any person will take the same and pay the amount of the judgment thereon. Certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day until all the lots or parcels of land or other, contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale.

Purchaser to make prompt payment.

§ 21. The person purchasing any lot or parcel of land, or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure to do so the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of land, or other property, 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 at such sales.

Record of all sales.

§ 22. The collector shall make return of his precept to the court from which the same was issued. A record of all sales made by the collector shall be kept in the office of the city clerk, which shall be open to public inspection at all reasonable times; and said record or copies thereof, certified by said city clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessments, or any other fact authorized to be recorded therein.

Right of redemption.

§ 23. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment, in lawful money of the United States, of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of ten per cent. per annum. If the real estate of any infant, *femme covert*

Infant or femme covert.

or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment

of the amount of redemption money to the treasurer and taking his voucher therefor, and filing the same in the office of said city clerk, who shall thereupon note the fact of said redemption upon his record of sale; or any person holding a certificate of sale may surrender the same to the city clerk to be canceled; and the fact shall in like manner be noted upon said record upon the return of said certificate or proof of its loss, and the filing with the city clerk of the affidavit required by the constitution of this state; if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser, or his assignee, under the corporate seal, signed by the mayor and clerk, conveying to such purchaser, or assignee, the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the city clerk in the book wherein tax-sales are recorded. A fee of one dollar may be charged by the city clerk for every deed so issued.

Certificate canceled.

§ 24. Such certificate of purchase shall be assignable by indorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

Transfer of certificate.

§ 25. Whenever it shall appear to the satisfaction of the city clerk, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales that the same was sold in error, and such entry shall be evidence of the fact therein stated; and this provision shall apply, so far as the same is applicable, to all sales for special assessments.

When property not subject to taxation.

§ 26. All deeds made to purchasers of lots, lands or other property sold for taxes or assessments shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

Prima facie evidence.

First.—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Land listed.

Second.—That the taxes or assessments were not paid at any time before the sale.

Taxes not paid.

Third.—That the land or lot conveyed had not been redeemed from the sale at the date of the deed.

Non-redemption.

And shall be conclusive evidence of the following facts:

First.—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Advertisement.

Second.—That the land or lot was sold for taxes or assessments as stated in the deed.

Sale of land.

Third.—That the grantee in the deed was the purchaser.

Title, by purchase.

Sale lawful.

Fourth.—That the sale was conducted in the manner required by law.

When taxes
had been paid.

And in all controversies and suits, involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lot or land have been paid by such person or the person under whom he claims title, as aforesaid; and no deed of land or other property, sold for the non payment of taxes or assessments, shall be questioned in any suit or controversy, unless the person wishing to contest the same shall have tendered or deposited the amount of the redemption money and interest, as now provided by the laws of this state in case of sales of real estate for taxes.

Prove title to
land.

Change in of-
fice.

§ 27. Any change made in the incumbent of the office of the collector, during the pending of any such proceedings, shall not operate to affect or delay the same; but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the city clerk until each vacancy is filled by election or otherwise.

Non-payment
of taxes.

§ 28. All sales of property for the non-payment of taxes and assessments for any improvement, of what kind soever, shall be held at the same time with the general sale of property for the non-payment of city taxes, in each year, unless, in particular cases, said sale is stayed or delayed by examination or process of law, the intent hereof being that there shall be but one general collection, by sale, of all taxes and assessments whatsoever, in each and every year; which sale shall take place in the manner hereinbefore provided and at the same time in each year: *Provided*, that in all cases where judgment shall be delayed in consequence of any appeal or the delay of any court in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

Appeal taken.

§ 29. Any assessor, collector or other officer who shall, in any case, refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city, individually and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal—to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

Neglect of duty
liable to dam-
ages.

§ 30. No assessment of property or charge for taxes or assessments thereon shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax list not being made, completed or returned within the time required by law, or on account of the property having been charged or listed, in the assessment or tax list, without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers intrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice of the tax or assessment itself, shall vitiate or in any way affect the tax or assessment.

Error in as-
essment.

§ 31. If any purchaser of lands, lots or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale; during which time the land, lot or other property shall be subject to redemption, and the person redeeming shall only be required to pay, for the use of the purchaser at the first sale, the amount paid for the property and double the amount paid by the second purchaser, for his use, as in other cases.

When purcha-
ser not entitled
to deed.

CHAPTER X.

SCHOOLS.

SECTION 1. The common council shall have power:

First.—To erect, purchase or hire buildings suitable for school houses, and keep the same in repair.

Second.—To buy and lease sites for school houses, with the necessary grounds.

Purchase and
lease ground.

Third.—To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth.—To establish, support and maintain schools—graded and high schools—and supply the inadequacy of the school fund for the payment of teachers and erection and fencing of school buildings.

School fund.

School districts. *Fifth.*—To lay off and divide the city into school districts, and, from time to time, alter and subdivide the same or create new ones, as circumstances may require.

School taxes. § 2. The common council shall have power, annually, to levy and collect a school tax, not exceeding two and a half cents on the dollar, on the assessed value of all real and personal estate in the city, taxable under the laws of the state, to meet the expenses of supporting and maintaining schools, purchasing grounds and buildings for school houses, erecting and repairing school houses, paying interest on school bonds, and furnishing the necessary fixtures, furniture and apparatus.

Council may borrow money. § 3. The common council shall have the power and is hereby authorized to provide, by ordinance, for the borrowing of money, issuing and negotiation of bonds, (payable, principal and interest, at any place in the United States, and bearing interest at a rate not exceeding ten per cent. per annum, payable semi-annually) to an amount not exceeding five mills on the dollar on the cash valuation of the assessed property of the city, for the purpose of purchasing and improving school grounds and erecting and constructing school houses.

Board of education. § 4. The common council shall appoint five persons, who shall be a board of education, and shall prescribe their duties, terms of office and qualifications.

Powers of the council. § 5. The common council shall possess all rights, power and authority necessary for the proper management of schools and the property which may belong thereto, with power to enact such ordinances as may be necessary to carry their powers and duties into effect. The trustees of township forty-one (41) north, range fourteen (14) east, shall, on request of the mayor of the city, divide and pay over to the treasurer of the city one-half of the township school fund, and shall also convey to said city the title to all school property lying or being within the limits of said city; and all school moneys which may be due or coming from the school commissioner of Cook county, for or on account of schools within the limits of said city, shall be paid to the treasurer of said city. The school tax and money shall be kept a separate fund, and used only for the purposes for which it may be received or raised.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Style of ordinances. SECTION 1. The style of the ordinances of the city shall be, "*Be it ordained by the Common Council of the City of Evanston;*" and all ordinances shall, within one month after they are passed, be published by posting copies of the same in three public places in said city; and no ordinances shall take effect until so published. An affidavit, showing

how such ordinances were posted, may be filed with the city clerk, and it and certified copies thereof shall be sufficient evidence of the such posting.

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

§ 3. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances or police regulations made in pursuance of it, shall be brought in the corporate name, in debt, for such penalty or forfeiture, stating the clause of this act or ordinances under which the penalty of forfeiture is claimed. Action to re-
cover fines.

§ 4. Any justice of the peace in said city shall have jurisdiction of any offense committed under this act or the rules or ordinances of said city, and change of venue and appeals may be taken as in other cases. All fines and penalties, when collected, shall be paid to the city treasurer, and the common council may prescribe when and how justices of the peace shall make report of the collection of fines. Jurisdiction of
justices of peace

§ 5. In all prosecutions for any violation of any ordinance, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases. Any fine or penalty may be remitted, or any person, imprisoned by virtue hereof, may be discharged, by a vote of the common council. Prosecutions.

§ 6. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder of said city, in any action or proceeding in which the said city is a party. Incompetent
judges, etc.

§ 7. All officers of said city, and such policemen as may be appointed, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, or who shall be found by them in the act of violating any of the regulations or ordinances of said city, and, if necessary, detain such persons in custody over night, in some place; and shall have and exercise such other powers, as conservators of the peace, as the common council may prescribe; and the said policemen, or any constable in said city, may serve any process or make any arrest authorized by this act or the regulations or ordinances of said city. Arrests, etc.

§ 8. The common council, for the purpose of providing against the calamities of fire, shall have power to prescribe the limits within which wooden buildings and structures shall not be erected, placed or repaired without permission, and to direct that any and all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the repairing of any wooden or other building or structure, not fire-proof, within the fire limits, Wooden build-
ings.

where they shall have been damaged or depreciated in value to the extent of fifty per cent. of the original value thereof; and to prescribe the manner of ascertaining such damages and depreciation and to prescribe the notice thereof to the owner or occupant of the premises.

Fire companies. § 9. The city council shall have full power to organize fire, hose, hook and ladder, and ax companies, and to make all rules and regulations for the same, and to do all acts, not inconsistent with the constitution of this state or of the United States; to prevent and extinguish fires, and impose such penalties for a violation of any ordinance in relation thereto as they may deem just and fit.

Old ordinances in full force. § 10. All ordinances, rules and regulations now in force in the town of Evanston, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council of said city, after this act shall take effect. This act shall not invalidate any legal act done by the president and trustees of the town of Evanston.

Cemeteries. § 11. No cemetery shall be established within one mile of the said city; and no cemetery now established, within that distance of the city, shall be extended or enlarged so that any part thereof shall approach nearer to the limits of the city than the same now is, as laid out and used for that purpose.

Election for the adoption of charter. § 12. At the first election, herein provided for, the acceptance of this charter may be voted for and against, and a separate box shall be provided for the purpose of receiving such vote; and the ballots to be cast therefor shall be "For city charter," and those against shall be "Against city charter;" and if the number of votes cast against city charter shall be greater than one-half of all the votes cast, at such election, for mayor, this act shall not then take effect as the charter of said city, and such election shall be void. The board of trustees of said town may at any time, and from time to time thereafter, call other elections for the same purpose, when the same vote may be taken; and if, at any election so called, the votes cast against city charter shall not be more than equal to one-half of the votes cast for mayor, this charter shall thereupon take effect and be in force as a law. Until the acceptance of this charter, the president and trustees of said town of Evanston shall have the powers and may proceed in the manner hereinbefore provided in the case of special assessments and condemnation of property for improvements. And no cemetery shall be laid out, established or extended nearer to the present limits of said town than the south line of section nineteen (19), township forty-one (41) north, range fourteen (14) east of the third principal meridian.

§ 13. This act shall be deemed a public act.

APPROVED March 10, 1869.

AN ACT to incorporate the city of Highland Park, Illinois.

In force when
adopted by
legal voters.

ARTICLE I.

OF BOUNDARIES.

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 Highland Park, in the county of Lake, be and are hereby constituted a body politic and corporate, by the name and style of "The City of Highland Park;" 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.

Corporators.

Name and style.

§ 2. All that territory embraced within the following limits, to-wit: Commencing at a point on the shore of Lake Michigan, where the south line of section 24, township 43, range 12, strikes the lake; running thence west, on the south line of sections 24, 25 and 26, in said town and range, to the south-west corner of the last named section; thence north, on the west line of said section and sections 23 and 14, in said township and range, to the northwest corner of the last named section; thence east to Lake Michigan, with jurisdiction one-half mile into Lake Michigan, in front of said city, and is hereby declared to be within the limits of the city of Highland Park.

Boundaries.

§ 3. Whenever any tract of land, adjoining the city of Highland Park, 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 Highland Park.

Additions.

§ 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, to defend and be defended, in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both personal and real, beyond the city, for burial grounds and other purposes, for use of said inhabitants of said city; to sell, lease and convey or dispose of property; and to do all other things in relation thereto as natural persons.

Corporate powers.

ARTICLE II.

OF THE CITY COUNCIL.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

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, and shall hold their offices for two years, and until their successors shall be legally qualified.

Aldermen.

- Qualification.** § 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 said city three months immediately preceding the first election, and one year at every election thereafter, and shall have the necessary qualifications to vote for state officers, be a resident of the ward for which he is elected, and a citizen of the United States.
- Vacancies.** § 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 aldermen shall serve without compensation from the city fund, until there shall be five thousand inhabitants in said city; and when the population shall exceed five thousand, they may receive such compensation as the city council shall determine.
- Two classes.** § 5. At the first meeting of the city council, the aldermen shall be divided into two classes, by lot; the seats 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.
- Powers of the council.** § 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested election cases under this act.
- 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.
- Punishment of offenders.** § 8. The city council shall have power to determine the rules of its own proceedings; punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.
- Record of proceedings.** § 9. The city council shall keep a journal of its proceedings; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.
- No member shall be interested in contracts.** § 10. No alderman shall be appointed to any office under the authority of the city, that shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected, nor shall he be engaged in any contract with said corporation while serving as such alderman.
- Vacancies, how filled.** § 11. All vacancies that shall occur in the board of aldermen shall be filled by election.
- Oath of office.** § 12. The mayor or aldermen, before entering on the duties of their office, shall take and subscribe an oath, or make an affirmation, 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, according to the best of their skill and abilities.

§ 13. Whenever there shall be a tie in an 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. Tie, how decided.

§ 14. There shall be twelve stated meetings of the city council in each year, and at such times and places as may be prescribed by the city council. Meeting of the council.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER

SECTION 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. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not be a resident of the city three months next preceding the first election under this charter and one year at every election thereafter, or shall be under the age of twenty-one years, or shall not at the time of his election be a citizen of the United States and a freeholder. Qualification.

§ 3. If any mayor, during the time for which he shall be elected, remove from the city, or be absent from the city for the space of six months, his office shall be vacant. Vacancy in office of mayor.

§ 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 determine the same by lot, in such manner as may be determined by ordinance. Judges of election to certify.

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

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

ARTICLE IV.

OF ELECTIONS.

SECTION 1. On the second Monday of April next, an election shall be held in said city, for one mayor, one marshal, one clerk, one treasurer, one street commissioner, one city surveyor, one assessor, and one police magistrate, for said city, two aldermen from each ward; and forever thereafter on the second Monday of April, in each year, there shall be an election for one mayor, one marshal, one clerk, one street commissioner, one city surveyor, one treasurer, one assessor, and one alderman from each ward. Election of city officers.

§ 2. Jacob S. Curtis, Jas. W. Ayers, and Thos. S. Dickinson, shall constitute a board of trustees for the said city of Highland Park, and, immediately after the adoption of the charter by the citizens, shall divide the city into four Board of trustees.

wards, describing particularly the boundaries of each ward—the wards to be as nearly equal in population as practicable.

First election. The trustees shall, by ordinance, provide for the first election of all the officers to be elected under this act; shall canvass the vote, and declare who are duly elected, and make return of the election to the clerk of the county court and the secretary of state of the election of police magistrate, in same manner that returns are made of the election of justices of the peace.

Qualification of voters. § 3. 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 three months next preceding the first election, and one year at every election thereafter, and who shall have paid such city tax as they may be subject to, shall be entitled to vote for city officers.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Taxation. SECTION 1. The city council shall have power and authority to levy and collect taxes, for city purposes, upon all property, real and personal, within the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof: *Provided*, that after three years from the organization of the city, a higher tax may be raised, if two-thirds of the voters of the city shall agree thereto at a special election called for that purpose by the mayor and common council; may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of this state or of the United states.

Appointment of officers. § 2. The city council shall have power to appoint a city attorney, and all such other inferior officers as may be necessary.

Bonds, with penalty and security. § 3. The city council shall have power to require of all officers appointed or elected in pursuance of this charter, bonds, with penalty and security, for their faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed or elected as

Oath of office. aforesaid to take an oath or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of 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 the city—for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof; and if two-thirds 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 payment of the debts and expenses of the city. Appropriations.

§ 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 two 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. General health.

§ 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. Provide water.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair the streets, avenues, lanes and alleys, sidewalks, drains and sewers. Streets, alleys and highways.

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

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

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

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

§ 14. To erect market houses, to establish markets and market places, and provide for the government of the same. Markets and market houses.

§ 15. To provide for all needful buildings for the use of the city. Public buildings

§ 16. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds.

§ 17. To license, regulate and tax auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawn brokers, and money changers. Auctioneers, peddlers, etc.

§ 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 and drayage of property. Vehicles.

§ 19. To license and regulate porters and the rates of portage. Porters.

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

§ 21. To suppress the sale of ardent spirits, malt, fermented, medicated, and all other liquors; to restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses. Prohibit sale of liquors.

§ 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies. Fire department

§ 23. To regulate the fixing of chimneys, and to fix the flues thereof. Chimneys, etc.

- Combustibles. § 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Walls, fences. § 25. To regulate and order parapet walls and partition fences, and to restrain cattle, sheep and hogs from running at large.
- Running at large of animals
- Weights and measure. § 26. To establish standard weights and measures, to be used, and to 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 the payment of fines for non-compliance with any such order.
- Lumber. § 27. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works.
- Forage and fuel. § 28. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood and other fuel to be sold and used within the said city.
- Inspection of provisions. § 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour and meal.
- Lard and butter. § 30. To provide for and regulate the inspection of lard, butter, and other provisions.
- Bread. § 31. To regulate the quality and weight of bread to be sold and used in the city.
- Removal from office. § 32. To regulate the election of city officers, and to provide for the removal from office any person holding an office created by ordinance.
- Census. § 33. To provide for taking the enumeration of the inhabitants of the city.
- Compensation, fees, etc. § 34. To fix the compensation of all city officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance made in pursuance thereof.
- Regulate police. § 35. To erect, maintain and establish a city prison or jail, and to provide, by ordinance, for the confinement of persons therein, for the breach of any ordinance of the city; 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; to provide for compelling offenders to work on the streets. And all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to the city and disposed of by the city council, under the ordinance of said city, for the general use and benefit thereof.
- Fines, penalties
- Billiards, etc. § 36. The city council shall have exclusive power, in the city, to license or suppress any billiard tables or bowling alleys.
- General powers. § 37. 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 ordi-

nance be not repugnant to or inconsistent with the constitution of the United States or of this state.

§ 38. The style of the ordinances shall be "*Be it enacted by the city council of the city of Highland Park.*" Style of ordinances.

§ 39. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper in the city or be posted up in three of the most public places in the said city of Highland Park, and shall not be in force until they shall have been published as aforesaid. Publication of ordinances.

§ 40. 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. Evidence and proof of.

ARTICLE VI.

OF THE MAYOR.

SECTION 1. The mayor shall preside at all meetings of the city council, and in case of a tie, shall have the 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. Presiding officer of council.

§ 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 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 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 finance, police, health, security, comfort and ornament of the city. Duty of mayor.

§ 4. He is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riots, to call out the militia, to aid in suppressing the same or other disorderly conduct, preventing and extinguishing fires, 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. Citizens to aid in enforcing the laws.

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

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

Jurisdiction of mayor. § 7. He shall, also, have such jurisdiction as may be vested in him by ordinance of the city in and over all places within two miles of the boundaries of the city, for the purpose of enforcing the health and quarantine regulations thereof.

Mayor's salary. § 8. He shall receive for his services, of the city, such salary as shall be fixed by ordinance.

Misconduct. § 9. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully 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 Lake county, and, on conviction, he shall be fined not exceeding 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.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

Taking private property for public use. SECTION 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the persons whose property is so taken; and if the amount of said compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of said city.

Petitions for opening streets, alleys, etc. § 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 condition to be prescribed by ordinance; but no compensation, in such case, shall be made to those whose property shall be taken, their tenants or others, for the 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.

Inquests, etc. § 3. All jurors impaneled to inquire into the amounts of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lanes, avenue or alley, shall first be sworn to that effect, and shall return to the mayor the inquest, in writing, and signed by each juror.

Benefits and injury. § 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury happening by any such opening, widening or altering such street, lane, avenue or alley.

§ 5. The mayor shall have power, for good cause shown, New inquests. 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.

§ 6. Upon a petition of two-thirds of the property hold- Special taxes. ers, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any such street, lane, avenue or alley, in proportion to the benefits resulting thereto, for the purpose of draining, grading or Drains, side- planking sidewalks, and lightingsuch street, lane, avenue or walks, etc. alley: *Provided*, said tax shall not exceed in amount the cost of said sidewalks and lighting respectively; which tax shall be collected in the same manner as other city taxes.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall have power, for the Street labor. purpose of keeping the streets, lanes, avenues or alleys in repair, to require every able-bodied male inhabitant in the city, over twenty-one years of age, to labor on said streets, lanes, avenues or alleys, not exceeding three days in each year; and any person failing to perform the such labor, when duly notified by the street commissioner, shall forfeit and pay not exceeding two dollars for each day so neglected or refused.

§ 2. The inhabitants of the city of Highland Park are hereby exempted from working on any road beyond the Citizens ex-
empt from road
labor outside of
city limits. limits of the city and from paying any tax to procure laborers to work on the same.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the coun- Fines and for-
feitures. ty or city jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The city council shall cause to be published, annu- Annual finan-
cial statement. ally, a full and complete statement of all the moneys received and expended by the corporation during the preceding year, and on what account received and expended.

§ 5. Appeals shall be allowed from decisions in all Appeals, how
taken. cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the county or circuit court, as the case may be, 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.

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

pro tem., until the office shall be filled by election, as herein provided.

Act valid. § 7. 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.

Conflicting acts repealed. § 8. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Marshal. § 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said city, shall have power to execute the same anywhere within the 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 other acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law; shall hold his office one year, and shall give bonds as other constables are required by law to give, which bonds shall be filed in the office of the county clerk.

Promulgate act. § 10. The trustees named herein shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Highland Park, and issue their proclamation for an election to be held in said town, at least ten days prior to the election of city officers; at which election the inhabitants residing within the territory described in 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 votes given at such election shall be "for the charter," this act shall immediately take effect as a law, and the trustees shall proceed as directed in article 4 of the charter; but if a majority of the votes shall be "against the charter," then this act shall be of no effect.

Fire wardens. § 11. The members of the city council shall be, *ex-officio*, fire wardens and conservators of the peace within the city, and are hereby authorized, and it is made their duty, to arrest all persons who are violating or have violated any ordinance of the city or of any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall willfully interrupt or oppose them in discharge of the requirements hereof, shall be subject to the same penalties as though they had interrupted a marshal, a sheriff or constable, in the legal discharge of their duties. They shall, moreover, be exempt from jury duty and street labor or the payment of street taxes, during their terms of office.

Exempt from jury duty.

Jurisdiction of magistrates.

§ 12. There shall be elected at the first election for city officers, and every year thereafter, one police magistrate, who shall hold his office for the term of one year, and until

his successor shall be elected and qualified. The said police magistrate shall be, *ex officio*, justice of the peace of the said county of Lake, and shall have jurisdiction over the same matters and receive the same fees as are prescribed by law for other justices of the peace in this state. The governor shall commission the said police magistrate; and he shall execute and deliver unto the city clerk, within twenty days after his election, a bond, to be approved by the said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands under any judgment, or otherwise, by virtue of his said office, and that he will well [and] truly perform every act and duty enjoined on him by this charter or the laws of this state, to the best of his skill and abilities. Said bonds shall be made payable to the city council of the city of Highland Park, for the use of the people of the state of Illinois, and be held as security and benefit of all suitors and others, who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate. Change of venue may, in all cases, be taken from the police magistrate to a justice of the peace.

Commissioned
by governor.

Bond, security.

Change venue.

§ 13. The city council are hereby expressly and forever prohibited (except in the cases hereinafter mentioned in section fourteen (14) of this act) from granting license to any person or persons, in said city of Highland Park, to sell any spirituous liquor; and it shall be unlawful for any person to sell, traffic, barter, exchange or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky, or intoxicating liquors, drinks or beverages, of any kind whatever, or to bring into said city of Highland Park, or keep about his, her or their premises, saloon, cellar, dwelling-house, out-house, or in any other place in said city of Highland Park, or within one mile thereof, any of the above-named drinks, liquors, or intoxicating beverages, for the purpose of trafficking therein in any way whatever. Any person violating any of the provisions of this section of this charter shall forfeit and pay to said city not less than twenty-five dollars nor more than one hundred dollars for each and every offense—to be recovered by an action of debt before any police magistrate or other justice of the said city, or any justice of the peace having an office in said city; and in case any offender shall refuse or fail to pay such fine or fines and costs as may be adjudged or assessed against him, her or them, by said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail of Lake county, or the calaboose of said city, for a term of not less than thirty days, unless the said fine or fines and costs be sooner paid.

Prohibit sale
of liquors.

Punishment
for violations.

Licenses to § 14. The city council may grant licenses to reputable druggists for the sale of wines or liquors, for sacramental or medicinal purposes—those for medicinal purposes to be only upon the prescription of a regular physician.

Receipts. § 15. All moneys received for licenses shall be paid into the city treasury, and be expended for city purposes.

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

APPROVED March 11, 1869.

in force April
15, 1869.

AN ACT to incorporate the city of Macon.

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

Boundaries. § 2. The boundaries of said city shall include within its limits all of the following described grounds, to wit: The south-east quarter of the south-west quarter of section number twenty nine, (29,) the south half of the south-east quarter of section number twenty nine, (29,) the south-west quarter of the south-west quarter of section number twenty-eight, (28,) the west half of the north-west quarter and the north-west quarter of the south-west quarter of section number thirty-three, (33,) the north half of the south-east quarter and the north-east quarter of the south-west quarter, and the east half of the north-west quarter of section number thirty-two, (32,) all being and lying in town fifteen, (15,) range two (2) east, north of third principal meridian.

General powers. § 3. The inhabitants of said city, by the name and style aforesaid, shall have the power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both personal and real, in said city, and to purchase and hold real estate outside of the city limits, for the purpose of a cemetery for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city, and to improve and protect such property, and to do all other things, in relation thereto, as may be necessary.

ARTICLE II.

Organization
of city council.

SECTION 1. There shall be a city council, to consist of a president and four councilmen.

§ 2. The board of councilmen shall be elected by the Board.
qualified voters of the city, and shall serve one year.

§ 3. No person shall be a member of the city council who is not at the time of his election a resident of the city, twenty-one years of age, a citizen of the United States, or who shall [not] at the time of his election have been a resident of the state twelve months, and be a freeholder in said city. Qualification of members.

§ 3. The city council shall judge of the qualification, of election and return of its own members, and shall determine all contested elections; and a majority shall constitute a quorum. Election returns

§ 5. The city council shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct; shall keep a journal of its proceedings; and the yeas and nays shall be entered in the journal when demanded by any member. Rule of proceedings.

§ 6. All vacancies that may occur in the city council during the year shall be filled by the council. Vacancies, how filled.

§ 7. The president and council shall take an oath, before entering upon the duties of their office, that they will well and truly perform the duties of their office, to the best of their skill and abilities, and such other oaths as the constitution and laws of the state may require. Oath of office.

§ 8. The city council shall meet at such times and places as may be prescribed by ordinance. Meetings.

ARTICLE III.

SECTION 1. The chief executive officer of the city shall be a president, who shall be elected by the qualified voters of the city, and shall hold his office for two years, and until his successor shall be elected and qualified. Chief executive officer.

§ 2. No person shall be eligible to the office of president who shall not have been a resident for one year next preceding his election, who shall not [be] at least twenty five years of age, who shall not be a citizen of the United States, and who shall not be a freeholder in said city. Qualifications of officeholders.

§ 3. Whenever any vacancy shall occur in the office of president, it shall be filled by election; and in all contests as to the election of president, the council shall decide. Vacancies.

§ 4. The president shall preside at all meetings of the council, and shall have the casting vote only; and in case of his absence, a chairman *pro tem.* shall be appointed by the council. President to have casting vote, only.

§ 5. The president, or any two councilmen, may call special meetings. Special meeting

§ 6. The president is hereby authorized to call on all able bodied male inhabitants of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances; Inhabitants to aid in enforcing all ordinances.

and any person who shall not obey such call shall forfeit and pay to the city a fine not exceeding ten dollars.

Conservator of
the peace.

§ 7. The president shall be the conservator of the peace of said city; shall have power, generally, to administer oaths, and to issue writs and process, under the seal of the city; to take depositions, the acknowledgment of deeds, mortgages and other instruments in writing, and certify the same under the seal of the city, which shall be good and valid in law; and he shall receive for such services the same fees as the clerk of the circuit court.

Genera' powers.

§ 8. He shall have exclusive jurisdiction in all cases arising under this charter and the ordinances of the city, and concurrent jurisdiction with justices of the peace of Macon county; and for such services he shall receive the same compensation as justices of the peace: *Provided*, the city council may designate a justice of the peace, residing in said city, who shall have jurisdiction in case of a vacancy in the office of president, or his sickness or absence.

Vacancies.

Willful viola-
tions, how pun-
ished.

§ 9. In case the president shall be guilty of a willful and palpable omission, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of his duties, he shall be liable to indictment in the circuit court of Macon county, and, upon conviction, shall be fined not exceeding two hundred dollars; and the court shall have power, upon the recommendation of the jury who may try said indictment, to add to the judgment of the court, that he be removed from office.

Appeals taken.

§ 10. In all cases before the president, arising by ordinances or otherwise, appeals shall be allowed to the circuit court of Macon county, in the same manner as in similar cases before justices of the peace.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Levy taxes.

SECTION 1. The city council shall have power to levy and collect taxes on all property, personal and real, within the limits of the city, not exceeding one-half per centum on the value thereof, and may enforce the payment thereof, by ordinance, not inconsistent with the constitution and laws of the state; and the term "property," as used in this act, shall be construed the same as the word property as used in the general revenue laws of this state.

Appointment
of officers.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor, collector, and all other officers that may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof.

Bond, security.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds,

with sufficient penalty and security, and also to take an oath for the faithful discharge of their duties.

§ 4. To appropriate money, and provide for the payment of the debts and expenses of the city. Appropriations.

§ 5. To make all necessary regulations to secure the health of the inhabitants of the city, to declare what shall be a nuisance, and to prevent and remove the same. General health. Nuisances.

§ 6. To provide the city with water, to dig wells and erect pumps in the streets, for the convenience of the public. Wells, cisterns.

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

§ 8. To erect and keep in repair bridges. Bridges.

§ 9. To provide for the erection of all needful buildings for the city. Public buildings.

§ 10. To provide for the inclosing, improving and regulating all public grounds belonging to the city. Public grounds.

§ 11. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, hawkers, peddlers, brokers, pawnbrokers and money changers. Merchants, peddlers, etc.

§ 12. To license, tax and regulate carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the drayage or cartage of property. Vehicles.

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

§ 14. To restrain, prohibit and suppress tippling houses, gaming houses, bawdy and other disorderly houses. Tippling houses.

§ 15. To suppress gaming of all kinds, and to authorize the destruction of all implements and devices used for the purpose of gaming. Gaming houses.

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

§ 17. To provide for the inspection and measurement of lumber and other building material. Lumber.

§ 18. To provide for the inspection and weighing of hay, stone-coal and the measurement of firewood. Hay and fuel.

§ 19. To provide for taking the enumeration of the inhabitants of the city. Census.

§ 20. To compel the occupant of any grocery, cellar, tannery, stable, barn, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city. Abate nuisances.

§ 21. To prevent any riot or noise, disturbance or disorderly assemblage, and punish persons guilty of assaults, assaults and batteries and affrays. Riots, etc.

§ 22. To prevent any indecent exposure of person in the corporate limits. Indecencies.

- Fast driving. § 23. To prevent immoderate riding or driving in the streets, to punish and prohibit the abuse of animals, and to abuse animals. compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing on the streets.
- Incumbering § 24. To prevent the incumbering and obstruction of streets. the streets, lanes, avenues, alleys and public grounds.
- Running at § 25. To restrain and regulate or prohibit the running at large of animals at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize distraining and sale of the same, for the penalty incurred and cost of proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.
- Dogs at large. § 26. To prevent and regulate the running at large of dogs; to tax and to authorize the destruction of the same, when at large contrary to ordinance.
- Shade trees. § 27. To regulate and direct the planting and preserving of shade and ornamental trees, in the streets and public grounds.
- Election of city § 28. To regulate the election of city officers, to define officers. their duties, and provide for the removal from office of any person holding office by ordinance.
- Calaboose. § 29. To erect a city calaboose, and regulate the same.
- Compensation § 30. To fix the compensation of city officers, and regulate the fees of jurors, witnesses and others, for services of officers, etc. rendered under this act or under any ordinance.
- Police. § 31. To appoint and regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for the appropriation and recovery of such fines and forfeitures and the enforcement of such penalties.
- Ordinances for § 32. The city council to make all ordinances which government. shall be necessary and proper, to carry into execution the powers specified in this charter and which may be necessary for the good government of the city and general health and improvement of the city, not contrary to the constitution of the state.
- Prohibit sale § 33. *Be it enacted*, that the town council aforesaid are of liquor. hereby expressly restricted from granting or issuing any license whatever, to any person or persons, whereby the said person or persons shall be authorized or permitted to retail any spirituous, vinous or distilled liquors, or any mixed liquors or compounds, called or known as bitters, or to give the same away in less quantities than one gallon; and it shall be a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the magistrate or court trying any party for any violation of this section; but nothing in this act contained shall be construed to prohibit said council from authorizing and licensing the retail of malt liquors; and no fine imposed under this section, upon conviction of any party or parties for violations of this sec-
- Penalty for § 34. To fix the penalty for violations of any ordinance, violations. and to provide for the enforcement of the same.

tion, shall be for less than ten nor more than fifty dollars, nor shall any imprisonment under this section exceed the space of ten days.

§ 34. The style of the ordinance shall be "*Be it ordained by the City Council of the City of Macon.*" Style of ordinances.

§ 35. All moneys collected under the city ordinances shall be deemed and taken to belong to the city, and shall be appropriated and disposed of by the council, for the use of the city. Publication of ordinances.

§ 36. All ordinances, within one month after their passage, shall be published in some newspaper in said city, or by posting up in three public places thereof, and shall not be in force till after such publication; and the affidavit of the town clerk that such publication has been made shall be sufficient evidence of that fact, in all legal proceedings. Evidence.

§ 37. All ordinances of the corporation may be proved by the seal thereof, and when printed in book or pamphlet form and purporting to be printed by the authority of the corporation, or when shown with the seal of the corporation attached thereto, the same shall be received in evidence, in all courts and places, without further proof.

ARTICLE V.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. *Be it enacted*, that the proceedings shall be had and observed in relation to public improvements and assessments therefor and collecting therefor, as are prescribed and set forth in the fifth article and first, second, third, fourth, fifth, sixth and seventh sections of said article of "An act to incorporate the city of Charleston, Illinois," approved February 9, 1865, and are hereby incorporated into and made a part of this charter, as fully as if herein set forth at length. Improvements.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall have power, by ordinance, to provide the manner of levying and collecting taxes and assessments; and full power is hereby given them to adopt the mode and manner, as specified in the act entitled "An act to amend the charters of the several towns and cities of this state," approved March 1st, 1854, and the mode and manner as specified in section nine of an act entitled "An act to incorporate cities and towns," approved February 10, 1849. All taxes shall be a lien upon the property upon which the same is taxed or assessed. Form of assessments.

§ 2. All male inhabitants of said city, over the age of twenty-one years, may be required to labor on the streets, Labor on the streets and alleys.

lanes, avenues and alleys, not exceeding four days in each year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the city limits.

Powers of the
city council.

§ 3. The city council shall have power to provide, by ordinance, for the punishment of any offender, by imprisonment in the county jail or city prison, in any case, upon a failure to pay fines and forfeitures and penalties, as provided by this act or by ordinance; and the city council is hereby authorized to use the county jail for that purpose.

Fines, forfeit-
ures, etc.

§ 4. The city council shall have power to compel persons, upon a failure to pay fines, forfeitures and penalties, to labor on the streets, lanes, avenues and alleys of said city, at the rate of two dollars per day, till such fine, forfeiture or penalty shall be paid.

Collection of
fines.

§ 5. Fines, forfeitures and penalties shall be recovered in an action of debt, in the corporate name; the first process shall be a summons, unless affidavit made of the truth of the charge, when a warrant may issue to bring the defendant forthwith before the president for trial.

Arrest, with
or without pro-
cess.

§ 6. The president and marshal, and all other officers of the city, authorized by ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the city, commit for examination, and, if necessary, detain such person in custody over night or over the Sabbath in the calaboose or other safe place, till they can be brought before a magistrate.

Execution may
issue for fines.

§ 7. Execution may issue immediately on rendition of the judgment. If the defendant, when called upon, fails to give up goods or chattels or real estate whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or city prison for a term not exceeding six months; and all persons committed under this section shall be confined one day for each two dollars of judgment and costs.

Evidence of act.

§ 8. This act is hereby declared to be a public act, and shall be read in all courts and places without proof.

Annual election
of officers.

§ 9. On the first Monday of April, 1869, and on the first Monday of April in every year thereafter, an election shall be held for four councilmen of said city, who shall hold their office for one year, and until their successors are elected and qualified. On the first Monday of April, 1869, an election shall be held for president of council, in accordance with the first section of article third of this act. The clerk shall give ten days' notice of the time and place of holding such election, by posting in three public places in the city.

Election for
president.

§ 10. For the election of the first president and board of councilmen, a notice, posted in three of the most public

places in said city, by the present township clerk, shall be deemed lawful. Said election shall be held by the selection of judge and two clerks, who shall have first the oath administered to them usual for judges of election, by any officer authorized to administer oaths. Returns of the election of president shall be made as provided by the laws in relation to justices of the peace, and he shall give bond and be commissioned by the governor as other justices of the peace. Notice shall be given for the election of president in the same manner as councilmen.

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

IN FORCE April 15, 1869.

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

EDWARD RUMMEL, Sec'y of State.

AN ACT to incorporate the city of Mason City.

In force March
4, 1869.

ARTICLE I.

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

§ 2. The corporate limits and jurisdiction of the city of Mason City shall extend over and include within the same all that district of country, situated in the county of Mason, and state of Illinois, embraced within the present limits of the town of Mason City, and all that district of country laid off into blocks and lots or blocks, adjoining the recorded plat of said town of Mason City.

§ 3. The inhabitants of said city, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; and shall have power to purchase, receive and hold property, real or personal, in said city; to purchase, receive and hold property, real or personal, beyond the city limits, for burial grounds and other purposes, for the use of the inhabitants of said city; to sell, lease and convey such property for the benefit of said inhabitants, and to improve and protect the same, and to do all other acts thereto as natural persons.

Description of
boundaries of
wards.

§ 4. The territory contained within the boundary of the said city of Mason City, shall be divided into four wards, beginning north of Chestnut and west of Main streets, as the First Ward; south of Chestnut and west of Main streets, as the Second Ward; south of Chestnut and east of Main streets, as the Third Ward; north of Chestnut and east of Main streets, as the Fourth Ward.

ARTICLE II.

OF THE CITY COUNCIL.

Mayor and aldermen.

SECTION 1. There shall be elected, by the qualified voters of said city, a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of one member from each ward; and no person shall be an alderman unless, at the time of his election, he shall be a qualified voter, and shall have resided six months within the limits of the city and three months in the ward.

Vacancies.

§ 3. If any alderman shall remove from the ward for which he was elected, his office shall thereby be vacated.

Contested elections.

§ 4. The city council shall judge of the qualifications, election and returns of their members, and shall determine all contested elections, and shall have power to make rules to govern its meetings, and to punish for disorderly conduct.

Quorum.

§ 5. A majority of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and fine absent members for non-attendance.

Record of proceedings.

§ 6. The council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Oath of office.

§ 7. The mayor and aldermen, before entering upon their duties, shall take an oath to support the constitution of the United States and of this state, and that they will well and promptly perform the duties of their office, to the best of their ability.

Vacancies, how filled.

§ 8. All vacancies that may occur in the city council shall be filled by election; and whenever there is a tie in the election of mayor or aldermen, the judges of election shall certify the same to the city council, who shall determine the same by lot.

Meeting.

§ 9. The city council shall meet for business on the first Wednesday of each month and such other times as may be necessary, upon the call of the mayor or any two members of the council.

Appointment of officers.

§ 10. The city council shall have power to appoint a treasurer, clerk, and assessor.

ARTICLE III.

OF THE MAYORALTY.

SECTION 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. Mayor, term of office.

§ 2. The mayor shall preside at all meetings of the council, and shall have a casting vote, and no other, and, in case of his non-attendance upon any meeting of the council, the board of aldermen shall appoint one of their number chairman *pro tem*. Presiding officer.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city, and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and to give notice of their negligence or violation of duty to the council, and, at the regular meeting in July, October, January, and April, to communicate, in writing, 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; and the city council shall have full power to enact all ordinances necessary to carry out such recommendation. Duty of mayor.

§ 4. The mayor shall receive for his services such salary as shall be fixed by an ordinance of the city; and, in case of his neglect or omission of duty, he shall be removed by the board of aldermen, who may hold a special meeting, appointing one of their number chairman, having notified said mayor of such meeting, and try and remove him for such neglect or omission. Salary of mayor

ARTICLE IV.

ELECTIONS.

SECTION 1. On the first Monday in April next, an election shall be held in each ward of said city for one mayor for the city and one alderman for each ward, who shall hold their offices until their successors are elected and qualified, and on the first Monday in April, of each year, an election for a mayor for the city and an alderman for each ward, who shall hold their offices for one year and until their successors are elected and qualified. Election, time and place of.

§ 2. All free white male inhabitants, who are a qualified voter of this state and have been residents of said city for thirty days previous to any election, shall be a legal voter: *Provided*, that said voters shall give their votes for mayor and alderman in the wards in which they shall respectively reside, and in no other; and that no vote shall be received Who entitled to vote.

at any of said elections unless the voter 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.

Judges of election.

§ 3. The judges of the election to be held on the first Monday of April next, shall be appointed by the trustees of the town of Mason City; and for all elections thereafter the city council shall appoint three judges, at their regular meeting, to sit at all city elections, and also two clerks of election, who shall be paid out of the city treasury, as may be directed by ordinance.

Special meeting of council.

§ 4. The judges of any city election, within five days after such election, shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll book, and enter the result of the election on their journal; and if the persons elected do not take the oath of office within ten days after said election, required in section seven, article two of this act, their office shall be declared vacant and a new election ordered.

Notification of election.

§ 5. The trustees of the town of Mason City shall cause public notice to be given of the elections for mayor and aldermen and city judge and marshal and collector, on the first Monday in April next, by posting two written or printed notices in the most public places in each ward, or by publishing such notice in a newspaper printed in Mason City, at least ten days before such election; and for all city elections thereafter, the council shall, in like manner, give public notice of such election.

ARTICLE V.

CITY JUDGE, MARSHAL, AND COLLECTOR.

Term of office.

SECTION 1. There shall be elected at the same time and in the same manner a city judge, who shall hold his office for four years, and a city marshal, and city collector, who shall hold their office for one year, and until their successors are elected and qualified.

Jurisdiction of city judge.

§ 2. The city judge is hereby constituted a justice of the peace, and shall be commissioned by the governor, and qualify as other justices of the peace, and shall have jurisdiction in all actions of debt and assumpsit, for sums over one hundred dollars and not exceeding three hundred dollars; and in such suits shall receive the same fees as the circuit clerk, and in all other suits, and for sums of one hundred and less, he shall have concurrent jurisdiction with justices of the peace of Mason county; he shall have exclusive jurisdiction in all suits for a violation of the ordinances of the city, except in case of his absence or inability to try such suit, in which any justice of the peace shall have power, and it is hereby made his duty, when any person is found guilty of violating any ordinance, to impose on him

such punishment, by fine or imprisonment, as may be fixed by ordinance, and none other: *Provided*, that no person shall be fined for violating any ordinance more than fifty dollars or imprisonment more than thirty days; he shall have power to fine or imprison for contempt of his court, and have concurrent jurisdiction with justices of the peace of Mason county.

§ 3. The city marshal shall, also, be street commis- Marshal.
sioner: *Provided*, the city council, whenever they deem it expedient, may appoint some other person to the office of street commissioner; he shall promptly arrest all violators of any ordinance and carry them before the city judge, and shall have power to summons witnesses, without written subpoena, to appear and give evidence against such violators; and upon the failure of such witnesses to attend, the city judge shall forthwith issue a writ of attachment against them; and the city judge shall proceed to the trial of such offenders forthwith, or as soon as the witnesses can be brought before him; and if the city or offender is not ready for trial, the city judge may continue the time not more than three days, and may admit the offender to give bond for his appearance before said judge at the time mentioned therein; which bond shall be made payable to the city of Mason City, and collectable, by action of debt, before the city judge. Any person who is fined for a breach of any ordinance may replevy the same, by giving security for the payment of such fine and costs within three months; and at the expiration of three months, if the fine and cost be not paid, the city judge shall render judgment against the principal and his securities, and forthwith issue execution thereon, directed to the city marshal; and any person fined for violating any ordinance may pay such fine by labor on the streets of said city, under the direction of the marshal, in such manner as may be determined by ordinance.

§ 4. All process issued by the city judge shall be directed to the city marshal, who shall receive the same fees as Process, how directed. are allowed to a constable, unless changed by ordinance.

§ 5. The marshal is hereby made a conservator of the Arrests.
peace, and shall have power to summon any white male inhabitant of said city, over the age of eighteen years, to aid him in arresting or securing an offender against the laws of this state or any ordinance of said city; and any person failing to assist him, when so summoned, shall be reported by said marshal to the city judge, and punished in such manner as may be provided by ordinance.

§ 6. He shall receive a salary of two hundred dollars per Salary.
annum besides his fees, and upon any omission or neglect of duty he shall be removed by the city council, who shall appoint his successor until the next regular election.

§ 7. The city marshal shall act as street commissioner Duties of.
and perform such duties as may be prescribed by ordinance, and receive such fees as may be fixed by ordinance.

ARTICLE VI.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

- Levy taxes.** **SECTION 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 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.
- Bonds, securities, etc.** § 2. The city council shall have power to require all officers elected 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 to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same; to borrow money 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 ten per cent. per annum.
- Indebtedness.** § 3. To make regulations to prevent the introduction of contagious diseases into the city.
- Contagious diseases.** § 4. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.
- General health.** § 5. To open, alter, abolish, widen, establish, grade, pave, or otherwise improve avenues, streets, alleys, and other public highways.
- Repair streets.** § 6. To divide into wards, alter the boundaries thereof, and erect additional wards, as occasion may require.
- Wards.** § 7. To establish, support and regulate night watches.
- Night watches.** § 8. To provide for lighting the streets, and erecting lamp posts.
- Lighting streets** § 9. To provide for all needful buildings for the use of the city.
- Buildings.** § 10. To provide for the inclosing, improving, and regulating all public ground belonging to the city.
- Public grounds.** § 11. To license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, hawkers, peddlers, commission merchants, bankers, brokers, saloons, billiard tables, ball alleys.
- Auctioneers, peddlers, etc.** § 12. To license, tax, and regulate hackney carriages, wagons, carts, and drays, and fix the rates to be charged.
- Vehicles.** § 13. To license, tax, and regulate theatrical exhibitions, circuses, shows, and other amusements.
- Exhibitions.** § 14. To regulate the storage of gunpowder, tar, pitch, gasoline and other combustible materials.
- Combustibles.** § 15. To provide by ordinance for the manner and time of assessing and collecting city taxes, where the same may not be fully provided in this charter.
- Collection of taxes.**

§ 16. To provide for the taking the enumeration of the Census.
inhabitants of the city.

§ 17. To regulate the election of city officers, and to pro- City officers.
vide for the removing from office any person holding an
office created by ordinance.

§ 18. To fix the compensation, by fees, commissions or Compensation.
otherwise, and regulate the fees of jurors, witnesses and
others, for services rendered under this act, or any ordi-
nance.

§ 19. To regulate the police of the city, to impose fines Police.
and forfeitures and penalties for the breach of any ordi-
nance, and to provide for the recovery and appropriation of
such fines and forfeitures, and the enforcement of such pen-
alties.

§ 20. The city council shall have power to make all Ordinances.
ordinances which shall be necessary and proper for car-
rying into execution the powers specified in this act, so that
such ordinances be not repugnant nor inconsistent with the
constitution of the United States or this state.

§ 21. To provide for the prevention and extinguishment Fire department
of fires; to organize and establish fire companies, and to
regulate or prohibit the erection of wooden buildings in any
part or parts of the city within certain limits, to be fixed
by ordinance.

§ 22. To regulate and restrain cattle, horses, hogs, Running at
sheep and dogs from running at large. large of animals

§ 23. To regulate the driving or riding of horses, mules, Fast driving.
jacks, jennies or cattle.

§ 24. To regulate the speed with which steam engines Locomotives.
and cars may be driven within the city.

§ 25. The city council shall have power to require of all Railroad tracks,
railroad companies that own or shall own any railroad with- bridges, etc.
in the limits of the city, to construct and erect good and
sufficient crossings at such times, and places on such roads,
as may be directed by said council.

§ 26. The style of the ordinances of the city shall be, Style of ordi-
"Be it ordained by the city of Mason City." nances.

§ 27. All ordinances passed by the city council shall, Publication of
within ten days after they shall have been passed, be pub- ordinances.
lished in some newspaper in the city, or by posting one
copy of each ordinance in each ward, and shall not be in
force except as aforesaid, until they shall have been pub-
lished as aforesaid, for five days.

§ 28. All ordinances may be proven by the seal of the Proof.
corporation, or the oath of the city clerk, 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.

ARTICLE VII.

Taxation.

SECTION 1. All real estate and personal property within the limits of the city of Mason City, shall be subject to taxation for the use and benefit of said city.

Assessment of
real and personal
estate.

§ 2. The assessor shall prepare an assessment roll with the following caption, in substance: An assessment roll of all the real and personal property within the limits of the city of Mason City, made by the assessor of said city for the year 18—, and shall set down in separate columns: *First*, the name of all the owners, if known, of real estate within the limits of said city; if the owner is unknown it should be so stated. *Second*, the description of the real estate opposite the name of the owner or the word unknown. *Third*, the value of the real estate opposite the description. *Fourth*, the amount of tax assessed opposite the value. Said assessment roll shall also contain, in parallel columns: *First*, the names of the owners of personal property subject to taxation, in alphabetical order. *Second*, the assessed value of the personal property taxed to each individual. *Third*, the amount of tax on each individual's personal property.

Assessor's cer-
tificate.

§ 3. After the said assessment roll shall have been thus completed, the assessor shall attach his certificate to said roll, certifying that said roll is true and correct, according to his best information; and said roll, so certified, shall, on or before the first Wednesday in July of each year, be returned to the city council in session, or to the mayor.

Inspection of
lists.

§ 4. Previous to the first Wednesday in August of each year, the said assessment roll may be inspected by any person interested in the same. At the regular meeting of the council on the first Wednesday in August of each year, and not afterwards, the said council shall hear the application of any person who may consider himself aggrieved by the said assessment, and on being satisfied of any error therein, they may correct the same.

Return of as-
sessments.

§ 5. On the return of said assessment roll to the mayor or council, the city clerk shall cause to be posted in the most public place of each ward, one written or printed notice that the assessment has been returned and is ready for inspection, and also, of the time when application may be made for renewing the same.

True copy of
assessment.

§ 6. Immediately after the first Wednesday in August of each year, the city clerk shall make out a true copy of the assessment, 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 and costs set opposite their respective names, and pay the same to the treasurer of the city; and the said collector shall, thereon, attend at some place most

central in the city for the purpose of receiving taxes, giving ten days' notice of such place, and the day on which he will attend for the purpose aforesaid. And if any resident of said city shall neglect to pay his tax on the day mentioned in said notice, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax and cost. In cases where the owner is not a resident of the city, the collector shall proceed to levy and sell within ten days after the day fixed in said notice. The said warrant shall be returnable on the first Wednesday 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.

Personal property taken.

§ 7. In return to said warrant, the collector shall give a list of the names of the persons whose tax upon personal property he has been unable to collect, on account of not finding goods and 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 been unable to collect.

Non-payment of taxes.

§ 8. 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 and sworn to 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.

Delinquent list of real estate.

§ 9. The said list shall be evidence of the taxes and costs due on any real estate in said city, and whenever any person owning real estate in said city shall fail to pay the same on or before the first Wednesday in October of any year, the city collector shall, thereupon, proceed to obtain judgment against, and to sell said real estate for taxes and costs, in the same manner as is provided by the revenue laws of this state for obtaining judgment against, and selling delinquent lands.

Assessor's list evidence.

§ 10. All real estate sold for taxes and assessments assessed under this charter shall be sold, and may be redeemed in the same manner, and upon the said terms, as lands are now sold and redeemed in cases of sale for state and county taxes, and the deed of the city collector for real estate sold under this charter shall have the same force and

Rights of redemption.

effect as deeds made by county collectors of this state, for delinquent lands sold for state or county tax.

ARTICLE VIII.

PUBLIC IMPROVEMENTS.

General powers of council.

SECTION 1. The city council shall have power to cause any street or alley in said city to be graded, paved or planked, and keep the same in repair; to cause side-walks and cross-walks, drains and sewers to be constructed, and regulate the same; and to grade, improve, protect and ornament any public square now or hereafter laid out in said city, and to levy and collect a tax for the purposes of carrying into effect the above powers.

Sidewalks.

§ 2. Every owner of any lot or lots in said city, in front of whose premises the city council shall, by ordinance order and direct a side-walk to be constructed or repaired, shall construct such side-walk at his or her own expense within sixty days after a copy of said ordinance is delivered to such owner: *Provided*, such ordinance is not passed in the month of December, January, February or March; and if such side-walk be not constructed or repaired by such owner or owners, in the manner and within the time required by ordinance, the city council may cause the same to be constructed or repaired, and assess the expense thereof, in an order to be entered on their journal; and the city council is hereby authorized and empowered to sue and recover from the owner or owners of said lot or lots, the expenses so incurred in said order, and said order is hereby made a lien on said lot or lots, and shall be evidence of the amount of such expenses.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

Exempt from road labor.

SECTION 1. The inhabitants of the city of Mason City are hereby exempted from working on any road extending outside of the city limits.

§ 2. The city council shall have power, for the purpose of keeping the streets and alleys in repair, to require by ordinance every able bodied male inhabitant over twenty-one years of age, to work on said streets or alleys, not exceeding three days in every year.

Manner of requiring and performing road labor

§ 3. Whenever any inhabitant of said city, liable to do road labor, shall violate any ordinance requiring him to perform such labor, by failing or refusing to perform the same after due notice, the street commissioner shall report his name to the city judge, who shall forthwith issue his warrant commanding the city marshal to bring such inhabitant before the said judge, who shall try him as in other cases for violating a city ordinance, and if convicted, he

shall be fined one dollar for each day he shall fail to work on said streets and alleys.

§ 4. The city council shall have power to provide for the punishment, by fine or imprisonment in the county jail, or by both fine and imprisonment. Punishment for refusal.

§ 5. The city council shall cause to be published in a newspaper in said city, or by posting a written notice in each ward, annually, on the first Monday of May, a complete statement of all moneys received or expended by the corporation during the preceding year, and on what account received and expended, and said statement shall be certified to be correct by the mayor and city clerk. Financial statement.

§ 6. All ordinances and resolutions passed by the trustees of the town of Mason City, shall remain in force until the same shall have been repealed by the city council hereby created. (Old ordinances in full force.

§ 7. All suits, actions and prosecutions instituted, commenced or brought, hereby created, shall be instituted, commenced and prosecuted in the name of the city of Mason City. Suits, how instituted.

§ 8. All actions, fines, penalties and forfeitures which have accrued to the trustees of the town of Mason City, shall be vested in and prosecuted by the corporation hereby created. Funds vested in corporation.

§ 9. All property, real and personal, heretofore belonging to the trustees of the town of Mason City, for the use of the inhabitants of said town, shall be and is hereby declared to be vested in the corporation hereby created.

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

§ 11. Appeals to the circuit court of Mason county shall be allowed from all judgments of said city judge, in the same manner as from other justice of the peace. Appeal taken.

§ 12. Whenever the city marshal is unable or refuses to serve any process issued by the city judge, the same may be served by the sheriff or any constable of Mason county. Sheriff or constable may serve process.

§ 13. All fines and forfeitures recoverable by indictment or action for any offenses committed within the limits of said city, shall be paid into the city treasury for the use of the city. Fines and penalties to go into city treasury.

§ 14. This act is hereby declared to be a public act, and may be read in evidence in all the courts of this state, without proof. Proof of acts.

§ 15. No money shall ever be borrowed by the city council, unless the ordinance therefor shall first be submitted and voted for by a majority of the voters, voting at an election for that purpose. Indebtedness submitted to legal voters.

§ 16. The city marshal, or his deputy, shall have power to arrest or cause to be arrested, with or without process, Power to arrest with or without process.

upon view or information, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of said city, and may hold such persons for examination, or detain them in the calaboose or other safe place, for the space of twenty-four hours, and until they can be brought before the city judge.

§ 17. This act shall take effect from and after its passage.

APPROVED March 4, 1869.

In force when
adopted by
legal voters.

AN ACT to incorporate the city of Macon.

Corporators.

Name and style.

Boundaries.

Additions.

Corporate 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 Macon, in Macon county, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Macon;" 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.

§ 2. All that territory embraced within the following limits, to wit: The south-east quarter of the south-west quarter of section twenty-nine, (29,) the south half of the south-east quarter of section twenty-nine, (29,) the south-west quarter of the south-west quarter of section twenty-eight, (28,) the west half of the north west quarter and the north west quarter of the south-west quarter of section thirty-three, (33,) the north half of the south-east quarter and the north-east quarter of the south-west quarter and the east half of the north-west quarter of section thirty-two, (32,) all being and lying in town fifteen, (15,) range two (2) east, the south-west quarter of third principal meridian.

§ 3. Whenever any tract of land adjoining the city of Macon 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 Macon.

§ 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, to defend and be defended, in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both personal and real, beyond [the limits of] the city, for burial grounds and other purposes, for the use of said inhabitants of said city;

to sell, lease or convey or dispose of property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

SECTION 1. There shall be a city council, to consist of a Mayor and four aldermen. Mayor and board of aldermen.

§ 2. 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 said city one year immediately preceding his election, and shall have the necessary qualifications to vote for state officers, be a resident of the ward for which he is elected, and a citizen of the United States. Aldermen.

§ 3. 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 city council shall have power to fix the compensation of the aldermen. Vacancies.

§ 4. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes; the seats 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. Two classes.

§ 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act. Powers of the council.

§ 6. 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.

§ 7. The city council shall have power to determine the rules of its own proceedings; punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member. Punishment of offenders.

§ 8. The city council shall keep a journal of its proceedings; and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Record of proceedings.

§ 9. No alderman shall be appointed to any office under the authority of the city, that shall be created or the emoluments of which shall have been increased during the time for which he shall have been elected, nor shall he be engaged in any contract with said corporation while serving as such alderman. No member shall be interested in contracts.

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

§ 11. The mayor or aldermen, before entering on the duties of their office, shall take and subscribe an oath, or make affirmation, that they will support the constitution Oath of office.

of the United States and of this state, and that they will well and truly perform the duties of their office, according to the best of their skill and abilities.

Tie, how decided. § 12. Whenever there shall be a tie in an 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.

Meeting of the council. § 13. 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. SECTION 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.

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

Vacancy in office of mayor. § 3. If any mayor, during the time for which he shall be elected, remove from the city, or be absent from the city for the space of six months, his office shall be vacant.

Tie, for mayor. § 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 determine the same by lot, in such manner as may be determined by ordinance.

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

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

ARTICLE IV.

OF ELECTIONS.

Election of city officers. SECTION 1. On the second Monday of April next, an election shall be held in said city for one mayor, one marshal, one clerk, one street commissioner, one city surveyor, one treasurer, one assessor and police magistrate for the city, [and] four aldermen; and forever thereafter, on the second Monday in April in each year, there shall be an election for one mayor, one marshal, one clerk, one street commissioner, one city surveyor, one treasurer, one assessor, and four aldermen.

Board of trustees. § 2. Norman Failing, Christian H. Ruby, Albert G. Harris, Robert Timmons and Charles Vanhorn shall con-

stitute a board of trustees for the city of Macon; and, immediately after the adoption of the charter by the citizens, the said trustees shall, by ordinance, provide for the first election of all the officers to be elected under this act; shall canvass the votes, and declare who are duly elected, and make return of the election to the clerk of the county court and the secretary of state of the election of police magistrate, in the same manner that returns are made of the election of justices of the peace.

§ 3. All 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.

First election.
Qualification of voters.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION 1. The city council shall have power and authority to levy and collect taxes, for city purposes, upon all property, real and personal, within the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof: *Provided*, that after three years from the organization of the city, a higher tax may be raised, if two-thirds of the voters of the city shall agree thereto at a special election for that purpose, called by the mayor; and the city council may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of this state or of the United States.

Taxation.

§ 2. The city council shall have power to appoint a city attorney, and all such other inferior officers as may be necessary.

Appointment of officers.

§ 3. The city council shall have power to require of all officers appointed or elected in pursuance of this charter, bonds, with penalty and security, for their faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed or elected as aforesaid to take an oath or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of 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 two-thirds of the legal voters of said city shall vote in favor of any such loan the same may be negotiated, and not otherwise.

Bonds, with penalty and security.

Oath of office.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

Appropriations.

- 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.
- Hospitals. § 6. To establish hospitals, and make regulations for the government of the same.
- General health. § 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.
- Provide water. § 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.
- Streets, alleys and highways. § 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys, sidewalks, drains and sewers.
- Bridges. § 10. To establish, erect and keep in repair bridges.
- Divide in 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.
- Night-watches. § 13. To establish, support and regulate night watches.
- Markets and market houses. § 14. To erect market houses, to establish markets and market places, and provide for the government and regulation of the same.
- Public buildings § 15. To provide for all needful buildings for the use of the city.
- Public grounds. § 16. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- Auctioneers, peddlers, etc. § 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawn brokers, and money changers.
- Vehicles. § 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 and drayage of property.
- Porters. § 19. To license and regulate porters and the rates of portorage.
- Exhibitions. § 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Prohibit sale of liquors. § 21. To license or to suppress the sale of ardent spirits, malt, fermented, medicated and all other liquors; to restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses.
- Fire department § 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies.
- Chimneys, etc. § 23. To regulate the fixing of chimneys, and to fix the flues thereof.
- Combustibles. § 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

§ 25. To regulate and order parapet walls and partition fences; and to restrain cattle, sheep and hogs from running at large. Walls, fences.
Running at
large of animals

§ 26. 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 upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order. Weights and
measures.

§ 27. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works. Lumber.

§ 28. To provide for the inspection and the weighing of hay and stone-coal, the measuring of charcoal, firewood and other fuel, to be sold and used within said city. Forage and fuel.

§ 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whisky in barrels. Inspection of
provisions.

§ 30. To provide for and regulate the inspection of lard, butter and other provisions. Lard and butter.

§ 31. To regulate the quality and weight of bread to be sold and used in the city. Bread.

§ 32. To regulate the size of bricks to be sold and used in the city. Bricks.

§ 33. To provide for taking enumeration of the inhabitants of the city. Census.

§ 34. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance. Elections.

§ 35. To fix the compensation of all city officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance made in pursuance thereof. Compensation,
fees, etc.

§ 36. To erect, maintain and establish a city prison or jail, and to provide, by ordinance, for the confinement of persons therein for the breach of any ordinance of the city; 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 enforcement of such penalties; to provide for compelling offenders to work on the streets. And all moneys collected under and by authority of any city ordinance, shall be deemed and taken to belong to the city and disposed of by the city council, under the ordinances of said city, for the general use and benefit thereof. Regulate police.

Fines, penalties

§ 37. The city council shall have exclusive power, within the city, to license or suppress any billiard tables or bowling alleys. Billiards, etc.

§ 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 ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state. General powers.

- Style of ordinances. § 39. The style of the ordinances shall be "*Be it enacted by the City Council of the City of Macon.*"
- Publication of ordinances. § 40. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper in the city, or to be posted up in three of the most public places in the city of Macon, and shall not be in force until they shall have been published as aforesaid.
- Evidence and proof of. § 41. 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 MAYOR.

- Presiding officer of council. SECTION 1. The mayor shall preside at all meetings of the city council, and, in case of a tie, shall have the 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 of mayor. § 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 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.
- Citizens to aid in enforcing the laws. § 4. He is authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case 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 books. § 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.
- Execute all acts. § 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, 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 regulations thereof. Jurisdiction of mayor.

§ 8. He shall receive for his services, of the city, such salary as shall be fixed by ordinance. Mayor's salary.

§ 9. In case the mayor shall, at any time, be guilty of a palpable omission of duty or shall willfully 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 Macon county, and, on conviction, he shall be fined not exceeding 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. Misconduct.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

SECTION 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the persons whose property is so taken; and if the amount of said compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Taking private property for public use.

§ 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 condition to be prescribed by ordinance; but no compensation, in such case, shall 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. Petitions for opening streets, alleys, etc.

§ 3. All jurors impaneled to inquire into the amounts of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor the inquest, in writing, and signed by each juror. Inquests, etc.

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

- New inquests. § 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 taxes. § 6. Upon a petition of two-thirds of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any such street, lane, avenue or alley, in proportion to the benefits resulting thereto, for the purpose of draining, grading or plankingsidewalks, and lightingsuch street, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the cost of said sidewalks and lighting respectively; which tax shall be collected in the same manner as other city taxes.
- Drain-, side-walks, etc.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

- Street labor. SECTION 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues or alleys in repair, to require every able-bodied male inhabitant in the city, over twenty-one years of age, to labor on said streets, lanes, avenues or alleys, not exceeding three days in each year; and any person failing to perform such labor when duly notified by the street commissioner, shall forfeit and pay not exceeding two dollars for each day so neglected or refused.
- Citizens exempt from road labor outside of city limits. § 2. The inhabitants of the city of Macon 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.
- Fines and forfeitures. § 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 when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.
- Annual financial 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.
- Appeals, how taken. § 5. 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 county or circuit court, as the case may be, of said county of Macon; 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.
- Mayor, pro tem. § 6. 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 as president, who shall be mayor,

pro tem., until the office shall be filled by election, as herein provided.

§ 7. 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. Act valid.

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

§ 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said city, shall have power to execute the same anywhere within the limits of the county of Macon, 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 Macon county, with power to serve process and do all other acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law; 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. Marshal.

§ 10. The trustees named herein shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Macon and issue their proclamation for an election to be held in said town, at least ten days prior to the election of city officers; at which election the inhabitants residing within the territory described in 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 votes given at such election shall be "for the charter," this act shall immediately take effect as a law, and the trustees shall proceed as directed in article 4 of this charter; but if a majority of the votes shall be "against the charter," then this act shall be of no effect. Promulgate act.

§ 11. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and are hereby authorized, and it is made their duty, to arrest all persons who are violating or have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall willfully interrupt or oppose them in the discharge of the requirements hereof, shall be subject to the same penalties as though they had interrupted a marshal, sheriff or constable, in the legal discharge of their duties. They shall, moreover, be exempt from jury duty and street labor or the payment of street taxes, during their terms of office. Fire wardens.

§ 12. There shall be elected at the first election for city officers, and every four years thereafter, one police magistrate, who shall hold his office for the term of four years, and until Exempt from jury duty.

Jurisdiction of magistrates.

- his successor shall be elected and qualified. The said police magistrate shall be, *ex officio*, justice of the peace of the said county of Macon, and shall have jurisdiction over the same matters and receive the same fees as are prescribed by law for other justices of the peace in this state, with this addition, that his jurisdiction shall extend to all cases where the plaintiff's demand shall not exceed the sum of three hundred dollars. The governor shall commission the said police magistrate; and he shall execute and deliver unto the city clerk, within twenty days after his election, a bond, to be approved by the said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands under any judgment, or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter or the laws of this state, to the best of his skill and abilities. Said bond shall be made payable to the city council of Macon, for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others, who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate. Change of venue may, in all cases, be taken from the police magistrate to a justice of the peace: *Provided*, the demand in the case in controversy does not exceed one hundred dollars.
- Commissioned by governor. § 13. No provisions of this act shall be so construed as to authorize the sale of ardent spirits, in any quantity whatever, unless licensed so to do by the city council.
- Bond, security. § 14. All moneys received for licenses shall be paid into the city treasury, and be expended for city purposes.
- Change venue. § 15. This act to take effect and be in force from and after its passage.
- Prohibit sale of liquors.
- Disposition of moneys.

APPROVED April 19, 1869.

In force when adopted by legal voters.

AN ACT to incorporate the city of Moline, Rock Island county.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND WARDS.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That all the district of country, in the county of Rock Island, and state of Illinois, embraced within the following boundaries, to-wit: Commencing at the southwest corner of the northwest quarter of section six, township seventeen north, range one west; thence running east, to the southeast corner of

the northeast quarter of section four, in said township; thence north, to the middle thread of the main channel of the Mississippi river; thence southwesterly, to the upper end of the island of Rock Island, to the point where the line between sections twenty-nine and thirty-two strikes the river; thence, following the meandering of the river, on the south side of said island, to the line between township eighteen, one west, and township eighteen, two west; thence south, on that line, to the southwest corner of the northwest quarter of section six, it being the point of beginning, is hereby erected into a city, by the name of the "City of Moline."

§ 2. The city of Moline shall be divided into three wards, the boundaries of which shall be as follows: The first ward shall consist of all the territory lying west of the line commencing at the southeast corner of the west half of the northeast quarter of section five, township seventeen, one west, being in the center of the county road leading from the present town of Moline to Rock river; thence northwesterly, along the center line of said road, to the center line of Park street; thence westerly, along the center line of Park street, to the center of White street; thence northwesterly, along the center line of White street and said line extended to the north line of Main street; thence westerly, on the north line of Main street, between Deere and Company's plow works and J. W. Wheelock's paper mills; thence northeasterly, along said line and said line produced to the northern boundary of said city. The second ward shall consist of the territory lying east of the eastern line of said first ward and west of a line commencing at a point in the center of a road known as the "Sugar Hollow Road," on the south boundary line of the city; thence northwesterly, along the center line of said road, to the center line of Salter street; thence along the center line of Salter street and said line extended to the northern limits of said city. The third ward shall consist of all the territory lying east of the eastern boundary line of the second ward. The boundaries of the said wards may be, by the city council, changed, from time to time. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

§ 3. Whenever any tract of land adjoining the city of Moline shall be laid out into blocks and lots, and duly platted, according to law, the same shall be annexed, by ordinance of the city council, to, and become a part of said city. 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, both real and personal, within said city; and to purchase, receive and hold property, beyond the

Boundaries of wards.

Second ward.

Third ward

Additions.

General powers.

city, for burial grounds, and for other purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, real or personal, and do all other things in relation thereto as natural persons.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Organization
of city council.

SECTION 1. The municipal government of the city shall consist of a city council, composed of a mayor and two councilmen from each ward, who shall be freeholders. The other officers of the corporation shall be as follows: A marshal, treasurer, street commissioner and assessor, to be elected by the people of said city. There shall be such other officers, servants and agents as may be provided by ordinance—to be appointed by the city council, and to perform such duties as may be prescribed by the ordinance.

Officers.

§ 2. All officers to be elected or appointed under this act, except councilmen and such as are otherwise provided for hereby, shall hold their offices one year, and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the second Monday of April of each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor and city marshal may be authorized to remove them from office for good cause. All officers elected to fill vacancies, except where specially provided for, shall hold for the unexpired term only, and when appointed to fill vacancies, until the next general election or appointment and qualification of their successors.

Removal from
office.

Representation.

§ 3. The several wards of the city shall be represented in the city council by two councilmen from each ward, who shall be *bona fide* residents thereof. The councilmen shall hold their office for two years from and after their election, and until the election and qualification of their successors:

Ward elections.

Provided, that at the first election under this act one councilman shall be elected in each ward for one year, and one for two years, and till their successors are qualified; but at the annual election thereafter there shall be elected one councilman from each ward, who shall hold their offices for two years from the time of their election and qualification.

Quorum.

§ 4. If, from any cause, there shall not be a quorum of councilmen, the clerk shall appoint a time and place for holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any councilman shall remove from the ward represented by him, his office shall thereby become vacant. If there should be a failure

by the people to elect any officer herein required to be elected, the city council shall forthwith order a new election.

§ 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all councilmen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time, by a two-thirds vote, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges preferred.

Removal from office.

§ 6. Whenever any vacancy shall occur in the office of mayor or councilman, such vacancy shall be filled by a new election, and the city council shall order such special elections within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council. But no special election shall be held to fill vacancies if more than nine months' time has expired.

Vacancy in office of mayor.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, except mayor and councilmen, who shall be freeholders.

Qualification of voters.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

Tie vote.

ARTICLE III.

ELECTIONS.

SECTION 1. A general election shall be held in each ward of the city on the first Monday of April next, succeeding the adoption of this charter. The time on said day, and the place of such election in each ward, shall be determined by the board of trustees of the town of Moline, who shall give six days' notice thereof, posted in three public places in every ward; and they shall also appoint three inspectors of election for each ward. In case the said trustees should fail to appoint the time and place of such elections, and the inspectors thereof, the qualified electors in each ward may assemble at any place in such ward and appoint inspectors from the voters present. At such elec-

General election.

Officers elected.

tion shall be chosen a mayor, two councilmen in each ward—the councilmen to be voted for only by the residents of the ward they are elected to represent—a city marshal, a city treasurer, a city assessor, and a city street commissioner. Upon each and every first Monday in April thereafter, there shall be a general election for all the officers required to be elected at such times by this act or the ordinances of the city.

Manner of voting.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll list, canvassing the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may be hereafter provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and appointments of judges thereof. The voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same powers and authority, as the judges of general elections. After the closing of the polls, the ballots shall be counted in any manner provided by law, and the returns shall be returned, sealed, to the city clerk, within two days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment; and unless such persons shall qualify within twenty days thereafter the office shall become vacant. At the first election, held on the first Monday of April next, the returns shall be made to the clerk of the board of trustees of the town of Moline; and the president and trustees thereof shall meet and canvass the same, and declare the result of the election.

Declare result.

Qualification of officeholders.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and who has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States (or was a resident of this state at the time of the adoption of the constitution), and have been a resident of this city six months, and a resident of the state one year immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe to the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath of office.

§ 2. The mayor shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the council such information and recommend such measures as he may deem advantageous to the city. Mayor's duties.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years to aid in the enforcing the laws of the state or the ordinances of the city, and in case of riot to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars. Punishment of violations.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof. Exhibit book

§ 5. He shall receive such salary as may be fixed by ordinance. Salary.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk; and if the mayor approve thereof he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections thereto. Upon return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members elected to the city council shall agree, by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to any such proceeding, for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. He shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions, the acknowledgments Approval of ordinances.
Reconsideration of votes.
Limit of time.

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.

Vacancy in office of mayor.

§ 7. In case of vacancy in office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the councilman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall assume his office, or the vacancy shall be filled by a new election.

Fire wardens.

§ 8. The members of the common council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty during their term of office.

Clerk's duties.

§ 9. The clerk shall hold his office for one year; he shall keep the corporate seal, and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such a manner as the city council may direct; and he shall have power to administer any oath required to be taken by this act.

Attorney

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council or its committees.

Marshal.

§ 11. The city marshal shall collect all taxes and assessments which may be levied by the city council; he shall receive all moneys belonging to the city, and shall deposit the same with the city treasurer. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the city clerk. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which shall be filed in the office of the clerk.

Treasurer.

Jurisdiction of marshal.

§ 12. The city marshal shall hold his office for one year, and shall perform such duties as shall be prescribed by the

city council for the preservation of the public peace and the collection of license moneys, fines, or otherwise. He shall possess the powers and authority of a constable at common law and under the statutes of the state, and receive like fees, but shall not serve civil process, without first entering into bond, as such constable, to be approved by the city council, payable to said city, as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof.

§ 13. The city engineer or surveyor shall have the sole power, under the discretion and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the council shall direct and prescribe. He shall possess the same powers, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts or plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same. He shall perform all surveying and engineering ordered by the city council; shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council, and approved by them, or they shall not be valid.

Engineer or
surveyor.

§ 14. The assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to the county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council.

Assessor.

§ 15. The street commissioner shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any persons to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to

Street commis-
sioner, duty of.

make plans and estimates of any work ordered in relation to streets and alleys, culverts and sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the city council.

Further duties
of officers.

§ 16. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Moline, in such sum and with such securities as they may approve—conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office, and remain for the benefit of any person aggrieved by the official act of the officer.

Bonds.

Surrender of
property, etc.,
to successor.

§ 17. If any person, having been an officer of said city, shall not, within ten days after the notification and request, deliver to his successor in office all property, books, papers and effects, of every description, in his possession, belonging to said city, or appertaining to said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects, belonging to his office, in the manner prescribed by the laws of the state.

Commission of
officers.

§ 18. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council, and clerk.

CHAPTER V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES.

Government.

SECTION 1. The mayor and councilmen shall constitute the city council. They shall meet and organize the first Thursday after their election, and shall meet at such times and places thereafter as they shall determine. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the councilmen may be appointed to preside. A majority of the persons elected councilmen shall constitute a quorum.

§ 2. The city council shall hold twelve stated meetings, one in each month, during the year; and the mayor, or any two councilmen, may call special meetings of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council; and they shall determine the rule of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members. Stated meetings

§ 3. The city council shall have the control of the finances, and of the property, real and personal and mixed, belonging to the corporation, and shall, likewise, have power, within the jurisdiction of the city, by ordinance : Finances and property.

First.—To borrow money on the credit of the city, and issue bonds of the city thereof; but no bonds shall be issued having more than five years to run, and there shall never be outstanding bonds to a greater amount than five per cent. of the last assessed value of the real and personal property of the city. It shall be the duty of the council to provide, either by taxation or the issue of bonds, for the payment of all claims against the city, as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand. No appropriation shall be made for any public building or other improvement out of the general fund of the city, except in such cases as where the city council shall not have authority to provide for the same by special taxation levied on the property benefited thereby, or where the city council shall, by resolution, declare that it will be unjust and unequitable, that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interest of the city. Indebtedness.

And no appropriation shall be made for any public improvements until the expense of such improvements shall be estimated by the proper officers, and unless it shall be found, by such estimates, and a statement of the estimated cost of all other public works in progress and other probable expenses of the city, that such works can be completed within due time by the ordinary surplus revenue of the city, and the issue of such bonds as the council is by law authorized to issue. Issue bonds.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations.

Third.—To make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose, and to enforce them within the city. Contagious diseases.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

- Wells, cisterns. *Fifth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, by drains, hydrants and reservoirs, in the streets, within the city or beyond the limits thereof, for the extinguishment of fire and the convenience of the inhabitants, and to prevent the unnecessary waste of water.
- Streets, alleys, and highways. *Sixth.*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains or sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachments or injury.
- Bridges and sidewalks. *Seventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or to wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.
- Lighting streets. *Eighth.*—To provide for the lighting of the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts. To exclusively regulate, direct and control the laying and repairing of gas fixtures in the streets, alleys and sidewalks.
- Markets and market houses. *Ninth.*—To establish markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location thereof, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.
- Public grounds and cemeteries. *Tenth.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds.
- Hospitals. *Eleventh.*—To erect or establish one or more hospitals or dispensaries, and control and regulate the same.
- Incumbering streets. *Twelfth.*—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalk and street gutter, in front of the premises occupied by them.
- Merchants, peddlers, etc. *Thirteenth.*—To license, tax and regulate merchants, commission merchants, and all venders, dealers and traders

in any goods, wares, merchandise, groceries or liquors, alcoholic liquors excepted, only as hereinafter provided, and inn keepers, brokers, money brokers, insurance brokers, and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn-brokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for cars, stages and public houses. Porters, hackmen, etc.

Fifteenth.—To prohibit and suppress billiard tables, pin alleys, and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gambling and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gambling. Tippling houses

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses for the sale of spirituous liquors, wine, cider, beer or malt liquors, and to direct the manner of issuing and regulating the same: *Provided*, that no license shall be granted for more than one year, and no license shall be granted for more than thirty days, except with power reserved by the city council to revoke such license at pleasure; and no license shall be granted for a less sum than three hundred dollars, (\$300), payable quarterly in advance; *Provided, however*, that the said common council shall have no power to license the sale of spirituous liquors, wine, cider, beer or malt liquors, unless the voters of said city shall, at their first election, to be held as hereinafter provided, by a majority of the votes then polled for the charter, authorize the common council to license such sale; and, for this purpose, the poll books of said first election shall be provided with two columns, in one of which shall be set forth the number of votes in favor of authorizing the common council to license, in their discretion, the sale of spirituous liquors, wine, cider, beer and malt liquors, and in the other column shall be set forth the number of votes polled to prohibit the sale of spirituous liquors, wine, cider, beer and malt liquors. If it shall appear that a majority of the votes polled for the charter are in favor of authorizing the common council to license the sale of intoxicating liquors, as aforesaid, the common council shall have as full power to grant said license as though this proviso were not a part of this charter; but if it shall appear that a majority of the votes polled for the charter are for prohibiting the sale of spirituous liquors, wine, cider, Issue license.

License for sale of liquors submitted to vote.

When granted.

beer and liquors, then the sale of such intoxicating liquors, as aforesaid, shall be prohibited in said city limits; and the common council shall have full power to prohibit the sale or giving away of spirituous liquors, wine, cider, beer and malt liquors, and to suppress such sale and giving away, by suitable pains and penalties.

Licenses to druggists. *Seventeenth.*—To regulate the license and tax the keeping and sale, by druggists or other persons authorized by the city council, of alcoholic liquors, for sacramental, mechanical or medical purposes, but to no other persons and for no other use or purpose whatsoever.

Inspection of meats, etc. *Eighteenth.*—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables; of butter, lard and other provisions, and the place and manner of selling fish, and inspecting the same.

Butchers. *Nineteenth.*—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Weights and measures. *Twentieth.*—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders and dealers in merchandise or property of any description, which is sold by measure or weight, to cause their measures or weights to be tested and sealed by the city sealer and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law and ordinance.

Lumber. *Twenty-first.*—To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building material, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Hay, lime, etc. *Twenty-second.*—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Beef, pork and flour. *Twenty-third.*—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gangers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein contained shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof, or his agent.

Bread. *Twenty-fourth.*—To regulate the weight and quality of bread to be sold or used within the city, and the inspection thereof.

Twenty-fifth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof. Bricks.

Twenty-sixth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers. Police.

Twenty-seventh.—To prevent and suppress any riot, affray, noise, disturbance or disorderly assembly, in any public or private place within the city. Riots, etc.

Twenty-eighth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the city, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets. Horse-racing and fast driving.

Twenty-ninth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the arrest and punishment of persons found intoxicated in the streets or public places. Vagrants, prostitutes, etc.

Thirtieth.—To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Running at large of animals.

Thirty-first.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. Annoying practices, etc.

Thirty-second.—To abate all nuisances, which may injure or affect the public morals, health or comfort, in any manner they may deem expedient. Abate nuisances.

Thirty-third.—To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health and the suppression of disease. Health and diseases.

Thirty-fourth.—To compel the owner of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tanneries, stable, privy, sewer, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants. Offensive establishments.

Breweries, tan-
neries, stables.

Thirty-fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, and packing houses; to direct the location and management and direct the construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for straining or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or other places where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Thirty-sixth.—To regulate the burial of dead; to establish one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality; and to impose penalties on physicians and sextons, and others, for any default in the premises.

Census.

Thirty-seventh.—To provide for the taking an enumeration of the inhabitants of the city.

Work house.

Thirty-eighth.—To erect and establish a work house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such work house or house of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officers, and all persons sentenced by any criminal court or magistrate court, in and for the city, for any assault and battery, petit larceny, or other misdemeanor, or breach of any ordinance of the city, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Rock Island county, be kept therein, subject to labor and confinement.

Destitute chil-
dren.

Thirty-ninth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care.

Drains, sinks,
etc.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks
and bridges, etc.

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks, for the safe and convenient passage of teams and persons; to require railroad compa-

nies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers, and ditches, and culverts, when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines, within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Forty-second.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution or laws of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper, to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to determine what shall be a nuisance, and provide for the punishment, removal and abatement of the same; to enact and enforce the observance of all such rules, ordinances and police regulations, and to punish violations of the same by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the circuit court; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and, in a default thereof, may be imprisoned in the county jail, city prison, work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Pass, amend
and repeal ordi-
nances.

ARTICLE VI.

OF TAXATION.

SECTION 1. The city council shall have power, within the city, by ordinance—

First.—To levy and collect, annually, taxes on all real and personal estate and property within the city, except as hereinbefore exempted, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for; which taxes shall constitute the general fund.

Second.—To require every male resident of the city over the age of twenty-one years, and under fifty years, to labor

Street labor,
how performed.

three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof one dollar for each day required: *Provided*, the same shall be paid within ten days after notification by the street commissioner. In default of payment, as aforesaid, the sum of three dollars and costs may be collected; and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Petition for
opening streets
and alleys.

Survey recorded

Open streets.

Benefits and
advantages as-
sessed.

SECTION 1. The city council shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition by the unanimous vote of the city council, to open and lay out public grounds, or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. The city council shall cause all streets, alleys and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall appoint three disinterested freeholders residing in the city, as commissioners to ascertain and assess the damage and estimate the benefits resulting therefrom to the owners of said real estate, respectively, and, at the same time, determine what other persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering

upon their duties. They shall give at least five days' personal notice of the time and place of their meeting for the purposes of viewing the premises and making their assessments; which notice shall be given only to the owners who are residents thereof, and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Notice of time and place of meeting.

§ 3. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such buildings to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Buildings taken, value to be estimated.

§ 4. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given by one publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners. It shall also require the person interested to appear, by a day named therein, not exceeding thirty days, or give notice of their election, to the city council, either to accept the award of the commissioners, and allow such buildings to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Notice to owner

Damages for the removal of buildings.

§ 5. If the owner refuse to take the building at its appraised value to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on a credit—giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

When owner refuses to take valuation.

§ 6. In making their assessments, the said commissioners shall ascertain the value of the land taken, and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof; which shall be paid by the owners respectively, and be a lien upon the property on which it may be assessed and collected, as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him or his share of the improvement, and if more, the difference shall be paid him in money before the land is taken. Said commissioners shall particularize the lands and parcels on which

Expenses of improvement.

Valuation.

either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.

Return of assessment.

§ 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or annul the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing a warrant to issue for the collection thereof.

Objections.

Removal of commissioners.

§ 8. The city council shall have power to remove the commissioners, and, from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve.

Payment for lands.

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner, or his agent, or in case such owner or agent cannot be found in the city, deposited to his or their credit, in the hands of the treasurer; and then, and not before, such lands may be taken and appropriated, for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

Appeal taken.

§ 10. Any person interested may appeal from any final orders of the city council for opening, widening, straightening or altering any street, alley or other highway or public ground, to the police court or circuit court, after the passage of said final order, said court to determine such appeal, and confirm or annul the proceedings; from which appeal no judgment or writ of error shall lie. Upon trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony, adduced to the court; or upon application of the city or any party, the amount of damages may be assessed by jury, in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final orders of the council for any omission or informality, without injury has resulted therefrom.

Infants.

§ 11. When any owner known, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceeding shall be had under this act, the judge of the circuit court, or any judge

of a court of record, may, upon the application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security for such guardian for the faithful execution of such trust; and all notice and summonses, required by this act, shall be served on such guardian, and the final determination of either the common council or court, in the premises, shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

Guardian.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council shall have power, from time to time, upon the petition of the owners of two-thirds of the property fronting thereon, or without such petition, by the unanimous vote of the council, to cause any street, alley or other highways or sections thereof, to be graded, regraded, leveled, paved, macadamized planked, and keep the same in repair, and alter and change the same; to cause side and cross-walks, main drains and sewers, and private drains or sections thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out.

Streets, alleys and highways.

§ 2. The expenses for repairing streets and highways, constructing and repairing cross-walks, main drains and sewers, shall be paid by the city, out of the general improvement fund. The expenses of any of the other improvements named (except sidewalks and private drains) may be paid out of the same fund, or may be assessed upon the real estate on the street or other highway, or any part thereof, upon which any of the said improvements may be made, to be levied and collected in the same manner as other city taxes, or in such manner as may be prescribed by ordinance: *Provided*, such tax shall not exceed, per annum, three mills on the dollar of the value of the property assessed, or the expenses of any of the said improvements may be, and the expenses of sidewalks and private drains shall be levied upon the lots or lands in front of, adjoining or upon which the city council shall order and direct sidewalks or private drains, or any other improvements as aforesaid, to be made, constructed, graded, etc., according to the respective fronts upon such street or highway. All owners or occupants of lots or lands in front of or adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains or gutters, communicating with any main drain, to be constructed, graded, paved, planked, repaired, relaid or cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave,

Special assessments for expenses.

Proviso.

plank, repair or relay such sidewalk, or make or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges, within the time and manner prescribed by ordinance or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses and damage thereof, by an order to be entered in their proceedings, upon the lots and lands respectively, and to collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner of such premises, for the recovery of such expenses, as for money paid and laid out to his use, at his request.

Expenses for
the removal of
nuisances.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected by the owner or occupant of such premises, in a suit for money expended to his or their use; and, in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisances, if known, or any person whose duty may be to remove or abate the same.

Condition.

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the cost thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

Return of as-
essment lists.

Objections.

Supply omis-
sions.

SECTION 1. The annual assessment lists shall be returned by the assessor on or before the first day in August, in each year; but the time may be extended by the city council. On the return thereof the city council shall fix a day for hearing objections thereto; and the clerk shall give one week's notice of the time and place of such hearing, by one publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same to alter, add to or take from and otherwise correct and revise the same, or to refer it back to the assessor, with instructions to revise and correct the same; and the marshal shall have power to supply omissions by the assessor, after the warrant shall have come into his hands.

§ 2. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes, for which taxes are herein authorized to be levied, not exceeding the authorized percentage, and in their discretion specifying the purpose for which the same are levied, and, if not for general purposes, the division of the city upon which the same are laid.

Issue warrants.

§ 3. All taxes and assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after said first day of August, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer [shall] affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real estate, and the real estate shall be liable for the taxes on personal estate in case of removal: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

Taxes, a lien on real estate.

Injunction.

§ 4. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Column, head of

§ 5. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be collected, and shall be delivered to the marshal for collection by the first day of October, unless further time be given by the city council, of which he shall give notice by publication in the newspaper publishing the city ordinances. The marshal shall thereupon proceed to the collection of said taxes, but he shall in no case be compelled to make personal call or demand for the same. If not otherwise paid by the first day of January following the marshal shall have power to collect said taxes with interest and costs, by suit in the corporate name of the city, or by distress and sale of personal property; and the marshal shall be a competent witness, and the warrant to him as aforesaid evidence on the part of the city.

General or special tax.

May collect tax by suit.

How collected.

§ 6. All taxes or assessments, general or special, shall be collected by the marshal in the same manner and with the same power and authority as is given by law to collectors of county and state taxes, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of the marshal by ordinance.

Sale of land.

§ 7. In case of the non-payment of any taxes or assessments levied or assessed under this act by the first day of January of each year, the premises may be sold at any time thereafter within two years. Before such sale an order shall be made by the city council, which shall be entered at large on the journals or records, particularly describing the delinquent premises to be sold and the amount of taxes for which the sale shall be made, beside the costs, (which costs need not then be ascertained,) and directing sale thereby to be made by the treasurer; a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the treasurer and shall constitute the process upon which such sale shall be made.

Notice of sale.

§ 8. The treasurer shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, when known, and the several amounts of taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings for the sale of any piece of ground may be stopped at any time on the payment of taxes and interest, with expense of advertising the same.

Manner of conducting sale.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the treasurer, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and when the time to redeem will expire. The treasurer will be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a

record of such sales, which shall be open to the public inspection at all reasonable times.

§ 10. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment, in lawful money of the United States, of double the amount for which the same were sold, and all taxes accruing, chargeable or paid on the premises subsequent to the sale, with interest; but infants, *femme coverts* or lunatics shall have no other or further rights of redemption than other persons. In case of redemption the money may be paid to the purchaser, or to the person entitled to the same, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in a book wherein tax-sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Right of redemption.

Infant or *femme covert*.

Abstract of deeds.

Clerk's fees.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser: *Provided*, he or they through whom he claims shall have paid all taxes and assessments made since said sale on said premises.

Deed of premises.

§ 12. If at any sale of real or personal estate for taxes or assessments no bid shall be made for any parcel of land, or any goods and chattles, 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 at such sales. All persons before, they shall be entitled to a deed for premises sold for the non-payment of taxes, shall comply with section four, article nine, of the constitution of this state, and shall produce to the proper officers the proof thereof.

Bids at sale.

§ 13. All sales of land or lots for non-payment of taxes, contemplated by this act, and deeds made to purchasers or their assigns for the same, shall convey to the holder of such deed a perfect title, in fee simple, to said land or lot, and in all suits and controversies in relation thereto, any person claiming such title shall be compelled to prove only the order of the city council directing the sale, and the process upon which the sale was made, as provided for in section seven, of article nine, of this act; and any person

Deeds to convey perfect title.

claiming title adversely thereto shall not be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the taxes were paid on land or lot redeemed according to the provisions of this act; but no person shall be permitted to question the title acquired by said deed, without first showing that he or they, or those under whom he or they claim, have paid the full amount of taxes, costs, expenses and assessments made on said land or lots, since said sale for taxes, or that the same has been deposited with the city treasurer for the use of the one entitled to receive it.

ARTICLE X.

FIRE DEPARTMENT.

Powers of the
council.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding of wooden buildings; to declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings, which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

Chimneys and
flues.

§ 2. The city council shall have power—

First.—To regulate the construction of chimneys and flues, so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Fire places, etc.

Second.—To prevent and prohibit the dangerous construction of chimneys, flues, fire places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Ashes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as are dangerous to be put in safe condition.

Fire buckets.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of Manufactories, manufactories and works dangerous in promoting and causing fires.

Sixth.—To regulate, prevent and prohibit the use of fire works and fire arms. Fire works.

Seventh.—To prohibit or have the management of houses Combustibles, for storing gunpowder, or direct and prohibit other and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth.—To regulate and prescribe the manner and order Parapet walls, the building of parapets and walls, and of partition fences.

Ninth.—To compel the owners or occupants of houses Scuttles, etc. or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth.—To authorize the mayor, fire wardens or other officers of the said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to damage or danger thereat, and in preventing goods from being stolen. Idle and suspicious persons.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient. Prevention and extinguish men of fires.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide secure and fit houses and other places for keeping and preserving the same; and shall have power—Engines.

First.—To organize fire, hook, hose, ax and ladder companies. Hook and ladder companies.

Second.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements use and provided for the extinguishment of fires. Firemen.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them. Duty of firemen.

Fourth.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council. Engineers.

ARTICLE XI.

BOARD OF HEALTH.

Board of health.

SECTION 1. The board of health shall consist of three or more commissioners, to be appointed, annually, by the city council; and the mayor or the presiding officer of the city council, shall be president of the board, and the city clerk shall be their clerk, and keep minutes of their proceedings.

Duty of health officers.

§ 2. It shall be the duty of health officers to visit every sick person, who may be reported to them, as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person, to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any persons to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the same, with all convenient speed, to the clerk of the board.

Infected and diseased persons to be removed.

§ 3. All persons in the city, not residents thereof, who may be afflicted with any pestilential or infectious disorder, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Powers and duties of the board of health.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment, or both, any refusal or neglect to observe the order, and regulations of the board.

Other duties.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such of the powers and perform such of the duties of marshal or street commissioner as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times in discharge of any duty under this act or any ordinance.

Duties of physicians.

§ 6. Every person practicing physic in this city who shall have a patient laboring under any malignant, infectious, or pestilential disease, shall forthwith make a report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance

thereof, or before a justice of the peace for the use of said city.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Receipts and expenditures.

§ 2. The inhabitants of the city of Moline are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

Exempt from road labor.

§ 3. The street commissioners shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and in such manner as the city council may direct, or the street commissioner may deem necessary. He shall deliver, or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys; but similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the street commissioner, or posted up in three of the public places of the ward or district, shall be deemed sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect of each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto; or the same may be recovered by suit, with costs, as in other cases.

Labor on the streets and alleys.

Notice.

§ 4. The city council may provide for the payment of the city attorney's and prison keeper's fees, when they cannot be collected from the offender, but said city, or any person prosecuting on her behalf, shall not, in any case, be compelled to pay or give security for costs before commencing

Fees of attorney and prison keeper.

proceedings, nor at any other time until it is ascertained they cannot be made out of the defendant.

Fines and penalties to go in to city treasury. § 5. All fines, forfeitures and penalties collected for offenses committed within said city, shall belong to said city, and shall be paid into the treasury thereof, by officers collecting the same.

Powers of the city council. § 6. The city council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers, from one upward, and to designate and number all fractional or other lots or blocks in such manner as may be prescribed by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to the city, or all lands adjoining or within the same laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Penalty for street commissioner. § 7. The street commissioner, in addition to penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine.

Remission of fines. § 8. Neither the city council or mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the councilmen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction by indictment or otherwise.

Vote of city council, how rescinded. § 9. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the councilmen be so notified, and unless at such special meeting there be present as large a number of councilmen as was present when the vote was taken.

Cemetery lots. § 10. The cemetery lots, which may be laid out and sold by the city or private persons, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Publication of ordinances. § 11. Every ordinance, regulation or by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published three days in the newspaper publishing the ordinances of the city, and shall be of force from and after the day of the date of such publication.

Evidence and proof of. § 12. The affidavit of the publisher or printer of the newspaper publishing the ordinances of the city, of the publication of any ordinance, regulation or by-law, or any notice or other matter required by this act or by any ordi-

nance to be published, shall be conclusive evidence of such publication, in all courts and places, or the same may be proved by any other competent evidence. All such ordinances, regulations and by-laws, when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, shall be received in evidence without further proof.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be recoverable by action of debt in the corporate name. It shall be sufficient to declare or complain generally for the same, stating the clause of this act or the by-law or ordinances under which the penalty of forfeiture is claimed, and to give the special matter in evidence under it.

Actions for recovery of penalty, etc.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases, and the council may provide for issuing the warrant in the instance without oath.

First process to be summons.

§ 15. The city council shall have power to designate one or more justices of the peace or police magistrates in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation; anything in the laws of the state to the contrary notwithstanding. Such justices shall have power to impose fines and penalties not exceeding the amount authorized by the constitution of the state.

Jurisdiction of justices of peace

§ 16. Execution may issue immediately on rendition of judgment; and the same execution shall require that if the defendant has no goods or chattels or real estate within the county of Rock Island, whereof the judgment can be collected, that the defendant be arrested and confined in the county jail or workhouse, or city prison, for a term not exceeding six months, as the council, by ordinance, may determine; and all persons who shall be committed under this section, shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in the prosecution for the recovery of any fine, penalty or forfeiture, when so collected, shall be paid into the city treasury.

Execution of judgment.

§ 17. Any person who shall destroy or injure any bridge or any public building or any other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offense; to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had; and such person shall also be liable in a civil action, at the suit of the city or any person

Injury to property, how punished.

injured thereby, for the damages occasioned by such injury or destruction.

Competency of citizens in case where the city is a party.

§ 18. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in said city of Moline, in any action or proceeding in which the said city may be a party in interest.

Old ordinances to be valid.

§ 19. All ordinances, regulations and resolutions now in force in the town of Moline, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council, after this act shall take effect.

Rights, actions, etc.

§ 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued, shall be vested in and prosecuted by the corporation hereby created.

All property vested in corporation.

§ 21. All property, real or personal, or mixed, belonging to the town of Moline, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act; which shall take effect from and after its passage and adoption as hereinafter provided.

Ordinances shall be evidence

§ 22. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof thereof, which shall not be required until denied under oath.

Style of ordinances.

§ 23. The style of all ordinances shall be "*Be it ordained by the city council of the city of Moline.*"

This act shall not invalidate certain rights.

§ 24. This act shall not invalidate any legal act done by the president and trustees of Moline, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to or have been created by said corporation, prior to the passage of this act.

Power to make arrests and to confine prisoner

§ 25. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Publication of digest of ordinances.

§ 26. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

Evidence of act.

§ 27. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect

from and after its passage and adoption by the legal voters residing within the territory described in the first section of the first article of this act; there being sufficient emergency, in the judgment of the legislature, to dispense with the lapse of sixty days before this act goes into effect.

§ 28. The act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, shall be constituted a part of this charter of the city of Moline, the same as if specially recited, except that there shall be allowed to said city two police magistrates, and that their jurisdiction shall extend to all causes of action at common law or by statute, when the plaintiff's demand shall not exceed five hundred dollars, and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to a conviction.

Another act to constitute part of this act.

§ 29. The president and trustees of the town of Moline shall cause an election to be held in said town, on the third Saturday of March, A. D. 1869, at which the inhabitants residing within the territory described in the first 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 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 act is to be of no effect: *Provided*, that if a majority of the votes given at such election shall be against the charter, an election shall be holden in the same manner as hereinbefore provided, on the third Saturday of March, A. D. 1870; at which election, the electors as aforesaid shall vote "for the charter," or "against the charter," and if at said election a majority of the votes shall be for the charter, then this act shall immediately take effect. And the first election under the charter shall be holden on the first Monday of April, next thereafter, in the same manner in all respects as hereinbefore provided. But if a majority of the votes given at said election shall be against the charter, the same shall not take effect.

Election for adoption of the charter.

First election.

APPROVED April 1, 1869.

AN ACT to incorporate the city of Morrison.

In force when adopted by legal voters.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Morrison, in the county of Whiteside, and state of Illinois, be and are hereby consti-*

Body corporate and politic.

Name and style. tuted a body politic and corporate, by the name and style of the "City of Morrison," and by that name shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure.

Corporate limits. § 2. The corporate limits and jurisdiction of the city of Morrison, shall extend over and include within the same all that district of country, situated in the county of Whiteside, and state of Illinois, embraced within section eighteen (18); also the west half of the southwest quarter, and the west half of the northwest quarter of section seventeen (17); also the north half of the northwest quarter and the north half of the northeast quarter of section nineteen (19), in township twenty-one (21) north, range five (5) east of the fourth principal meridian.

Corporate powers. § 3. The inhabitants of said city, 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 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 may be necessary.

Description of boundaries of wards. § 4. The city of Morrison shall be divided into wards, as follows: All that portion of the city of Morrison, lying north of the grounds owned and occupied by the Chicago and Northwestern Railway Company, and east of Genesee street, in the present town of Morrison, shall be ward number one (1); all that portion of country lying within the aforesaid described boundaries, lying north of the grounds of the Chicago and Northwestern Railway Company, and west of Genesee street aforesaid, shall be ward number two (2); and all that portion of said city lying south of the north line of the grounds of the Chicago and Northwestern Railway Company, shall be ward number three (3).

Additions. § 5. Whenever any tract of land adjoining the city of Morrison 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 Morrison.

ARTICLE II.

OF THE CITY COUNCIL.

Mayor and aldermen. SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen. § 2. The board of aldermen shall consist of two (2) members from each ward, to be chosen by the qualified voters thereof.

§ 3. No person shall be an alderman, unless at the Qualification. time of his election he shall have resided at least six months within the limits of the city, and shall be, at the time of his election, twenty-one (21) years of age, and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Vacancies. from the ward from which he is elected, his office shall thereby become vacated.

§ 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes; the seats of Division of aldermen. those of the first class shall be vacated at the expiration of one year from their election, and of the second class at the expiration of the second year after their election, so that one-half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, Returns of. elections and returns of their members, and shall determine 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 members, under such penalties as may be prescribed by ordinance.

§ 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. Rule of proceedings.

§ 9. The city council shall keep a full journal of their proceedings in a book or books provided for that purpose, which said book or books shall, at all times, be open to public inspection. Record 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, No alderman appointed to office 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 the remaining members of the said board of aldermen, by the appointment from the ward, wherein the vacancy occurred, and a record of the same made in their journal of proceedings. Vacancies.

§ 12. Whenever there shall be a tie in the election of mayor or aldermen, the judges of election shall certify to the city council, who shall determine the same by lot. Tie, how decided.

§ 13. The city council shall meet for business on the first Monday in each month and at such other times as may be necessary, upon the call of the mayor or any three (3) members of the council. Meeting of the council.

ARTICLE III.

OF THE MAYORALTY.

- Chief executive officer. SECTION 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 (1) year and until his successor is elected and qualified.
- Qualification. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city one (1) 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 and a freeholder within the city limits.
- Office vacated. § 3. If any mayor shall, during the term for which he shall have been elected, remove from the city, his office shall be vacated.
- Contested election. § 4. 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 filled by election. § 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.
- Presiding officer. § 6. The mayor shall preside at all meetings of the council, and shall have a casting vote, and no other; and in case of his non-attendance upon any meeting of the council the boards of aldermen shall appoint one of their number chairman, *pro tem*.
- Duty of mayor. § 7. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city, and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and give notice of their negligence or violation of duty to the council, and at the regular meeting to communicate, in writing, 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, comfort and ornament of the city; and the city council shall have full power to enact all ordinances necessary to carry out such recommendation.
- Salary of mayor. § 8. The mayor shall receive for his services such salary as shall be fixed by the city council, in no case, however, to exceed the sum of one hundred dollars (\$100) per year, and shall be so fixed and paid during the last month of the year that said mayor shall so hold his office, and in case of his neglect or omission of duty, he shall be removed by the board of aldermen, who may hold a special meeting, appoint one of their number chairman, having notified said mayor of such meeting, and try and remove him for such neglect or omission; and in case of his said removal, no salary shall be granted or paid him by said city council;

but it shall, in all cases, require a two-thirds vote of the aldermen to remove said mayor.

ARTICLE IV.

OF ELECTIONS.

SECTION 1. On the first Monday of April next, an election shall be held in each ward of said city, for one mayor of said city 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 of said city and one alderman from each ward. The present board of trustees of the town of Morrison, shall make the necessary arrangements for said first election, and fix the place in each ward as above mentioned for said election; one of their present number shall preside at and hold such election in each of said wards—the said trustee acting as judge of said election, having power to administer the necessary oaths to clerks and others that may be required to take oath previous to voting; and the election returns from each ward shall be made up in manner and form as now required by law in case of town elections, and returned to said board of trustees, or a majority of them, at the office of said board of trustees immediately after such returns shall have been completed. The said present board of trustees, or a majority of them, shall determine the same and make record thereof in the present book of record of said town of Morrison; and for all elections to be held after said first election, the city council shall, on their meeting in March of each year, or as soon thereafter as convenient, and before the first Monday of April, appoint one judge and one clerk of election for each ward, for the then coming election, and make record of the same in their journal of proceedings; and in case any or either of said judges or clerks of election shall fail to attend, the mayor, on the morning of said election, may supply their places by appointment—the pay of said judges and clerks of election to be paid out of the city treasury—the sum fixed and ordered by the said city council.

Election of
city officers.

Election, time
and place of.

Judges of elec-
tion.

§ 2. The judges of any city election, within three (3) days after such election, shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books and enter the result of the election on their journal; and if the persons elected do not take the oath of office within ten (10) days after said election, required by this act, their office shall be declared vacant and a new election ordered.

Election returns

§ 3. All male inhabitants over twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city sixty (60) days next preceding any city or ward election, shall be entitled to vote

Who 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 V.

APPOINTMENTS.

Appointment
of officers.

SECTION 1. The city council of the city of Morrison shall have the power to appoint a city marshal (who shall be, *ex officio*, collector), a city clerk, a city attorney, a city assessor, a city treasurer, a city street commissioner, and such other city officers as they may deem expedient; and they may give one or more of said offices to any one person, as they may see proper; and regulate their salaries and fix the same as they think best, and in accordance with the services performed by the said officers; and the city council may remove any of said officers at their pleasure, either for misconduct or any reasonable cause.

ARTICLE VI.

OF THE POWERS AND DUTIES OF CITY OFFICERS, ETC.

Oath of office.

SECTION 1. 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 abilities.

Ordinances to
be approved by
mayor.

§ 2. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if after such reconsideration the city council shall agree to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings, for a longer period than three (3) days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect:

Limit of time.

Provided, that should the mayor, at the time of the reconsideration of said vote, be absent from the city, and remain absent from the same for a longer period than ten (10) days, exclusive of the three (3) days above specified after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. The mayor shall, *ex officio*, have power to administer any oath required by this act or any

law of the state; to take depositions, 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.

§ 3. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy be filled by a new election.

Vacancy in office of mayor.

§ 4. The clerk shall hold his office for one year; he shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council and keep a full record of their proceedings on the journal; and copies of all papers only filed in his office, and transcripts from the journals of the proceedings of the city council certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced; he shall, likewise, draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose; and he shall have power to administer any oath required to be taken by this act.

Duties of clerk

§ 5. It shall be the duty of the city attorney to perform all professional duties incident to his office, and when required to furnish written opinions upon questions and subjects submitted to him by the mayor, city council or its committees.

City attorney.

§ 6. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by treasury warrant, signed by the mayor or by the presiding officer of the city council, countersigned by the clerk. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year (and oftener if required), a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk.

Treasurer.

§ 7. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the collection of license moneys, fines or otherwise; he shall possess the power and authority of a constable at common law under the statutes of this state, and receive like fees, but shall not serve civil processes

Marshal.

Jurisdiction of.

without first entering bond as such constable, to be approved by the supervisor of the town of Mt. Pleasant, as in other cases; he shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof; he shall, also, as city collector, collect all taxes and assessments, when ordered to do so by the city council, which may be levied by the said city council, and moneys belonging to the city, and keep an accurate account of the same, and receive such percentage for so collecting as the city council may direct, and shall at any time pay over into the city treasury all said moneys upon order to do so by said council.

Street commissioner.

§ 8. The street commissioner shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto; it shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk to be laid before the city council; to make plans and estimates of any work ordered in relation to streets or alleys, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the city council.

Further duties of officers.

§ 9. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act whose duties are not herein specified; they may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Morrison, in such form and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office for the benefit of any person aggrieved by the official act of the officer.

Deliverance of records.

§ 10. If any person, having been an officer of said city, shall not, within ten (10) days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging

to the city or appertaining to his office, he shall forfeit and pay, for the use of the city, a sum not exceeding fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver; and such successor may recover possession of the books and papers and effects belonging to his office, in the same manner as prescribed by the laws of this state.

§ 11. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and the clerk; which commission shall be received in all courts of justice in this state, of his capacity. Commission of officers.

ARTICLE VII.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION 1. The city council shall have control of the finances, and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance— Finances and property.

§ 2. To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than that allowed by law, nor shall a greater sum or sums be borrowed or at any time outstanding, than the aggregate of which shall exceed the sum of twenty-five hundred dollars (\$2,500), unless by a majority vote of the people at the annual election held in April of each year; and no bonds of the city shall be issued or negotiated at less than par value, except by the unanimous vote of the entire board in the affirmative, but the city council may apply any surplus money in the treasury to the extinguishment of the city debts or to the contingent fund for the contingent expenses of the city. Indebtedness.

§ 3. To appropriate money for improvements, or appropriate the same to provide for the payment of the debts and expenses of the city. Appropriations.

§ 4. 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 (5) miles of the city. Contagious diseases.

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

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

§ 7. PUMPS AND WATER.—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. Provide water.

§ 8. STREETS AND ALLEYS.—To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve Repair streets.

and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.

Bridges. § 9. **BRIDGES.**—To establish, erect and keep in repair bridges.

Wards. § 10. **WARDS.**—To divide the city into wards, alter the boundaries thereof and erect additional wards, as occasion may require.

Lighting streets. § 11. **LIGHTING CITY.**—To provide for lighting the streets and erecting lamp-posts.

Night watches. § 12. **WATCHMEN.**—To establish, support and regulate night watches.

Markets. § 13. **MARKETS.**—To erect market houses, to establish markets and market places, and to provide for the government thereof.

Buildings. § 14. **BUILDINGS.**—To provide for all needful buildings for the use of the city.

Public grounds. § 15. **PUBLIC GROUNDS.**—To provide for inclosing, improving and regulating all public grounds belonging to the city.

Auctioneers, peddlers, etc. § 16. To license, tax and regulate auctioneers, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.

Vehicles. § 17. To license, tax and regulate hacks, carriages, wagons, carts and drays, to fix the rate to be charged for the carriage of persons and for wagonage, cartage and drayage of property.

Porters. § 18. To license and regulate porters and the rates of portorage.

Exhibitions. § 19. To license, tax and regulate all theatrical and other exhibitions, shows and amusements.

Bawdy houses. § 20. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses.

Fire department. § 21. To provide for the prevention and extinguishment of fires, to organize and establish fire companies.

Chimneys, etc. § 22. To regulate the fixing of chimneys and to fix the fines thereof.

Combustibles. § 23. To regulate the storage of gunpowder, tar, pitch, rosin, oils and other combustible material.

Walls, fences. § 24. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large.

Weights and measures. § 25. To establish standard weights and measures, to be used in the city in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Lumber. § 26. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works.

§ 27. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, firewood and other fuel to be used within said city. Forage and fuel.

§ 28. To provide for and regulate the inspection of tobacco, and beef, pork, flour, meal and whisky in barrels. Inspection of provisions.

§ 29. To provide for and regulate the inspection of butter, lard and other provisions. Lard and butter.

§ 30. To regulate the weight and quality of bread to be sold and used in the city. Bread.

§ 31. To regulate the size of bricks to be sold and used in the city. Bricks.

§ 32. To provide for taking enumeration of the inhabitants of the city. Census.

§ 33. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties; and to use the county jail as a lock-up. Regulate police.

§ 34. The city council shall have exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of billiards and billiard tables. Billiards, etc.

§ 35. The city council, by ordinance, shall have exclusive power to license, prohibit or regulate, in any manner they see fit, the selling, bartering or trafficking of any wine, rum, gin, brandy, whisky, malt liquor, strong beer, ale, porter, mixed liquors or any intoxicating liquors whatsoever. Prohibit sale of liquors.

§ 36. To regulate the running at large of dogs, and authorize the destruction of the same, if at large contrary to ordinance. Dogs at large.

§ 37. To prevent horse racing or immoderate driving or riding of horses or other animals, and to prohibit the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles, whenever standing in the streets of said city. Fast driving.

§ 38. To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and fowls, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties upon the owners thereof for a violation of any ordinance in relation thereto. Running at large of animals

§ 39. To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care. Destitute children.

§ 40. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one (1) mile from the limits Offensive establishments.

thereof, distilleries, slaughtering establishments, establishments for rendering or steaming lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Railroad tracks
and crossings.

§ 41. To require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys, and sewers and ditches, and culverts, when the city council shall deem necessary; to prohibit said railroad companies from leaving cars standing across streets; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city.

ARTICLE VIII.

OF ASSESSMENTS, TAXATION, ETC.

Taxation.

SECTION 1. All real estate and personal property within the limits of the city of Morrison, Whiteside county, Illinois, shall be subject to taxation, and the taxes may be levied and collected on the same for the use and benefit of said city. The city council shall have power to levy and collect taxes, annually, for the general purposes of the city, upon all taxable real and personal property within the city limits, in any sum they may deem expedient, but never to exceed one per cent. upon the assessed value thereof, without first having been submitted to a vote of the taxable citizens of the city, and approved by a majority of the voters therein, and, in such case, never to exceed two per cent. in any one year.

Assessments.

§ 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.

Assessment roll.

§ 3. The assessor shall prepare an assessment roll, with a caption in substance as follows: "An assessment roll of all the real and personal property within the limits of the city of Morrison, Whiteside 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: *First*, the names of all owners, if known, of all taxable real estate within the limits of said city. If the owner is unknown, it shall be so stated. *Second*, the description of all real estate opposite the name of the owner, or word "unknown," when the name of the owner cannot be ascertained. *Third*, the name of the real estate opposite the description. *Fourth*, the amount of the tax assessed opposite to the value. The said assessment roll shall also con-

tain in parallel columns : *First*, the names of the owners of personal property subject to taxation, in alphabetical order. *Second*, the assessed value of the personal property taxed to each individual. *Third*, the amount of tax on each individual's personal property.

Names of owners of 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.

Certificates.

§ 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.

Inspection of lists.

§ 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 application for reviewing said assessment.

Return of assessments.

§ 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 or 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

True copy of assessment.

Personal property taken.

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 collect without previous demand. The said warrant shall be returnable on the first Monday in October after the date thereof, at which time the said 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.

Non-payment of taxes.

§ 8. In the return of 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 tax thereon; and state in said return that he has been unable to collect the tax, and the city council may give him credit for the amount of taxes he has been unable to collect.

Delinquent 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 such 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.

Notice of sale of premises.

§ 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 —, 18—, at ten o'clock in the forenoon, at the door of the clerk's office in the city of Morrison, 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 sale shall be at least thirty days after the publication of said notice.

Manner of conducting.

§ 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 taxes and cost due, separately, and the amount of his bid; stating that said pur-

chaser 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.

§ 12. In case one person shall bid the amount of taxes and cost charged upon any of said real estate at such said sale, the same may be advertised and sold at any time within six months thereafter. The manner of proceeding in such second sale may be the same as hereinafter mentioned, as near as may be. Bids at sale.

§ 13. All lands sold for taxes and assessments assessed under this charter, shall be sold off 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 and 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 city clerk shall keep and preserve said books of sale in his office, and enter said redemption therein. Said books shall be *prima facie* evidence of the matter contained therein. Rights of redemption.

§ 14. In case said land 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 shall be in substance, as follows: "Whereas, on the — day of —, A. D. —, at a public sale made by the collector of the city of Morrison, 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 — dollars, that being the amount of the assessment and costs 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 by him, subject to the rights 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, how made.

§ 15. Deeds on 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. Acknowledgments.

§ 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 ex- Fees of collector and clerk.

penses attending such sale shall be allowed and paid by the city council.

Manner of collecting.

§ 17. Power is hereby also given to the city council of said city 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 twenty-one north of range five east of the fourth principal meridian, in said Whiteside 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, on or before the first day of September of each year, of the rate per cent. of the taxation levied by them for city purposes for said year, and also, for all special assessments for any purpose in said city; and assessments for the purpose of laying out any public grounds, streets, alleys, lanes or highways, and altering, widening, contracting, repairing or the discontinuing the same, either or all, as the said city council may direct; and it shall, thereupon, be the duty of the said county clerk to carry out each, and extend said tax upon the books of the 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 Whiteside 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 in any such property. For his services in carrying out, adding and extending said tax in the books of the collector, said county clerk shall receive one-half cent for each lot or tract, and one-half cent on each person's name assessed for personal property, to be paid out of said city tax when collected. The collector shall receive the same compensation which may be allowed by law for the collection of school taxes, and shall be liable, on his official bond, for the payment of all such city taxes by him collected. The fees of the collector to be paid out of the taxes when collected.

Duty of clerk.

Compensation.

ARTICLE IX.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Petition for opening streets and alleys.

SECTION 1. The city council shall have power, upon the petition of one-half of the owners of the property fronting

thereon, and lying within six hundred feet thereof, and without such petition by the unanimous vote of the city council, to open or lay out public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning lands or lots adjoining such street, alley or highway unless by a unanimous vote of the city council. The city council shall cause all streets, alleys or highways, or public squares, or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be highways, and public highways and public squares.

Surveys, and
records of.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice by two insertions in a weekly paper, or six insertions in a daily paper, in the newspaper publishing the ordinances of the city, or by posting three written notices in three public places in the city; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and, at the same time, determine what persons shall be benefited by such improvements, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvements benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least five days' personal notice of the time and place of their meeting for the purpose of viewing the premises, and making their assessments, which notice shall be given only to the owners who are residents thereof, and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Compensation.

Notice given
by publication.

Benefits and
advantages as-
sessed.

Meeting, no-
tice of.

§ 3. If there should be any buildings standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual

Buildings taken,
value to be
estimated.

injury to him in having such building taken from him, and secondly, the value of each building to him to remove.

Notice to owner § 4. At least five days' notice shall be given to the owner of such determination, when known, and a resident of the city, which may be given personally, or in writing, left at his usual place of abode. If a non-resident or unknown, like notice to all persons interested shall be given by one publication in the newspaper publishing the ordinances of the city, or by posting three written notices in three public places within the city; such notice shall specify the buildings and the award of the commissioners. It shall, also, require to persons interested to appear, by a day named therein, not exceeding thirty days, 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 receive such building. He shall have such reasonable time for that purpose, as the city council may direct.

When owner refuses to take valuation. § 5. If the owner refuses to take the building at its appraised value to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on credit—giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

Expenses of improvement. § 6. In making their assessment, the said commissioners shall ascertain the value of the lands taken, and all expenses of the land taken, and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof; which shall be paid by the owners respectively, and be a lien upon the property on which it may be assessed and collected, as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvements, and if more, the difference shall be paid him in money before the land is taken, or deposited to his use. Said commissioners shall particularly describe the lands or parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.

Valuation.

Return of assessment. § 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, or by posting up, in three public places, three written or printed notices of the same, that such assessment has been returned, and, on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same by some person interested. Objections may be heard by the city council, and the hearing may be

Objections.

adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or amend the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing a warrant to issue for the collection thereof.

§ 8. The city council shall have power to remove the commissioners, and, from time to time, appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve. Removal of
commissioners.

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner, or his agent, or in case such owner or agent cannot be found in the city, deposited to his or their 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 purpose required in making such improvements, and such streets, alleys and other highways or public grounds may be made and opened. Payment for
lands.

§ 10. Any person interested may appeal from any order of the city council for opening, widening, altering or straightening any street, alley or other highway or public ground, to the circuit court, after the passage of said final order, as in other cases of appeals. Upon trial of the appeal all questions involved in such proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony, adduced to the court; or upon application of the city or any party, the amount may be assessed by a jury, in said court, without formal pleadings, and judgment rendered accordingly. The court shall set aside the proceedings or final order of the council for any omission or informality, without injury has resulted therefrom. Appeal taken.

§ 11. When any owner known, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceeding shall be had under this act, the judge of the circuit court, or any judge of a court of record, 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, and the final determination of either the common council or court, in the premises, shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter. Infants.

Guardian.

§ 12. It is however here provided, that none of the petitioners petitioning the said city council under the first section of this article, shall be entitled to any damages. Damages.

under this article, unless by the unanimous vote of the city council, and then only such sum or sums as the said city council shall so vote.

ARTICLE X.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Streets, alleys
and highways.

SECTION 1. The city council shall have power, from time to time, upon petition of one-half of the owners of the property fronting thereon, and lying within six hundred feet thereof, or without such petition, by the unanimous vote of the council, to cause any street, alley or other highway, or section thereof, to be graded or regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and cross-walks, main drains and sewers, and private drains and sections thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or any public ground, now or hereafter laid out.

Special assess-
ments for ex-
penses.

§ 2. The city council shall have the power to assess and collect a special tax upon the taxable property within the corporate limits of the city, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, all expenses and damages for the purpose of grading, paving, planking or replanking such street, sidewalk, pavement or other highway: *Provided*, that the city council shall first assess to each lot or parcel of land to be benefited by such improvement, the special benefits each will derive from said improvement, charging such benefits upon each lot or parcel of land; and the residue of the cost of such improvements shall be paid out of the city treasury.

Proviso.

Expenses for
the removal of
nuisances.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed in the foregoing section. Such expenses may likewise be collected by the owner or occupant of such premises, in a suit for money expended to his or their use; and, in case the same shall not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Clean alleys, etc.

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the cost thereof to be assessed and collected in the same manner as prescribed in section second of this article.

ARTICLE XI.

OF TAXATION.

SECTION 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, of every male inhabitant of said city over twenty-one years of age and not exceeding fifty, to labor on said streets, lanes, avenues and alleys, not exceeding three days of ten hours each, in each year, and any person failing to perform such labor, when duly informed by the street commissioner, shall forfeit and pay a sum not to exceed one dollar for each day so neglected and refused, as said city council may provide.

Manner of requiring and performing road labor

§ 2. The inhabitants of the city of Morrison 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, at their discretion, cause one-fourth of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-eighth of the amount annually assessed.

Exempt from road labor.

§ 3. All lands lying and being within the corporate limits of said city, the same being in fields containing five (5) or more acres, and the same never having been laid off into lots or blocks, and upon which no buildings are situated and unoccupied, shall, until the same either become occupied, or buildings be erected thereon, or laid off in lots or blocks, be exempt from all corporation tax.

Exempt from taxation.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper, to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof, by fines, penalties and imprisonment in the county jail, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars, nor the imprisonment of four (4) months, for any offense. Any such fine or penalty may be recovered, with costs, in an action of debt by a common summons as issued by justices and magistrates in other cases, and to give the special matter in evidence under it, in the name of the city,

Pass, amend and repeal ordinances.

Collection of fines.

before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, or required to labor on the streets or other public works of the city for such time and in such manner, under the supervision of the street commissioner or police, as may be provided by ordinance.

Process, how issued.

§ 2. In all prosecutions for any violations of any ordinance, by-law or other regulation, except as hereinbefore provided, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases, and warrants may issue in all cases upon such oath or affirmation whenever the same can issue for a similar offense under our statutes, or whenever the ordinances under or upon which the same be made provides for the issuing of a warrant.

Arrest, with or without process.

§ 3. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinances in relation to the preservation of the peace and quiet of said city, or the granting of licenses or suppression of nuisances and misdemeanors, commit for examination, and, if necessary, detain such persons in custody over night or the Sabbath, in the county jail, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council prescribe.

Fines and forfeitures, how applied.

§ 4. All fines, forfeitures and penalties collected for offenses committed within the city, shall be paid into the treasury of the city by the officers collecting the same, and all fines and forfeitures collected of any citizen in said city for any conviction in the circuit court, shall be paid over in like manner.

Incompetent judges, etc.

§ 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Morrison, in any action or proceeding in which said city may be a party in interest, unless the said judge, justice, witness or juror shall be a party to the suit; then the same rule shall govern as in the practice in other cases in this state.

Execution may issue for fines.

§ 6. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels, or real estate, within the county of Whiteside, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, for a term not exceeding four (4) months, in the discretion of the court rendering judgment. All persons who may be committed under this section shall be confined one (1) day for each one (1) dollar of such judgment and costs; and all expenses

incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

§ 7. Neither the city council nor the mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction, by indictment or otherwise. Remission of fines, etc.

§ 8. Any person who shall injure or destroy any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding one hundred dollars, for each offense, to be recovered by the city in an action of debt, and may be imprisoned not exceeding four (4) months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action at the suit of the city for the damages occasioned by such injury or destruction: *Provided, however,* that the prosecution of any person or persons for the violation of any section of this act, or ordinances passed by virtue of this act, imposing any fine, penalty or imprisonment for a violation thereof, whenever the violation of the same may be declared to be a crime or misdemeanor under the general criminal code or law of this state, shall not take away the rights of punishment under said general criminal code or law, but said person or persons so offending may be fined, imprisoned or punished under either. Injuring public property, etc.

§ 9. The city council shall have power to require the police magistrate to report and settle quarterly or oftener, and conform to the ordinances and resolutions passed from time to time. Police magistrates, report of.

§ 10. The police magistrate and all other officers of the city, shall not be entitled to any fees from the city, where from any cause the city shall be unsuccessful in the prosecution of any action or shall be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same. Officers' fees.

§ 11. At the election held under this charter for city officers, there shall be elected one police magistrate for said city, who shall have the like jurisdiction and power, in all respects, and be governed by the same laws as provided by the general statutes of this state in relation to police magistrates. Said police magistrate so elected shall hold his office for four years, and until his successor shall be elected and qualified; he shall be commissioned in the same manner as other police magistrates and justices of the peace are by law: *Provided,* that the present police magistrate of the Jurisdiction of magistrates.

town of Morrison shall be the police magistrate of the said city of Morrison until the expiration of the term for which he was elected police magistrate of the said town of Morrison, and until his successor shall be elected and qualified.

Recall bonds.

§ 12. The city council shall have power to recall and withdraw from circulation, any of the matured city bonds for city indebtedness, for the purpose of paying the same, or to have new bonds issued to those who are legally entitled to them; but in no case shall such bonds be disposed of under par, except as provided by section second, article seven of this act.

Ordinances.

§ 13. All ordinances may be proved by the seal of the corporation of the city. When printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence, in all courts and places without further proof; and the book of city records and journal of proceedings, kept by the city clerk, shall be received in evidence, in the trial of any case or cases wherein the city may be a party, without further proof; and all ordinances may be proved by the introduction of the same, properly signed and sealed, or by the introduction in evidence of the book of records or the journal of proceedings of the city council, containing the same.

Publication of ordinances.

§ 14. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the city clerk, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Appeal taken.

§ 15. Appeals shall be allowed from the decisions, in all cases arising under the provisions of this act, or under any ordinance passed in pursuance thereof, that may be brought before any justice or other magistrate to the circuit court of Whiteside county, and every such appeal shall be taken and granted in the same manner and with effect as appeals are taken from justices of the peace to the circuit court under the laws of this state.

Style of ordinances.

§ 16. The style of all ordinances shall be: "*Be it ordained by the City Council of the City of Morrison*"

Additions to the city.

§ 17. Any tract of land adjoining said city, which may be laid off into lots and blocks and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

Financial statement.

§ 18. The city council shall, at least ten (10) days before the annual election in each year, cause to be written

and posted in the clerk's office, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived and the mode of disbursement; and, also, a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

§ 19. The city shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate and prevent the erection of manufactories dangerous in causing fires; appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire, all idle and suspicious persons, and to compel any person or persons present to aid in extinguishing fires, or in the preservation of property exposed to the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

Prevention and extinguishment of fires.

§ 20. The police magistrate and justices of the peace who now have and hereafter may have their offices within the corporate limits of the city, shall have jurisdiction to hear and determine all cases in which the said city may be a party, under or by virtue of this act, or any ordinance or by-laws of said city.

Jurisdiction of justices of peace

§ 21. All property, real and personal, heretofore vested in the president and trustees of the town of Morrison, for the use of the inhabitants of said town, or belonging to said town in any manner, shall be and the same is hereby declared to be vested in the corporation hereby created.

Vested property

§ 22. The present board of trustees and other officers of the town of Morrison, now in office, shall, respectively, continue in the same. The present president of the board of trustees shall be the "Acting Mayor," until superseded in conformity to the provisions thereof, but shall be governed by this act, which shall take effect from and after its passage.

Acting mayor.

§ 23. The mayor of said city is hereby empowered to call on any male inhabitant, over eighteen (18) years of age, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia or military to aid in suppressing the same, and carry into effect any law or ordinance; and any person who shall not obey such a call, shall forfeit to said city a fine not exceeding ten dollars.

Inhabitants to aid in enforcing all ordinances.

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

Evidence of act.

§ 25. *Provided*, That this act shall not take effect nor be in force until after the same shall have been adopted by

When act to take effect.

a majority of the legal voters of the said town of Morrison, at a special election to be held for said purpose on the last Monday in March, A. D. 1869.

APPROVED February 23, 1869.

In force March
31, 1869

AN ACT to incorporate the city of Nashville, Washington county,

ARTICLE I.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Nashville shall comprehend all that district of territory embraced within the following limits, to-wit: Extending one-half mile square from the court house, each way, north, south, east and west. And the city council shall have the power to enlarge the boundaries of the city, by ordinance, to any extent, not exceeding one mile south, east and north and west.

Corporate powers.
Name and style.

§ 2. The inhabitants of said city shall be a corporation, by the name of "The City of Nashville," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change the same at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Division of
city into wards.

§ 3. The city of Nashville shall be divided into two wards, the boundaries of which shall be fixed by the city council, and shall be, by the city council, changed from time to time, as they shall see fit, having regard to the number of inhabitants, so that each ward shall contain as near as may be the same number of inhabitants. The city council may create additional wards as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Officers.

SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city register, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a police magistrate, a city surveyor and engineer, a city weigher and market master, and a city street inspector, who, in addition to the duties prescribed by this act,

shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance. All officers to be appointed by the city council, unless otherwise provided by ordinance, and to perform such duties as may be prescribed by ordinance: *Provided*, that the city council may consolidate two or more offices in one person, as they may deem best for the city.

§ 2. All officers elected or appointed under this act, Term of office. except the mayor and aldermen, shall hold their offices for one year, and until the election or appointment and qualification of their successors, respectively. All officers appointed by the city council shall be appointed on the first Monday in May, except the city assessor, who shall be appointed on the first Monday in January, in each year, or as soon thereafter as may be. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

§ 3. The chief executive officer of the city shall be a Mayor. mayor, who shall be elected by the qualified voters of the city, and hold his office for two years, and until his successor shall be elected and qualified. He shall be a *bona fide* freeholder and resident of said city.

§ 4. The several wards in the city shall be, respectively, Aldermen. represented in the common council by three aldermen, who shall be *bona fide* freeholders and residents thereof, and who shall, except as herein otherwise provided, hold their offices respectively for three years from and after the first Monday in May next succeeding their election. They shall Three classes. be divided into three classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, and of the third class at the end of the third year, so that one alderman from each ward may be annually elected. In all cases where three aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for three years, and the candidate having the next highest number of votes for two years, and the candidate having the next highest for one year; and in case of the two or more successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled shall be determined by the casting of lots in the presence of the city council, and the result shall be entered upon their proceedings. If any alderman shall remove from the ward represented by him, or shall engage or continue in any service, business or employment, causing a continuous absence from the city for more than two months, his office shall thereby become vacant. Office declared vacant.

Vacancies, how filled.

§ 5. If from any cause there shall not be a quorum of aldermen, the register shall appoint the time and place of holding a special election to fill such vacancies, and to appoint judges if necessary. Any alderman or officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected; but no alderman or officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense. The city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the city council may declare the office vacant: *Provided*, the mayor may suspend such officer or alderman until the disposition of the charges.

Vacancy in office of mayor.

§ 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order a special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the year have expired.

Qualification of officeholders.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Tie vote.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

OF ELECTIONS.

Election, when and where held.

SECTION 1. A general election of all the officers of the corporation required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the third Tuesday of April in each year, at such

places as the city council may appoint, and of which ten days' previous public notice shall be given, by written or printed notices in three public places in each ward, or by publication in the newspapers publishing the ordinances of the city, by the city register.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping of the poll lists, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same power and authority, as the judges of general elections. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the city register, within three days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city register to notify all persons elected or appointed to office of their election or appointment; and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

Manner of voting.

Declare result.

§ 3. No person shall be entitled to vote at any election in said city, who has not been a citizen of the state of Illinois for at least one year, and of said city for at least six months, and of the ward in which he proposes to vote for ten days, next preceding such election; and, if required by any judge or qualified voter, he shall take the following oath before he shall be permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, and have been a resident of this state one year, a resident of this city six months, and a resident of this ward ten days immediately preceding this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Qualification of voters.

Oath.

§ 4. No election shall be held in any grocery or beer house, or other place where intoxicating liquors are vended by retail.

No election in bar-rooms, etc.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

No arrests on election day.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

- Oath of office. SECTION 1. Every person chosen or appointed to any executive, judicial or administrative office under this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city register.
- Oath of mayor. § 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear (or affirm) "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.
- Mayor's duties. § 3. He is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years to aid in the enforcing the laws of the state or the ordinances of the city, and in case of riot to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.
- Enforcing ordinances, etc. § 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.
- Malconduct of mayor. § 5. He shall be liable to indictment in the circuit court of Washington county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars: and the court shall have power, upon recommendation of the jury, to add, as part of the judgment, that he be removed from office.
- Approval of ordinances. § 6. Every ordinance or resolution which shall have been passed by the city council shall, before it becomes a law, be presented to the mayor for his approval. If he approves, he shall sign it; if not, he shall return it, with his objections, to the board; which objections shall be entered at large on the journal, and the bill reconsidered. If, after such reconsideration, two-thirds of all the members

elected to the board shall agree to pass the same, it shall become a law. In all cases, the votes shall be taken by yeas and nays, and entered on the journal of the board. If any bill shall not be returned by the mayor, as aforesaid, at the same meeting of said council which passed said bill, the same shall become a law, in the same manner as if he had approved and signed it.

§ 7. In case of vacancy in the office of mayor, or his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, but shall lose his vote as alderman, until the mayor shall resume his office, or the vacancy shall be filled by a new election. Vacancy in office of mayor.

§ 8. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty during their term of office. Firewardens.

§ 9. The register shall keep the corporate seal, and all papers and books of the city not properly belonging to any other office. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journal of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasurer, and countersign the same, and keep accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council may direct; and he shall have power to administer any oath required to be taken by this act. Clerk's duties.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council or its committees. Attorney.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and be countersigned by the register. Such warrants shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual Treasurer.

election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the register.

Jurisdiction of
marshal.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the power and authority of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve civil process without first entering into bond, as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof.

Engineer
surveyor.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services, as the city council shall direct and prescribe. He shall possess the same powers, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council, and approved by them, or they shall not be valid.

Assessor.

§ 14. The assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council.

Collector.

§ 15. The collector shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed, or ordained by the city council.

§ 16. The weigher shall attend to the public scales for which he is appointed, and weigh every load of hay, stone, coal or other thing which may be presented to be weighed, and give the person presenting the same a certificate of

the net weight thereof, and perform such other duties in the measurement of wood and other things as may be required of him by ordinance or resolution.

§ 17. The market master shall have the direction and management of the market house and market places, and shall do and perform such acts and duties as may be required of him by ordinance or resolution. Market master.

§ 18. The street inspector shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, re-laying and repairing of sidewalks; to give notice to owners of property adjoining such sidewalks when required; and upon the failure of any person to comply with such notice to cause the same to be laid, re-laid or repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city register, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the city council. Street commissioner, duty of.

§ 19. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation. They shall also require officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Nashville in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council, certified thereon by the register, shall be filed in his office, except the bond of the register, which shall be in the keeping of the mayor. Further duties of officers.

§ 20. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession belonging to the city or appertaining to his said office, he shall forfeit and pay for the use of the city fifty dollars, besides all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers Surrender of property, etc., to successor.

and effects belonging to his office in the manner prescribed by the laws of this state.

Commission of
officers.

§ 21. The officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and register.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES.

Government

SECTION 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the aldermen elected shall constitute a quorum; but a less number may meet and adjourn from day to day, and compel the attendance of absent members; imposing such penalties for non-attendance as they may deem advisable.

Salary of mayor.

§ 2. The salary of the mayor shall not be more than eight hundred dollars per annum; and no alderman shall receive more than two hundred dollars per annum for any service rendered by him as a member of the city council. No member of the city council shall be competent to hold any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the city council, or 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 term for which he shall have been elected, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Stated meetings

§ 3. The city council shall hold twelve stated meetings, one in each month, during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council; and they shall determine the rules for their own proceedings, and be the judges of the election and qualification of their own members; and shall have power to compel the attendance of absent members.

Finances and
property.

§ 4. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance—

First.—To borrow money on the credit of the city, and issue the bonds of the city therefor, and to recall and with-

draw from circulation any of the matured city bonds for city indebtedness for the purpose of paying the same, or to have new bonds re-issued to those who are legally entitled to them; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law; nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for the payment of interest, for improvements and for city expenses, during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the contingent fund for the contingent expenses of the city.

Recall bonds
and other in-
debtedness.

Appropriations.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city.

Indebtedness.

Third.—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Contagious dis-
eases.

Fourth.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Hospitals.

Fifth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent and abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct summary abatement thereof.

General health.

Sixth.—To provide the city with water, to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Provide water.

Seventh.—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains or sewers therein, and to prevent the encumbering thereof, in any manner, and protect the same from any encroachment or injury.

Streets, alleys,
and highways.

Eighth.—To establish, erect and construct, regulate and keep in repair, bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments

Bridges and
sidewalks.

thereof; to establish, alter, change and straighten the channels of the water courses and natural drains; to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

Lighting streets. *Ninth.*—To provide for lighting the streets, and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.

Markets and market houses. *Tenth.*—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Public grounds and cemeteries. *Eleventh.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds; to regulate cemeteries and burying grounds within two miles of the city, and to punish by fines, penalties and imprisonments all persons who shall trespass upon or desecrate the same, or violate the provisions of any ordinance in relation thereto, in the same manner as if the offense were committed within the city.

Incumbering streets. *Twelfth.*—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Merchants, peddlers, etc. *Thirteenth.*—To license, tax and regulate merchants, retailers, commission merchants, inn-keepers, bankers, saving institutions, insurance companies, brokers, money changers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn brokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Porters, hackmen, etc. *Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses.

Tippling houses. *Fifteenth.*—To license, tax and regulate billiard tables, pigeon holes, bagatelle tables, Jenny Lind tables, ten-pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and bawdy houses, gaming and gamb-

ling houses, lotteries and all fraudulent devices and practices, and of all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Sixteenth.—To authorize the proper officer of the city to Issue licenses. grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn-keepers or others, shall be issued for less than fifty dollars per year.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, or within a half a mile of the boundary of the city, except by persons duly licensed by the city; to forbid and punish the selling or giving away any intoxicating or malt liquors to any minor, or apprentice, without the consent of the parent, guardian, master, or mistress. Sale of liquors, to prohibit, etc.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same. Forestalling and regrating.

Nineteenth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandise, or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city weigher or other person appointed by the city council, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance. Weights and measures.

Twentieth.—To regulate, license and prohibit butchers, Butchers. and to revoke their licenses for malconduct in the course of trade.

Twenty-first.—To regulate and provide for the inspecting Lumber. and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building material, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors and measurers.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone-coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same. Hay, lime, etc.

- Beef, pork and flour. *Twenty-third.*—To regulate the inspection of beef, pork, flour, meal, salt, and other provisions, malt, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner thereof or his agent.
- Bread. *Twenty-fourth.*—To regulate the weight and quality of bread to be used or sold within the city.
- Wagon tires, etc. *Twenty-fifth.*—To direct, license and control all wagons and trains conveying heavy loads within the city, and prescribe the width of the rim and the tire of the same.
- Bricks. *Twenty-sixth.*—To regulate the size and quality of bricks sold or used within the city, and the inspection thereof.
- Police. *Twenty-seventh.*—To create, establish and regulate the police of the city, to appoint watchmen and policemen, and prescribe their duties and powers.
- Riots, etc. *Twenty-eighth.*—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private house within the city.
- Horse-racing and fast driving. *Twenty-ninth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets or other public or uninclosed grounds in the city.
- Vagrants, prostitutes, etc. *Thirtieth.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.
- Running at large of animals. *Thirty-first.*—To regulate, restrain or prohibit the running at large of horses, mules, jackasses or jennies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.
- Annoying practices, etc. *Thirty-second.*—To prohibit and restrain the firing or discharging of cannon, guns and other fire-arms and air-guns; to prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collection of persons

on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Thirty-third.—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient. Abate nuisances

Thirty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease. Health and diseases.

Thirty-fifth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shops, tannery, stable, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants. Offensive establishments.

Thirty-sixth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, and packing houses; to direct the location, and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on. Breweries, tanneries, stables.

Thirty-seventh.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises. Cemeteries.

Thirty-eighth.—To provide for the taking an enumeration of the inhabitants of the city. Census.

Thirty-ninth.—To erect and establish a work house or house of correction; make all necessary regulations therefor and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer; and persons sentenced by any criminal court or magistrate in and for the city, or for the county of Washington, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs, imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail, of Washington county, be kept therein, subject to labor and confinement. Work house.

Fortieth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about Destitute children.

the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Drains, sinks,
etc.

Forty-first.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Railroad tracks
and bridges, etc.

Forty-second.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks, for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, sewers and culverts, when the city council may deem necessary; to direct and prohibit the use and regulate the speed of locomotives, engines and cars, connected or detached, within the boundaries of the city, and prescribe and regulate the mode of crossing streets by locomotives and railroad trains; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

General powers.

Forty-third.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof, may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

Punishment of
violations.

Forty-fourth.—To regulate and license all the groceries and beer houses, shows, menageries and other exhibitions within half a mile of the established boundaries of the city. Exhibitions.

Forty-fifth.—To tax, regulate and license persons who may set up temporary establishments for the sale or the disposing of goods, wares or merchandise, whether by auction or otherwise; to prohibit such sale without license, and require security for the payment thereof. Temporary establishments.

Forty-sixth.—To tax, regulate and license all non-resident persons, copartnerships or bodies corporate, who sell or offer to sell any goods, wares or merchandise, or articles of commerce or trade, within the city of Nashville, by sample, excepting farmers' products. License non-resident persons.

ARTICLE VI.

OF TAXATION.

SECTION 1. The city council shall have power, within the city, by ordinance—

First.—To levy and collect, annually, taxes not exceeding seven mills to the dollar, on all assessed value of real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city not herein otherwise provided for; which taxes shall constitute the general fund. Levy taxes.

Second.—To levy and collect taxes, not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution, incurring or creating a debt, without at the same time making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon, when payable. Indebtedness.

Third.—Also, to levy and collect upon all property, in such districts as they shall, from time to time, create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps, and lighting the streets in such districts; and the tax thus collected shall be exclusively expended for such purposes, in the districts paying the same. Special tax may be levied for lighting city.

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

SECTION 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots Open streets.

adjoining said streets, alley and highway. They shall cause all streets, alleys and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded, in a book to be kept by the register, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same, when opened and made, shall be public highways and public squares.

Condemnation
of land.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice for ten days, in the newspaper publishing the ordinances of the city; at the expiration of which time, they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively; and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate benefited thereby, 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 a choice of such commissioners.

Commissioners
appointed.

Benefits.

Commissioners'
oath and duties.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties, they shall give at least five days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents, and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; they shall [view] the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings.

§ 4. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice to owner.

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the building and the

award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear, by a day to be 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 receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

§ 6. If the owner refuses to take the building at its appraised value, to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

When owner refuses to take at valuation.

§ 7. The commissioners shall thereupon proceed to make their assessments, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of of the building (if the property of the owner of the land) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner 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.

Commissioners to appraise the value of land.

§ 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case, the commissioners shall strike a balance 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 or paid to them.

Damages and benefits in separate sums.

§ 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 benefit resulting to them, respectively, from the improvement.

Leases and mortgages.

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made; when completed, the commissioners shall sign and return the

Apportionment of damages.

same to the city council within forty days of their appointment.

Return of assessment lists.

§ 11. The register shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul 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. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner, and give like notice, as herein required in relation to the first; and all parties in interest shall have the like notice and rights; and the city council shall perform the like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

Objections.

Removal of commissioners.

§ 12. The city council shall have power to remove commissioners, and from time to time, appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

Payment for damages.

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or in case such owner or his agent cannot be found within the city, deposited to his or their 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 purpose required in making such improvements, and such alleys, streets or other highways or public grounds may be made and opened.

Landlords and tenants.

§ 14. When the whole of any lot, parcel of land or other premises under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same, or any part thereof, shall, upon confirmation of the report of the commissioners respectively, cease and be absolutely discharged.

Contracts discharged.

§ 15. When part, only, of any lot, parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the

commissioners, shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for or 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 in any respect of the same.

§ 16. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of Washington county, by notice in writing to the mayor, at any time before the expiration of twenty days after the passage of said 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 the 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 appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly; and the burden of proof shall in all cases be upon the city to show that the proceedings are in conformity with this act. Appeal taken.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear 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 in any way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments. Owner and not the tenant, the interested party.

§ 18. The city council may, by ordinance, make any change they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injuries occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated in whole or in part, and the assessment of such damages and injuries upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest. Change of proceedings.

§ 19. When any known owner, or other person having an interest in any real estate, residing in the city or else- Infant.

where, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of St. Clair county, the county judge of said county or any judge of the supreme court may, upon the application of the city council or such infant, or of 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 VIII.

Streets, alleys and highways. **SECTION 1.** The city council shall have power, from time to time, to cause any street, alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same

Sidewalks, etc. *Second.*—To cause sidewalks and crosswalks, main drains and sewers, and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Public grounds. *Third.*—To grade, improve, protect and ornament any public square or other public ground now or hereafter laid out.

Improvements. *Fourth.*—The city council shall have additional powers to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, macadamizing, paving or planking such street or other highways: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed.

Sewers, drains. § 2. That for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same.

Special tax. § 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such districts, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary; and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary. And the city council shall have power to

borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

No ordinance creating a debt to be repealed until the debt is paid.

§ 4. All owners or occupants of lots in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, repair or relay such sidewalks, or make, repair or cleanse such private drains, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and if not done in the time and within the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses thereof, by an order to be entered in their proceedings, upon the lot and lands, respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses as for money paid and laid out to his use at his request.

Lots to be filled up, drained, etc.

Assessment for.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Expense and cost of nuisance

§ 6. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any private or public alley, to keep said alley clean, and, if necessary, to direct the same to be paved, macadamized, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

Power to clean streets and alleys.

ARTICLE IX.

ASSESSMENT AND COLLECTION OF TAXES.

Form of assessments.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

Return of assessment lists.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August, in each year; but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and the register shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

Supply omissions.

Issue warrants.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the register. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and, if not for general purposes, the division of the city upon which the same are laid.

Taxes, a lien on real estate.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of the taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate, in case of removal or when the tax can not be made out of the personal estate, in the same manner as is prescribed by the laws of this state: *Provided*, that in case the

Injunction.

collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

§ 5. The register shall issue a warrant or warrants for the taxes, and rule therein separate columns in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down. Column, head of

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and register, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice, published by the collector for ten days in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall in all cases be evidence on the part of the city corporation. General or special tax.
May collect tax by suit.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have the power to prescribe the powers, duties and liabilities of collectors by ordinance. How collected.

§ 8. Whenever the city council shall, by ordinance, resolution or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate, for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give thirty days' notice, by advertisement in the newspaper publishing the city ordinances, that he will apply to the county court of Washington county for the purpose of obtaining a judgment against such delinquent lot or parcel of real estate for the amount of taxes or assessments and costs due and unpaid; and the Delinquent tax-payers.

county court shall hear and determine said application, and render judgment against said delinquent real estate, in the same manner; and said judgment shall have the like effect as though said delinquent list has been returned to the county court by the sheriff or collector of the county, in the collection of state and county taxes; and the court shall issue its precepts or order to the collector of the city, directing him to sell said real estate at public auction to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court and the time and place of the sale of said real estate.

Sale of land.

Manner of conducting sale.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the city register, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The register shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

Certificates of sale.

Right of redemption.

§ 10. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment, in specie, of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser, or for him to the city register, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the city register, conveying to such purchaser the premises so sold and of unredeemed as aforesaid. An abstract of all deeds so made

Infant or femme covert.

Abstract of deeds.

and delivered shall be entered by the register in the book wherein tax-sales are recorded. A fee of one dollar may be charged by the register for any deed so issued.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser. Deed of premises.

§ 12. If, at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods or 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 at such sales. Bids at sale.

§ 13. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts: Deeds to convey perfect title.

First—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law. Advertisement.

Second—That the taxes or assessments were not paid at any time before the sale. Taxes not paid.

Third—That the land conveyed had not been redeemed from the sale at the date of the deed. Non-redemption

And shall be conclusive evidence of the following facts:

First—That the land or lot was advertised for sale the length of time and the manner required by law. Was advertised.

Second—That the land was sold for taxes or assessments as stated in the deed. Sale of land.

Third—That the grantee in the deed was the purchaser. Deed.

Fourth—That the sale was conducted in the manner required by law. And in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state after the sale; and that all taxes

due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

ARTICLE X.

WATER WORKS.

SECTION 1. The city council shall have power :

Water works.

First—To erect and construct water-works, and to bore one or more artesian wells, either within or without the corporate limits of said city, for the purpose of supplying the city of Nashville with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Hydrants.

Second—To construct reservoirs, jets and public and private hydrants, and to lay pipes in and through all the streets, lanes, avenues, alleys and highways of said city, and to construct fountains in the public squares, or such other public grounds of the said city as they shall deem expedient.

Purchase real estate.

Third—To purchase, hold and convey any personal and real estate which may be necessary and proper to carry out the intention and object of this act.

Superintendent.

Fourth—To appoint a superintendant of water-works and such other officers, agents and employees as they may deem necessary, define their duties and fix their compensation.

Rules and regulations.

Fifth—To make all needful rules and regulations concerning the use of water supplied by the water-works of said city, and to do all acts and make such rules and regulations for the construction, completion, management and control of the water-works of said city, as the said council may deem necessary and expedient.

Surveys, etc.

§ 2. The said city council are hereby authorized to enter upon any land or water within or without the corporate limits of said city, for the purpose of making surveys, or constructing any of the works authorized by this chapter, and to agree with owners of any property which may be required for the purposes of this chapter, as to the amount of compensation to be paid to such owner for the property so taken, or the amount of damages to be paid to such owner or owners, by reason of the construction of any of the works hereby authorized.

Property required for water works, how obtained.

§ 3. In case of disagreement between the city council and the owners of property which may, in the judgment of the said city council, be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman or insane, or absent from the state, or in case of disagreement between the said city council and any owner or owners of property touching the amount of damages arising from the construction of any part of the work hereby authorized, the said city council

shall have the right to condemn said property, or to have the amount of such damages ascertained, or both, and the proceedings of the condemnation of such property, or the ascertainment of such damages, or both, shall conform, as nearly as may be, to those specified and provided in the act entitled "An act to amend the law condemning the right of way for the purpose of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment.

§ 4. The city of Nashville shall have power to construct such aqueducts on the highways or elsewhere, and to construct such pumping works, break-waters, subsiding basins, filter beds and reservoirs, and to lay such water mains and make all other constructions as shall be necessary for obtaining a sufficient and abundant supply of pure water for said city. Aqueducts and reservoirs.

§ 5. For such expenditures, pertaining to the supply of water to said city, as are hereby authorized, the said city council shall have power to borrow, from time to time, as they may deem expedient, a sum or sums of money not exceeding three hundred thousand dollars, and issue bonds of the city therefor, pledging the faith and the credit of said city for the payment of the principal and interest of said bonds. The proceeds of said bonds, when sold, shall be deposited with the city treasurer to the credit of the water fund, and appropriated to the objects and purposes pertaining to the water supply of said city, herein specified, nor shall the same or any part thereof be used by said city for any other purpose. Said bonds shall bear interest at a rate not exceeding ten per cent. per annum, and shall not be sold at a rate which will net less than their par value: *Provided*, Expenditures for supply of water. Proviso. that before any such bonds are issued, the question shall be submitted by the city council unto the people of said city, at the next general election of said city; and if a majority of the voters voting thereon shall vote against the issuing of such bonds, then and in that case such bonds shall not be issued.

§ 6. Whenever any bonds are issued and sold as herein provided, the city council shall have power, by ordinance, to annually levy and collect taxes, not exceeding ten mills on the dollar on the assessed value of all real and personal estate made taxable by the laws of this state, to pay the interest of said bonds and provide a sinking fund for the liquidation of said bonds; and whenever a surplus of money, from any source, shall have accumulated in the hands of the treasurer to the credit of the water fund, such surplus may be applied to the purchase of said bonds, in such manner as the city council may direct. Issue of bonds and payment of interest.

§ 7. The city council shall have power, from time to time, by ordinance, to provide for and assess, as water rents or assessments, such amount as they shall deem equitable, Water rents.

on any lots of land which shall abut or adjoin any street, avenue or alley in said city, through which the distributing pipes of the water-works of said city are or may hereafter be laid, which shall have a building or buildings thereon which can be conveniently supplied with water from said pipes. The said assessments shall be on the said lots, and on the building or buildings thereon, whether the water from the water-works of said city shall be used in such building or buildings, or on such lot, or not; and the said assessment shall be and become a continuing lien or charge upon all such lots or buildings situated thereon.

Separate ac-
counts to be
kept.

§ 8. All accounts pertaining to the water-works of said city shall be kept separate and distinct from the accounts pertaining to the other funds of said city, and all moneys deposited with the city treasurer, on account of the water-works, shall be by him kept separate and distinct from other moneys, as the water fund, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held by the treasurer of the city as a special fund separate and distinct from other funds, and he shall be deemed guilty of embezzlement if he shall pay out moneys for any account other than that belonging to such water fund, and shall be liable for indictment for so doing.

Injury to pro-
perty, penalty.

§ 9. If any person shall willfully do or cause to be done any act whereby any work, material or property whatever, constructed, provided or used within the city of Nashville, or elsewhere, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court; said fine to be paid into the city treasury.

ARTICLE XI

FIRE DEPARTMENT.

Powers of the
council.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated,

in such manner as they shall prescribe and direct. To declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

§ 2. The city council shall have power:

First—To regulate the construction of chimneys and flues so as to admit of chimney-sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Chimneys and flues.

Second—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, boilers, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition, and to cause such as may be dangerous to be put in safe condition. Fire places, etc.

Third—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition. Ashes.

Fourth—To require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair, wells and cisterns, upon their premises. Fire buckets

Fifth—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires. Manufactories.

Sixth—To regulate, prevent and prohibit the use of fire-works and fire-arms. Fire works.

Seventh—To direct and prohibit the management of houses for the storing of gunpowder, coals, oils, tar and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses. Combustibles.

Eighth—To regulate and prescribe the manner, and order the building of parapet and partition walls and partition fences. Parapet walls.

Ninth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles, etc.

Tenth—To authorize the mayor, fire-wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons; to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen. Idle and suspicious persons.

Eleventh—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient. Extinguishment of fires.

- Engines.** § 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power:
- Hook and ladder companies.** *First*.—To organize fire, hook, hose, ax and ladder companies.
- Firemen.** *Second*.—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city, firemen, to take care and have the management of the engines and other apparatus and implements used and provided for the extinguishment of fires.
- Duty of firemen.** *Third*.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them.
- Engineers.** *Fourth*.—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council.
- Exempt from jury duty.** § 4. The firemen shall, during their term of service, be exempted from serving on juries or in the militia. The name of each fireman shall be registered with the city register, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the register, under the corporate seal, for the year for which exemption is claimed.

ARTICLE XII.

BOARD OF HEALTH.

- Board of health.** SECTION 1. The board of health shall consist of one alderman, from each ward, to be appointed, annually, by the mayor; and the mayor, or presiding officer of the city council, shall be president of the board, and the city register shall be their clerk, and keep the minutes of their proceedings.
- Duty of health officers.** § 2. It shall be the duty of health officers to visit every sick person, who may be reported to them, as hereinafter provided, and report, with all convenient speed, their opinion of the sickness of such person, to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any persons to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the

state of the same, with all convenient speed, to the clerk of the board.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board at the expense of the person removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Infected and diseased persons to be removed.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment, or both, any refusal or neglect to obey the orders and regulations of the board.

Powers and duties of the board of health.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being such powers and perform such of the duties of the marshal or supervisor as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times, in discharge of any duty under this act or any ordinance.

Other duties.

§ 6. Every person practicing physic in this city who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make a report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance thereof, or before a justice of the peace for the use of the city.

Duties of physicians.

ARTICLE XIII.

JUDICIARY.

SECTION 1. The present police magistrate of the town of Nashville shall continue his office as police magistrate, and at the general election next subsequent to the expiration of his term of office, there shall be a police magistrate elected, who shall have sole original jurisdiction in all cases arising under the violations of any ordinance of said city, and concurrent jurisdiction of justice of the peace and in all cases properly cognizable before the police magistrate of the city of Nashville; and [in case] the said magistrate shall be absent or otherwise unable to attend the same, the mayor of said city shall have power to designate some other justice of the peace of said city to discharge the office of

Police magistrates.

Jurisdiction.

said police magistrate in such cases, who, for the time being, shall have and exercise all the judicial powers of police magistrate.

Actions for recovery of penalty, etc.

§ 2. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Warrants issued

§ 3. Police magistrates shall, upon proper information of any violation of any penal clause of the city charter or of any penal ordinance of the city, issue a warrant to the city marshal or any police constable, or any other officer authorized to execute the same, commanding him to forthwith apprehend the offender and bring him before him or any competent court; and if, upon the trial, it shall appear satisfactory to the court, or jury, after hearing the evidence and proof adduced in the case, that the accused is guilty of the offense complained of, such fine, penalty, forfeiture or imprisonment shall be imposed or adjudged against the offender as may be prescribed by the charter or ordinance. No process shall be necessary when the offender is arrested without warrant and brought before the court; but an entry of the cause, place and time of arrest shall be made upon the docket of the court, and trial had in the same manner as if process had been issued.

Fines and penalties.

Judgments for fines.

§ 4. The city may sue and declare for several fines, penalties or forfeitures for violations of the charter or ordinances of the city, and recover judgment for as many offenses as may be proven, not exceeding the jurisdiction of the court, and may prove any offense committed before the commencement of the suit.

Appeals, etc.

§ 5. The city may appeal in all cases arising under the charter and ordinances of the city, without giving security; and the mayor, in cases of appeals by the city, shall execute bond under the corporate seal without sureties; and a resolution or ordinance of the city council, authorizing the same, shall be sufficient authority therefor. Nor shall the city in any case be required to file bond or security for costs.

Fines and penalties to go into city treasury.

§ 6. All fines, forfeitures and penalties collected for offenses committed within said city, shall be paid into the treasury of said city by the officers collecting the same; and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner.

Remission of fines.

§ 7. Neither the city council or the mayor shall remit any fine or penalty imposed upon any person for a violation of any law or ordinance of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for

such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

§ 8. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Washington, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse, or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury. Execution of judgment.

§ 9. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Nashville, in any action or proceeding in which said city may be a party in interest. Incompetent judges, etc.

§ 10. The city council shall have power to require the police magistrate to report and settle quarterly or oftener, and to conform to the ordinances and resolutions passed from time to time. Report of police magistrate.

§ 11. The police magistrate and all other officers of the city shall not be entitled to receive any fees from the city when, from any cause, the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same. Officers' fees.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city. Receipts and expenditures.

§ 2. The inhabitants of the city of Nashville are hereby exempt from working upon any road or highway and from paying the tax in lieu thereof. Enforce ordinances.

Enforcement of
charter.

§ 3. The town trustees of the present town of Nashville are hereby empowered to do any and all acts necessary to the lawfully putting in force of this charter.

Survey and plat.

§ 4. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots or fractional blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys.

Additions to
the city.

§ 5. The city council shall have power to adopt a plan for the laying out and platting of all additions which may be made to the city, or of subdivisions of lands lying within the city, or within one-half mile of the limits hereof, so as to establish regularity and uniformity in the streets and highways of the city and vicinity, and to require that all additions and subdivisions which may be so laid out or platted shall conform to such plan; and no map or plat of any addition to said city, or of any subdivision of lands with the same, or within one-half mile of the limits thereof, shall be entitled to record, or shall be recorded in the office of the recorder of Washington county, until the same shall have been approved by the city council of said city; and all such additions, or subdivisions, shall be null and void unless a correct map or plat thereof shall be approved by the city council of said city before the same is filed for record.

Expenditures.

§ 6. The city council shall, in all expenditures for purposes strictly local, expend, annually, in the several natural divisions of the city, such proportions, as near as may be, of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each division to the general fund.

Penalty for
street commis-
sioner.

§ 7. The street inspector, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the state laws.

Vote of city
council, how re-
sinded.

§ 8. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken.

Publication of
ordinances.

§ 9. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before

any officer authorized to administer oaths and filed with the register, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places.

§ 10. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemetery lots.

§ 11. Any person who shall destroy or injure any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty, not exceeding five hundred dollars, for such offense, to be recovered by the city in an action of debt, and may be imprisoned, not exceeding six months, in the discretion of the court before [whom] such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction. Injury to property, how punished.

§ 12. All ordinances, regulations and resolutions now in force in the city of Nashville, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect. Conflicting acts repealed.

§ 13. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof. Evidence of act.

§ 14. The style of all ordinances shall be, "*Be it ordained by the City Council of the City of Nashville.*" Style of ordinances.

§ 15. This act shall not invalidate any legal act done by the city council of the city of Nashville, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act. This act shall not invalidate certain rights.

§ 16. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe. Power to arrest with or without process.

§ 17. The county court of Washington county may, at its discretion, appropriate a reasonable share of the public revenue collected for county purposes for the improvement of the streets, roads and bridges in the city of Nashville and leading to said city. Appropriations.

Publication of
digest of ordi-
nances.

§ 18. There shall be a digest of the ordinances of the city, which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

Construction of
act.

§ 19. Nothing in this act shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city and the various acts amendatory thereto; but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned.

Evidence of act.

§ 20. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice thereof shall be taken in all courts and places; and shall take effect from and after its passage.

When act to
take effect.

APPROVED March 31, 1869.

In force March 4, 1869. AN ACT to incorporate the city of Oneida, in the county of Knox, and state of Illinois.

ARTICLE I.

Boundaries.

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 Oneida, in the county of Knox, embraced within the following limits, to wit: The south-west quarter of section (30) thirty, the west half of section thirty-one (31), in township thirteen (13) north, range three (3) east, north-west quarter of section (6) six, township twelve (12) north, range three (3) east, east half of section (27) twenty-seven and the east half of section (34) thirty-four, all of sections (25 and 26) twenty-five and twenty-six, except the north half of the north-east quarter of section (26) twenty-six, all of sections (35 and 36) thirty-five and thirty six, in township thirteen (13) north, range two (2) east, the north half of section (1) one and the east half of the northeast quarter of section (2) two, in township twelve (12) north, range two (2) east of the fourth (4th) principal meridian, be and they are hereby created a body politic and corporate, by the name and style of the "City of Oneida," and by that name shall have perpetual succession and power, and to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city, and to purchase, receive and

Name and style.

hold property for burial grounds and for other city purposes for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things, in relation thereto, as natural persons; and may have and use a common seal, and alter or renew the same at pleasure.

ARTICLE II.

SECTION 1. There shall be a city council, to consist of [a] Mayor and aldermen. mayor 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 therein for two years.

§ 3. No person shall be eligible to the office of alder- Qualification. man, unless at the time of his election he shall reside in the ward for which he is elected and shall have resided at least one year within the limits of the city, and shall be, at the time of his election, twenty-five years of age, and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Vacancies. from the ward for which he is elected, his office shall thereby become vacant.

§ 5. At the first meeting of the city council, the alder- Division of aldermen. men shall be divided, by lot, into two classes in each ward; the seats of those of the first class shall be vacated at the expiration of one year, and of the second class at the expiration of two years from their election, so that one-half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, Returns of. elections and returns of its own members, and shall determine all contested elections under this act.

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

§ 8. The city council shall have power to determine the Rule of proceedings. rule of its proceedings; punish its members for disorderly 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- Record of proceedings. ceedings, and may, from time to time, publish the same, and the yeas and nays, when demanded by any member present, shall be taken and entered upon the journal.

§ 10. No alderman shall be appointed to any office No alderman appointed to office under the authority of the city, which shall have been created or the emoluments of which shall have been increased, during the term for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of al- Vacancies. dermen shall be filled by city council.

- Oath of office. § 12. The mayor and each alderman, before entering upon the duties of his office, shall take and subscribe an oath before some proper officer authorized to administer the same, that he will support the constitution of the United States, the constitution of the state of Illinois, and that he will faithfully perform the duties of his office to the best of his ability.
- Tie, how decided. § 13. Whenever there shall be a tie in the election of an alderman, it shall be decided by lot.
- Meeting of the council. § 14. There shall be six stated meetings of said council in each year, to be held at such times and places as may be prescribed by ordinance.

ARTICLE III.

- Chief executive officer. SECTION 1. The chief executive officer 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 is elected and qualified.
- Qualification. § 2. No person shall be eligible to the office of mayor who shall not be eligible to the office of alderman.
- Office vacated. § 3. If any mayor, during the time for which he shall have been elected, shall remove from the limits of the city, his office shall thereby become vacant.
- Tie, mayor. § 4. Whenever there shall be a tie in the election of mayor, it shall be decided by the candidates casting lots.
- Contested election. § 5. Whenever the election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.
- Vacancy filled by election. § 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by an election.

ARTICLE IV.

- Election of city officers. SECTION 1. On the first Monday in April next, an election shall be held in each ward of said city for one mayor, one city clerk, one city marshal, also four aldermen from each ward of the city, and forever, thereafter, on the first Monday of April in each year, there shall be an election held in each ward in the city for a mayor, a clerk, marshal and two aldermen from each ward; and on the first Monday of April of every fourth year, there shall be an election for one city police magistrate for the city.
- Who entitled to vote. § 2. All persons who are entitled to vote for state officers, who shall have been residents of the city for ten days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the ward in which they shall respectively reside.
- Challenge. § 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 a voter to said election.

§ 4. The judges of election shall make returns of the election to the city council within four hours after the closing of the polls of said election. Returns of election.

§ 5. The manner of conducting and voting at the elections to be held under this act, and contesting the same, and keeping of the poll list, canvassing the votes and certifying the returns, shall be as is now or hereafter may be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections; to call special elections to fill vacancies in any of the aforesaid offices, and fix the place of holding the same in each ward, and to appoint judges thereof. The voting shall be by ballot, and the judges and clerks of election shall take the same oath and shall possess the same power and authority, as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted in the manner required by law, and the returns shall be returned, sealed, to the city clerk, within twenty-four hours after the election; and thereupon the city council shall read and canvass the same, and declare the result of the election. The person receiving the highest number of votes shall be declared elected. It shall be the duty of the city clerk to notify all persons elected to offices, or appointed to the same, of the election or appointment; and unless such [persons] shall qualify within ten days thereafter the office shall be held vacant. Elections.

Manner of conducting.

Notification of election.

§ 6. All persons illegally voting at any election under this act, shall be punishable under the law of this state, as for illegal and fraudulent voting. Illegal voting.

ARTICLE V.

SECTION 1. The city council shall have power and authority to levy and collect a tax of not exceeding one-half of one per cent. upon all property, real, personal and mixed, within the limits of the said city, for all revenue purposes. All taxes for revenue shall be levied upon and according to the assessed value of the property included in said corporation, as assessed by the township assessor of the town of Ontario, Sparta, Coply and Walnut Grove, for each year respectively. Levy and collect taxes.

§ 2. The city council shall have power, and it shall be their duty, before the first day of September of each year, to determine, by ordinance, the rate per cent. upon the assessed value of the property assessed by said town assessor, within the limits of said corporation, for which a tax shall be levied for the current year. A copy of said ordinance, together with an alphabetical list of the tax payers of the city, shall be filed with the county clerk of the county of Knox, whose duty it shall be to extend tax upon the books for the collector of the township of Ontario, in a separate column provided for that purpose, in the same manner that Rate of taxation

he is now required to carry out and extend the district school tax against 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 the county revenue is required to be paid over to the county treasurer. Every court in Knox county shall have the same power to render judgments against lands and lots within said city, for taxes due said city for city purposes, as they may have to render judgment for the county and state taxes, and such judgments shall have the like effect and force as if rendered for delinquent county or state taxes. For the services in carrying, adding and extending said tax in the book of the collector, said county clerk shall receive one-half cent for each person's name assessed for personal property, to be paid out of said city tax when collected.

Enforce collection of taxes.

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§ 3. The city council shall have power to appoint a treasurer, a city attorney, a street inspector, and all such other officers as said city council may deem necessary to perform the duty required to be performed under this act, and under the ordinances of the city, and to prescribe, by ordinance, their powers and duties. All of which said officers shall hold their offices for one year, and until their successors are appointed: *Provided*, that by a vote of two-thirds of the city council, the officers mentioned in this section may be removed from office at any term before his time of office shall have expired.

§ 4. The city council shall have power to require of all or any officers appointed in pursuance of this charter, such bonds to the city of Oneida, approved by the mayor and a majority of the aldermen, for the faithful performance of their respective duties, as may be deemed expedient; and also, to require all officers, before entering upon the duties of their respective offices, to take an oath for the faithful performance of the same.

Bonds, with penalty and security.

Appropriations.

§ 5. The city council shall have power to appropriate money, and provide for the payment of the debt and expenses of the city.

General health.

§ 6. To make regulations to insure the general health of the city; to declare what shall be a nuisance, and to remove the same.

Contagious diseases.

§ 7. To make regulations to prevent the introduction of contagious diseases into the city, and to enforce the same for the distance of one mile beyond the city limits, and to provide for the extinguishment of fires.

Improve streets.

§ 8. To open, extend, establish, grade or otherwise improve and keep in repair, sidewalks and streets, street crossings, sidewalks and crosswalks. They shall have power to levy, annually, a road labor tax, of not more than

three days, against every able bodied male inhabitant of said city 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: *Provided, always, that* Proviso. the person assessed shall have the right, if he shall so elect, to work out his own tax on the streets and walks of said city under the direction of the street superintendent.

§ 9. To establish and keep in repair bridges; to divide Repair bridges. the city into wards, alter the boundaries thereof, and create additional wards, as occasion may require; and to establish, Night watches. regulate and support night watches, when necessary.

§ 10. To provide for the erection of all needful build- Buildings. ings of the city; and to provide for inclosing, improving and regulating all public grounds belonging to the city; and may have the sole control and power over the streets and highways of the city.

§ 11. To establish and regulate one or more cemeteries, Cemeteries. and regulate the burial of the dead.

§ 12. To provide for the prevention and extinguishment Prevention and extinguishment of fires. of fires, and to organize and establish fire companies; to regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

§ 13. To prevent and restrain loud, unbecoming or in- Indecencies. decent language, or the indecent exposure of persons, and other disorderly conduct in said city.

§ 14. To prohibit, prevent and suppress horse racing, Fast driving. immoderate driving or riding in the streets.

§ 15. To restrain, regulate and prohibit the running at Running, at large of animals large of cattle, horses, swine, sheep, goats, geese and fowls, and to authorize the distraining, impounding and sale of the same for costs of the proceedings and the penalties incurred, and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto.

§ 16. To regulate, restrain and prohibit the running Dogs at large. at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners thereof; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 17. To restrain, prohibit and suppress tippling houses, Tippling houses houses of ill-fame, bawdy houses and all disorderly houses of whatever nature or character.

§ 18. To regulate and prevent the carrying on of man- Manufactories. ufactures and works dangerous to the security of the public.

§ 19. To require every person practicing medicine in Sanitary regu-
lations. said city who shall have a person laboring under a malignant, infectious or pestilential disease, to forthwith report in writing to the city clerk, and for neglect to do so shall be deemed guilty of a misdemeanor, and liable to a fine of not less than twenty nor more than one hundred dollars, to be recovered with costs, in an action before the police magistrate of the city, for the use or in the name of the city.

Auctioneers,
billiards, lotte-
ries, etc.

§ 20. To license, tax and regulate auctioneers, theatrical or other exhibitions, shows and amusements; to license, tax and to regulate the keeping of billiard tables, ten pin alleys, and shooting galleries, and restrain gambling houses, lotteries, and all gambling devices and all playing of cards, dice and other games of chance, with betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

License sale
of liquors.

§ 21. To license, regulate and tax the selling of spirituous and malt liquors, by druggists, for medical, mechanical, chemical and sacramental purposes, only.

Abate nuisances

§ 22. The city council shall have power to declare the selling, giving away or the keeping on hand for sale of any spirituous or intoxicating liquor, ale, beer, or any kind of fermented liquors, within the said city, a nuisance, and may provide by ordinance for summarily abating and suppressing the same; and on information, under oath, that any person within the limits of the said city is guilty of selling or keeping on hand for sale, the police magistrate of said city shall issue a warrant, directed to the city marshal or any constable of the county of Knox, commanding him, in the day time, to search the premises of such person or persons suspected of selling liquors or beer in violation of this section, or the ordinances passed in pursuance thereof; and in case the said marshal or constable shall find such liquor or beer in a greater quantity than one gallon, he shall seize the same, and forthwith take the same before the magistrate issuing the said warrant, to be disposed of as the city council, by ordinance, shall determine. The possession of such intoxicating liquors, ale or beer in a greater quantity than one gallon, by any person in said city, except druggists, shall be *prima facie* evidence of unlawful intent, and unless satisfactorily explained, shall be held sufficient evidence of selling and keeping on hand for sale such liquors, ale or beer, in violation of this act and the ordinances passed in pursuance thereof.

Marshal.

Duties of.

Prison or jail.

§ 23. To erect and establish a city jail, and to make all necessary regulations therefor, and to appoint all necessary keepers or assistants. In such jail may be confined all vagrants, stragglers, idlers, drunken or disorderly persons, who may be committed thereto by any proper officer; and any person who shall fail or neglect to pay any fine, forfeiture or penalty, imposed for any misdemeanor or breach of any of the city ordinances or any of the provisions of this act, may, instead of being committed to the jail of Knox county, be confined therein for the length of time the ordinances of the city may provide.

Destitute chil-
dren.

§ 24. To authorize and direct the taking up and providing for the safe-keeping and education, for such periods of time as may be deemed expedient, of all children who are

destitute of proper parental care, and growing up in mendicancy, ignorance, vice and idleness.

§ 25. To pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government of the said city, which may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of such ordinances and police regulations, and to punish violations thereof by fines, penalties and forfeitures, and to imprison in the county jail or city prison for the non-payment of such fines, penalties and forfeitures, according to the decision and orders of the court or magistrate before whom conviction may be had; but no fine, penalty or forfeiture shall exceed one hundred dollars for any one offense. Such fine, penalty or forfeiture may be recovered in an action of debt in the name and for the use of said city, before the police magistrate or any justice of the peace of the county of Knox; and any person who may be convicted of a breach of any ordinance of the said city or any violation of this charter, and upon whom any fine, penalty or forfeiture shall be imposed by reason thereof, shall, by the order or judgment of the court before whom he may be tried for such offense, stand committed to the jail of Knox county or the city prison until such fine, penalty or forfeiture and the costs of the proceedings therein are paid, or in lieu thereof, he may be required to work on the streets, sidewalks or other public works of said city, for such time and in such manner as the ordinances of said city may provide.

Pass, amend and repeal ordinances.

Jurisdiction of magistrates.

§ 26. In all cases where expenses may be incurred in the removal of any nuisance, the council may cause the same to be assessed against the real estate whereon the said nuisance may be located, in the same manner prescribed in the foregoing section. Such expense may be likewise collected of the owner or occupant of such premises, in suit at law, for money expended for his or their use, instituted in the police magistrate's court of said city.

Expenses for the removal of nuisances.

§ 27. To regulate the election of city officers, and fix a compensation, by salary, fees, commissions or otherwise, of all city officers: *Provided*, the mayor and aldermen shall receive no compensation for their services as officers under the city government.

Officers' fees and salaries.

§ 28. To organize and regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriations of such fines, penalties and forfeitures, and to enforce the collection thereof. And all moneys collected under and by authority of any city ordinance shall be deemed and held to belong to said city, and disposed of by said city

Further powers of city council.

council, as directed by the ordinances of said city, for the use and benefit of the inhabitants thereof.

Style of ordinances. § 29. The style of ordinances shall be "*Be it ordained by the City Council of the City of Oneida.*"

Publication of ordinances. § 30. All ordinances passed by the city council shall, within ten days after they have been passed, be published in some newspaper published in said city; and in case no newspaper shall be published therein, then such ordinances shall be posted up in three of the most public places of the city, and shall not be in force until five days after they shall have been published or posted as aforesaid.

Ordinances shall be evidence § 31. All ordinances of the city may be proven by the seal of the corporation, and, when printed in book or pamphlet form, by the authority of the corporation, shall be received in evidence in all courts and places without further proof.

Railroad tracks, bridges, etc. § 32. The city council shall have power to require all railroad companies that own or manage any railroad within the limits of the city, to construct and keep in repair good and sufficient crossings at such places on said road as may be directed by the city council.

ARTICLE VI.

Judiciary. SECTION 1. There shall be established in said city a court of civil and criminal jurisdiction, to be styled the "Police Magistrate's Court of the City of Oneida."

Police magistrates. § 2. The police magistrate shall be elected at the same time and in the same manner as the mayor, and shall hold his office for the term of four years, and until his successor is elected and qualified.

Jurisdiction of magistrate. § 3. The police magistrate of said city is hereby constituted a justice of the peace of Knox county. He shall be commissioned by the governor and qualify as other justices of the peace; but, before entering upon the duties of his office, he shall execute a bond, with sureties approved by the mayor, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of said office, and shall file the same in the office of the city clerk.

Further powers. § 4. He shall have and exercise such jurisdiction as other justices of the peace under the laws of this state, and in addition thereto, he shall have jurisdiction in all cases of misdemeanors committed within the limits of said city, the penalty whereof is fine or forfeiture: *Provided*, such fine or forfeiture does not exceed one hundred dollars.

In civil cases. § 5. He shall have jurisdiction in all civil actions where the demands or claim sued on does not exceed three hundred dollars, and all actions of replevin when the value of the property claimed does not exceed three hundred dollars.

Fees of office. § 6. He shall have power to fine and imprison for contempt of his court. He shall be entitled to the same fees as

other justices of the peace for similar services, and, in addition thereto, he shall receive a trial fee of three dollars, in every cause actually tried before him, and the same sum for each and every day occupied in the trial of such cases.

§ 7. Changes of venue may be had before and from the said police magistrate for the same causes and grounds that changes of venue are taken and granted in the circuit courts of the state, and for none other. And in case changes of venue are granted from said court, they shall be taken to the nearest justice of the peace, who is hereby empowered to try said cause and determine the same, in like manner and effect as in cases originally instituted before him. Change venue.

§ 8. Transcripts of judgments may be taken from the docket of the said police magistrate and filed in the office of the circuit clerk of Knox county, in the same manner and like effect, as to liens, as transcripts of judgments of other justices of the peace. Transcript of judgment.

§ 9. Appeals may be taken from the decisions and judgments of said police magistrate to the circuit court of Knox county, in the same manner as appeals are taken from justices of the peace. Appeal taken.

ARTICLE VII.

SECTION 1. The mayor shall preside at all meetings of the city council, and in case of a tie, and in no other, shall have a casting vote. In case of the absence of the mayor from any meeting of the city council, the board of aldermen shall appoint one of their own number chairman, who shall preside at the meeting, but who shall not thereby lose his right to vote upon any question before the board. Presiding officer of council.

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

§ 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 cause negligence or violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the board of aldermen such information and recommend such measures as, in his opinion, may tend to the improvement of the finances, the health, security, comfort and ornament of the city. Duty of mayor.

§ 4. He is hereby empowered to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances of the city, and, in case of a riot, to call out the posse, to aid him in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, securing the peace of 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 of not less than ten nor more than fifty dollars, recov- Citizens to aid in enforcing the laws.

erable in a suit at law, in the name and for the use of said city, before the police magistrate or any justice of the peace of the county of Knox.

Execute all acts.

§ 5. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this charter. He may also require the treasurer of said city to exhibit his books and papers relating to the finances of the city, whenever he may deem it necessary or expedient.

Jurisdiction of mayor.

§ 6. He shall have such jurisdiction as may be vested in him by the ordinances of the city in and over all places within one mile of the limits of the city, for the purpose of enforcing the health and quarantine ordinances and nuisance regulations thereof.

Misconduct.

§ 7. In case the mayor shall, at any time, be guilty of a palpable omission of duty or shall be guilty of any willful or corrupt malconduct in the discharge of the duties of his office, he may be removed therefrom by a vote of two-thirds of the board of aldermen voting in favor of such removal.

Ordinances to be approved by mayor.

§ 8. All ordinances, by-laws and resolutions, before they take effect, shall receive the signature of the mayor; and in case he shall not approve such ordinance, by-law or resolution, he shall return the same to the city council, with his objections thereto, at the next regular meeting thereof, and in case the next meeting of the said board shall not be appointed to take place within five days from the passage of such ordinance, by-law or resolution, then he shall return such ordinance, with his objections thereto, to the city clerk, who shall notify the board of aldermen of the action of the mayor respecting such ordinance. Upon the return of any ordinance, by-law or resolution by the mayor, with his objections thereto, as aforesaid, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members of the board of aldermen, composing the city council, shall vote in favor of the passage thereof, it shall go into effect, notwithstanding the mayor may neglect to approve the same.

Vacancy in office of mayor.

§ 9. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary absence or sickness, the city council shall appoint one of its members, by ballot, to preside over its meetings, who shall be designated, the "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy be filled by a new election.

ARTICLE VIII.

titles of clerk.

SECTION 1. The clerk shall keep the corporate seal and all books and papers belonging to the city; he shall attend

all meetings of the city council and keep a full record of their proceedings in a journal kept for that purpose; and copy of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, or other records in his office, certified by him under the corporate seal, shall be received in evidence in all courts in like manner as if the original were produced. He shall draw all warrants on the treasury, and keep an accurate account of all receipts and expenditures in such manner as the city shall direct; and he shall have power to administer any oath required to be taken by this act.

§ 2. It shall be the duty of the city attorney to perform City attorney. all professional services incident to his office, to prosecute and defend in all cases wherein the city is a party, and, when required, to furnish written opinions upon all questions submitted to him by the mayor, the city council, or any of its committees.

§ 3. The city treasurer shall receive and have the care Treasurer. of all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of orders from the city council, by warrant, signed by the mayor and countersigned by the clerk. Such warrants shall be numbered to correspond with the order granting the same, and shall specify for what purpose the amount named therein shall be paid. The treasurer shall exhibit to the city council, at least ten days before the annual election of each year (and oftener if required by the mayor or city council,) a full and detailed account of all receipts and expenditures for all purposes, after the date of the last annual report, and also the present condition of the treasury; which statement shall be filed in the office of the city clerk.

§ 4. The city marshal shall perform such duties as shall Marshal. be prescribed by the city council, for the preservation of good order of the public peace; the observance and enforcement of the ordinances and the laws; he shall possess the power and authority of a constable under the statutes of this state, and receive like fees, and may perform all duties and services of a constable of said county. Before entering upon the duties of his office he shall execute a bond, with sufficient security, approved by the mayor, conditioned for the faithful performance of his duties therein.

§ 5. It shall be the duty of the street superintendent, under Street commissioner. the direction of the city council, to superintend the opening, grading and improving of streets; the construction and repairing of bridges, culverts, cross-walks and sidewalks in the city, and carry into effect all orders of the city council in relation thereto; he shall keep accurate accounts of all receipts and expenditures by him made, and receive and render monthly accounts thereof to the city council.

Further duties of officers. § 6. The city council shall have power to impose on all officers other duties than those prescribed, and prescribe the duties and powers of all officers appointed or elected to office under this act, and to fix their compensation.

Deliverance of records. § 7. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to the city and appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his neglect and refusal to deliver up the same; and such successor shall and may recover possession of the property, books, papers, and effects of his office, and appertaining thereto, in the manner prescribed by the law of this state.

Commission of officers. § 8. All officers elected or appointed under this act, except aldermen, mayor and police magistrate, shall be commissioned by warrant, under the corporate seal, signed by the mayor and the city clerk.

Arrest, with or without process. § 9. The mayor, police magistrate, aldermen and city marshal, are conservators of the peace, and shall have power to arrest or cause to be arrested, with or without process, all persons who may be found drunk on the streets of the said city, and confine them in the city jail until they shall have become sober, and likewise so arrest all persons who shall break the peace or be found violating any ordinance of the city, and confine them in the city jail over night or the Sabbath day, or until they can be brought before the police magistrate of said city; and shall have and exercise such other powers, as conservators of the peace, as the city council may by ordinance prescribe.

ARTICLE IX.

Penalty for violations. SECTION 1. The city council shall have power to prescribe and provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders might lawfully be imprisoned under the constitution of this state.

Ordinances to be in full force. § 2. All ordinances and resolutions passed by the president and trustees of the town of Oneida, shall remain in full force until the same are repealed by the city council hereby created.

Division of city into wards. § 3. The present board of trustees of the town of Oneida shall have power, and it is hereby made their duty, before the first day of April next, to divide the city into two wards, by describing particularly the boundaries of each, and the number thereof; the wards to be as nearly equal in population as practicable.

Notice to officers elected. § 4. The president and trustees of the town of Oneida shall hold a meeting on the sixth day of April next, for the

purpose of determining who is elected to each office under this act, and shall cause the officers elected to be notified of their election.

§ 5. All actions, fines, penalties and forfeitures which have accrued or may accrue to the president and trustees of the town of Oneida, shall be and they are hereby declared vested in the corporation hereby created, and no suit commenced by the president of said town shall abate, by reason of the passage of this act, but may be prosecuted to effect the same as if this act had never been passed, and in the name in which the same was originally commenced; and any right of action the said president and trustees of the town of Oneida may have against any person or persons for a breach of the ordinances of the said town, shall be vested in and succeed to the corporation hereby created, and the fines and penalties for such breaches of town ordinances may be recovered by a suit at law, in the name of the president and trustees of the town of Oneida, for the use of the city of Oneida, before any court having jurisdiction thereof.

All actions and suits vested in corporation.

§ 6. 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 in the same manner and with like effect as appeals are now taken from the justices of the peace, under the laws of this state.

Appeals, how taken.

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

Act valid.

§ 8. The certificate of the city clerk, under the corporate seal, shall be conclusive proof and evidence of all ordinances and by-laws, and of the legal publication thereof to which it may be attached, in all courts and places.

All ordinances to be valid.

§ 9. All actions brought to recover any penalty, fine or forfeiture, under this act, or any ordinance or by-law made in pursuance thereof, shall be brought in the corporate name of the city, and it shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the section of this act, or the date of the passage of the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Collection of fines.

§ 10. In prosecutions for any violation of this act, or of any ordinance or by-law, the first process may be by summons, unless oath or affirmation be made for warrant, as herein provided.

First process to be summons.

§ 11. Whenever any person shall make oath or affirmation that any person or persons have been guilty of a violation of any ordinance of this city, a warrant may issue for his immediate apprehension therefor.

Arrests.

§ 12. The city of Oneida, hereby incorporated, shall assume all the debts and liabilities of the corporate town of

Liabilities and debts assumed.

Oneida, and the city council shall provide for the payment of the same, and all warrants or orders drawn by the president and trustees of the town of Oneida, and all warrants drawn by the city council, shall be received in payment of all taxes levied by the city council of Oneida.

Fines and forfeitures, how applied.

§ 13. All fines, forfeitures and penalties collected for offenses committed within the limits of the city, and all money received from licenses, shall be paid into the city treasury by the person collecting the same, and all fines and forfeitures collected of any citizen or person in or of said city, for any conviction in said city or the circuit court, shall be paid over in like manner.

ARTICLE X.

School district.

SECTION 1. All the territory embraced within the limits of this corporation, shall be comprised in and compose one school district. The city council shall have the exclusive control and management thereof, and possess all the rights, powers and liabilities of directors of school districts under the laws of this state, and may continue and keep in operation the schools of the city for and during the time in each year they may deem proper and expedient.

May borrow money and erect school houses.

§ 2. The city council shall have power to erect a school house within the limits of said city, of the size, dimensions and style as in their judgment will be suited to the wants of the city, and to that end, may borrow money necessary for its construction, and issue bonds for the payment of the same conditioned for the payment of the same within five years from the date of issue of said bonds. Said bonds may draw interest at the rate of ten per cent. per annum: *And, provided, also,* that no more than twenty thousand dollars shall be thus issued; and the city council may levy and collect a tax, for the purpose aforesaid, of four per cent. on the taxable property of the city, in each year, and no more.

Oath of office.

§ 3. All persons appointed to office under this act, before entering upon the duties of their respective offices, shall make, subscribe and file with the city clerk, the following oath, to-wit: I, —, solemnly swear that I will support the constitution of the United States and of this state, and that I will, according to the best of ability, perform the duties of the office of —, for the city of Oneida.

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

APPROVED March 4, 1869.

AN ACT to incorporate the city of Oregon.

In force when
adopted by legal
voters.

ARTICLE I.

OF BOUNDARIES.

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 Oregon, in Ogle county, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Oregon;" 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. Name and style.

§ 2. All that territory included in the original plat of the town of Oregon, James C. T. Phelps' addition to the town of Oregon, B. T. Phelps' addition to the town of Oregon, George W. Hill's addition to the town of Oregon, and Elias S. Potter's addition to the town of Oregon—all said territory, lots and lands, lying and being in the county of Ogle, and state of Illinois, according to the recorded plat of said town of Oregon, and the aforesaid additions thereto, and the islands in Rock river, opposite the said city, as at present bounded, and on the east side thereof. Additions to
the city.

§ 3. Whenever any tract of land adjoining the limits of the city of Oregon, on the east side of Rock river, opposite said city, shall be laid off into town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the city of Oregon. Annexation of
territory.

§ 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, to defend and be defended, in all courts of law and equity, and in all actions; to purchase, receive and hold property, both real and personal, within and 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. Corporate pow-
ers.

ARTICLE II.

OF THE CITY COUNCIL.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen. Mayor and
board of alder-
men.

§ 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 their successors shall be legally qualified; and at the first meeting of the city council, the aldermen shall be divided, by lot, into two classes. The seats of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of Aldermen.

the second year: so that one-half of the board shall be elected annually.

Qualification
of alderman.

§ 3. No person shall be an alderman, unless, at the time of his election, he shall have resided within the limits of said city one year immediately preceding his election, and shall have the necessary qualifications to vote for state officers, be a resident of the ward for which he is elected, and a citizen of the United States.

Office vacated.

§ 4. If any alderman shall, after his election, remove from the ward for which he was elected, his office shall be vacated. The mayor and aldermen shall serve without compensation from the city funds, until there shall be five thousand inhabitants in said city; and when the population shall exceed five thousand, the mayor shall receive such compensation as the city council shall determine.

Election returns

§ 5. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act.

Quorum.

§ 6. 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 pro-
ceedings.

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

Record of pro-
ceedings.

§ 8. 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.

Vacancies, how
filled.

§ 9. All vacancies that shall occur in the board of aldermen shall be filled by election.

Oath of office.

§ 10. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath (or make affirmation) to support the constitution of the United States, and of this state, and to well and truly perform the duties of their said office.

Tie vote.

§ 11. Whenever there shall be a tie in an election of alderman, 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.

Council meet-
ing.

§ 12. The city council shall meet regularly once every month, and hold called meetings as often as they may deem necessary.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

Presiding offi-
cer.

SECTION 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 two years, and until his successor shall be elected and qualified.

§ 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, and who shall not be a citizen of the United States, and a legal voter. Eligibility of mayor.

§ 3. In contested elections or tie vote for mayor, the city council shall determine the same by lot, in such manner as they may prescribe by ordinance. Contested elections.

§ 4. When any vacancy shall occur in the office of mayor, or other city office, such vacancy shall be filled by election. Vacancy in office of mayor.

ARTICLE IV.

OF ELECTIONS.

SECTION 1. On the second Tuesday of April next, an election shall be held in each ward of said city for one mayor, one city marshal, (who shall be, *ex officio*, collector,) one surveyor, (who shall be, *ex officio*, street commissioner,) one assessor, (who shall be, *ex officio*, treasurer,) one clerk, and one city attorney, [and] two police magistrates; and forever thereafter, on the second Tuesday of April in each year, there shall be an election for an alderman for each ward, and biennially there shall be an election for one mayor, one city marshal, (who shall be, *ex officio*, collector,) one surveyor, (who shall be, *ex officio*, street commissioner,) one assessor, (who shall be, *ex officio*, treasurer,) one clerk, one city attorney. The police magistrate shall be elected for four years. Election, time and place of.

§ 2. James O'Kane, Benjamin F. Shoets, Frederick M. H. Marsh, George P. Jacobs and Christian Lehman shall constitute a board of trustees for the said city of Oregon, and, immediately after the adoption of the charter by the citizens, shall divide the city into two wards, by lines running east and west, north and south, describing particularly the boundaries of such ward—the wards to be as nearly equal in population as practicable. The said trustees shall, by ordinance, provide for the first election of all officers to be elected under this act; shall canvass the votes, and declare who are duly elected, and make return of the election to the clerk of the county court, and to the secretary of state of the election of mayor and police magistrate, in the same manner that returns are made of the election of justices of the peace. Board of trustees.

§ 3. 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 six months next preceding said election, and who shall have paid such city tax as they may be subject to, shall be entitled to vote First election.

Qualification of voters.

for city officers: *Provided*, the said voters shall give their votes in the wards in which they respectively reside.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

- City taxes.** SECTION 1. The city council shall have power and authority to levy and collect taxes, for city purposes, upon all property, real and personal, within the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof: *Provided*, that after three years from the organization of the city, a higher tax may be raised, if two-thirds of the voters of the city shall agree thereto at a special election for that purpose, called by the mayor; and the city council may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of this state or of the United States.
- Inferior officers.** § 2. The city council shall have power to appoint any inferior officers that may be deemed necessary.
- Powers of the council.** § 3. The city council shall have power to require of all officers elected or 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 elected or appointed, as aforesaid, to take an oath or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of 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 two-thirds of the legal voters of said city shall vote in favor of any such loan the same may be negotiated, but not otherwise.
- Appropriations.** § 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.
- Hospitals.** § 6. To establish hospitals and make regulations for the government of the same.
- General health.** § 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.
- Provide water.** § 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, sidewalks, drains and sewers. Repair streets.
- § 10. To establish, erect and keep in repair bridges. Bridges.
- § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.
- § 12. To provide for lighting the streets and erecting lamp-posts. Lighting streets
- § 13. To establish, support and regulate night watches. Night-watches.
- § 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof. Markets and market houses.
- § 15. To provide for all needful buildings for the use of the city. Public buildings
- § 16. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds
- § 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers. Auctioneers, peddlers, etc.
- § 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 and drayage of property. Vehicles.
- § 19. To license and regulate porters and the rates of portage. Porters.
- § 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Exhibitions.
- § 21. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses. Bawdy houses.
- § 22. To provide for the prevention and extinguishment of fires, to organize and establish fire companies. Fire department
- § 23. To regulate the fixing of chimneys and to fix the flues thereof. Chimneys, etc.
- § 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Combustibles.
- § 25. To regulate and order parapet walls and partition fences, and to restrain cattle, sheep and hogs from running at large. Walls, fences.
- § 26. 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 upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order. Weights and measures.
- § 27. To provide for the inspection and measuring of lumber and other 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, measuring of charcoal, firewood and other fuel to be sold and used within said city. Forage and fuel.

Inspection of provisions.	§ 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whisky in barrels.
Lard and butter.	§ 30. To provide for and regulate the inspection of butter, lard and other provisions.
Bread.	§ 31. To regulate the weight and quality of bread to be sold and used in the city.
Bricks.	§ 32. To regulate the size of bricks to be sold and used in the city.
Census.	§ 33. To provide for taking the enumeration of the inhabitants of the city.
City officers.	§ 34. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.
Compensation.	§ 35. To fix the compensation of all city officers, to regulate the fees of jurors, witnesses and others for services rendered under this act, or any ordinance made in pursuance thereof.
Licenses.	§ 36. To license, regulate and tax the sale of malt liquors within the city; and no license shall be granted for more than one year, for which license said city council shall fix the sum to be paid for the same, not to be less than ten dollars.
Prohibit sale of liquors.	§ 37. To prohibit and suppress the sale of intoxicating drinks or liquors in quantity less than five gallons; and any person or persons who shall, within the limits of said city, by themselves, their agents or servants, sell any rum, gin, brandy, wine, whisky, spirituous or mixed liquors, in quantity less than five gallons, or shall suffer any rum, gin, brandy, whisky, wine, spirituous or mixed liquors, to be drunk on his or her premises, where the same is sold in quantities of five gallons or over, shall forfeit and pay to the said city, for the use of said city, the sum of fifty dollars for each and every offense, to be sued for and recovered in an action of debt in the name of the city of Oregon, before either of the police magistrates of said city, or by indictment in the circuit court of Ogle county, except as herein-after provided.
Licenses to druggists.	§ 38. To license, regulate and tax druggists; and no license shall be granted to druggists for more than one year, for which license the council shall fix the sum to be paid for the same, not to be less than twenty-five dollars: <i>Provided</i> , that druggists, duly licensed by said city, may sell pure rum, gin, brandy, wines and whisky, in any quantity, for mechanical or medicinal purposes, upon the written prescription of a regular licensed practicing physician that the same is necessary for the person so applying: <i>Provided</i> , further, that any druggists so licensed, shall enter in a book to be kept for that purpose, the name of the physician giving such prescription, the date thereof, to whom sold, the quantity, the name of the purchaser in full; which book shall, at all times, be open to the inspection of the
Duties.	

council of said city. If any licensed druggist shall fail or neglect to comply with any of the requirements in this section, such druggist shall forfeit and pay to the said city, for the use of said city, the sum of one hundred dollars for each and every such sale or neglect; which said sum of one hundred dollars shall be sued for and recovered in an action of debt, in the name of the city of Oregon, before either of the police magistrates of the said city.

§ 39. That any druggist licensed by said city who shall vend or sell any adulterated or drugged rum, gin, wine, brandy, whisky or mixed liquors, shall forfeit and pay to the said city, for the use of the said city, the sum of twenty-five dollars, for each and every such sale; and the said city council hereby have full power and authority to revoke the license of such druggist to sell rum, gin, wine, brandy, whisky or mixed liquors; said penalty of twenty-five dollars to be sued for and recovered, in an action of debt, before either of the police magistrates of the said city.

Penalty for
selling adulterated
liquors.

§ 40. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinances, or of this charter, and to provide for the recovery and appropriation of such fines and forfeitures, and enforcement of such penalties; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to the city, and disposed of by the city council under the ordinances of said city, for the general use and benefit thereof.

Regulate police.

§ 41. The city council shall have exclusive power, within the city, to license, tax and regulate billiard tables.

Billiards, etc.

§ 42. 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 incensistent with the constitution of the United States or of this state.

Powers of the
city council.

§ 43. The style of the ordinances shall be, "*Be it ordained by the City Council of the City of Oregon.*"

Style of ordinances.

§ 44. 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 public places in the said city of Oregon, and shall not be in force until they shall have been published as aforesaid.

Publication of
ordinances.

§ 45. 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.

Evidence and
proof of.

ARTICLE VI.

OF THE MAYOR.

Presiding officer SECTION 1. The mayor shall preside at all meetings of the city council, and in case of a tie, shall have the 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 meeting § 2. The mayor, or any two aldermen, may call special meetings of the city council.

Duty of mayor. § 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 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.

Inhabitant to aid in enforcing all ordinances. § 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 riots, to call on 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; any person who shall not obey such call shall forfeit to said city a fine not exceeding ten dollars.

Exhibit books. § 5. He shall have power, whenever he shall deem it necessary, to require of the officers of said city an exhibit of their books and papers.

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

Jurisdiction. § 7. 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 regulations thereof.

Salary of mayor § 8. He shall receive for his services, outside of the city, such salary as shall be fixed by ordinance of the city.

Malconduct. § 9. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality, in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Ogle county, and, on conviction, he shall be fined not exceeding two hundred dol-

lars; 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.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

SECTION 1. When it shall be necessary to take private property for opening, widening and 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 said compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of said city.

Taking private property for public use.

§ 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 condition to be prescribed by ordinance; but no compensation in such case shall 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.

Petitions for opening streets, alleys, etc.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing; said inquest to state who shall pay damages, and signed by each juror.

Inquests, etc.

§ 4. In ascertaining the amount of compensation for property taken for opening, altering or widening any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by any such opening, widening or altering such street, lane, avenue or alley; the police magistrate of said city shall have jurisdiction in all civil cases, to any amount not exceeding one hundred dollars, in Ogle county.

Benefits - and injury.

§ 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.

New inquests.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 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 the city over twenty-one years of age to labor on said

Labor on the streets and alleys.

streets, lanes, avenues and alleys, not exceeding three days in each year; and any person failing or refusing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay, for each day's work so neglected or refused, such amount as the city council may prescribe.

Citizens ex-
empt from road
labor outside of
city limits.

§ 2. The inhabitants of the city of Oregon are hereby exempt from working on any road or bridge beyond the limits of said city, and from paying any tax to procure laborers to work upon the same.

Punishment of
offenders.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the city or county jail, or by compelling them to labor on the streets of said city, in all cases when such offenders shall fail or refuse to pay fines or forfeitures that may be recovered against them.

Financial state-
ment.

§ 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.

Appeal taken.

§ 5. 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 Ogle county, 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 the state.

Vacancies, how
filled.

§ 6. Whenever the office of mayor shall become vacant by death, resignation or removal, the board of aldermen shall immediately proceed to elect one of their own number as mayor *pro tem.*, until the vacancy shall be filled by election, as herein provided.

Evidence and
proof of act.

§ 7. 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.

Conflicting acts
repealed.

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

Jurisdiction of
marshal.

§ 9. The city marshal, or any other officer authorized to execute writs or any other process issued by any judicial officer of said city, shall have power to execute the same anywhere within the limits of the county of Ogle, and shall be entitled to the same fees for service and traveling as are allowed to the sheriff in similar cases, for service of like character. The said city marshal shall, by virtue of his office, be a constable of Ogle county, with power to serve process and do all other acts that a constable may lawfully do; shall hold his office for two years, and shall give bond as other constables are required to give by law, which bond shall be filed in the office of the county clerk.

Ex-officio offi-
cers.

§ 10. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, also the marshal and constables, and are hereby authorized and

it is made their duty to arrest all persons who are violating or have violated any ordinance of the city, or any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall, willfully, interrupt or oppose them in discharge of the requirements hereof, shall be subject to the same penalties as though they had opposed or interrupted a marshal, sheriff or constable in the legal discharge of their duties. The members of the city council shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.

§ 11. There shall be elected at the first election for city officers, two police magistrates, who shall hold their offices for the term of four years and until their successors shall be elected and qualified; and said police magistrates shall be, *ex officio*, justices of the peace, and their jurisdiction shall extend over the entire county of Ogle. The governor shall commission the mayor of said city, and the said police magistrates and each magistrate shall execute and deliver unto the city clerk, within twenty days after his election, a bond, to be approved by said clerk, with one or more good and sufficient securities, in the sum of not less than \$2,000, conditioned that he will justly and fairly account for and pay over all money that may come into his hands under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter or the laws of this state to the best of his skill and abilities. Said bond shall be made payable to the city council of the city of Oregon, for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrates. Change of venue may, in all cases, be taken from one of the police magistrates to the other, and the practice and usages of the same shall be as in the justice's court.

Election of officers.

Commissioned by governor.

§ 12. The trustees named herein shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Oregon, and issue their proclamation for an election to be held in said city, at least ten days prior to the election for city officers, at which election, the inhabitants residing within the territory described in 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, this act shall immediately take effect as a law, and the trustees shall proceed as directed in article four of this charter; but if a majority of the votes shall be against the charter, then this act shall be of no effect, until the same shall be ratified as aforesaid.

Promulgation of act.

Extension of
school district.

§ 13. School district number nine, of township twenty-three, range ten, in Ogle county, is hereby extended so as to embrace and include all the territory within the limits of the city of Oregon, or that may hereafter be added thereto.

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

APPROVED April 1, 1869.

In force when
adopted by
legal voters.

AN ACT to incorporate the city of Polo, Ogle county.

Name and style.

Powers and pri-
vileges.

Corporate limits

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of Ogle, and state of Illinois, contained within the limits and boundaries hereinafter described, shall be a body politic and corporate, by the name and style of the "City of Polo," and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, complain and defend in all courts of law and equity, in all actions whatsoever; and may make and use a common seal, and alter the same at pleasure; to take and hold, receive, purchase and lease property, real and personal and mixed, as the purposes of the corporation may require, within or without the limits and boundaries of said city; to sell, lease, convey or dispose of property, real, personal and mixed, and to improve and protect said property, and do all other things in relation thereto as natural persons.

§ 2. The corporate limits and jurisdiction of the city of Polo shall embrace and include within its limits the following territory, viz: The whole of section sixteen (16), and the south half of section number nine (9), in township number twenty-three (23), range number eight (8) east of the fourth (4) principal meridian; also, the following described parts of section number fifteen (15), and ten (10), in the same township and range as above, to-wit: Commencing at the southwest corner of said section number fifteen (15), thence east forty (40) rods, thence due north to the northern boundary line of south half of said section number ten (10), thence west forty (40) rods to the section line separating said section number nine (9) and number ten (10), thence south along said section line to place of beginning; all being in the county of Ogle, and state of Illinois. Any tract of land, adjoining the city of Polo, laid off in town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of said city; and all parcels of land within the aforesaid limits and boundaries, that exceed in extent fifteen (15) acres, shall be exempted from taxation for city

revenue until the same shall be subdivided into lots of fifteen (15) acres or less, and each lot, when so divided, shall be taxed as other city lots; and until such parcels of land shall be laid off into city lots, the common council shall have no power to open new streets, across or through the same, without the consent of the owners thereof.

§ 3. The city of Polo shall, at present, constitute one ward and one election district, and the common council shall have power, by ordinance, to divide said city into as many wards as they may think necessary for the convenience of the people, and to change and alter the boundaries of said wards; and whenever said city shall be divided into wards, as herein provided, each ward shall be entitled to two aldermen.

Division of city
into wards.

§ 4. The municipal government of the city shall consist of a common council, composed of the mayor and, at present, six aldermen. The other officers of the corporation shall be as follows: A clerk, a treasurer, an attorney, a street commissioner, a police magistrate, a marshal, and as many policemen, night watchmen and such other officers and agents as may be provided for by this act, or the common council may, from time to time, decide. The mayor and aldermen shall hold their offices for one year, and until the election or appointment or qualification of their successors respectively. All officers mentioned in this act, and not otherwise especially provided for, shall be appointed by the common council by ballot; but the common council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the common council, provided the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Mayor and
board of alder-
men.

Appointment
of officers.

§ 5. On the second Monday in the month of March, A. D. 1869, and annually on that day thereafter, an election shall be held in said city for one mayor and six aldermen, 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. All subsequent elections shall be held, and returns made and conducted, as may be prescribed by ordinance.

Election of
officers.

§ 6. At the said first election, as aforesaid, and every four years thereafter, there shall be elected one police magistrate, with jurisdiction to hear and determine all civil actions, in which the amount claimed does not exceed two

Election of po-
lice magistrate.

hundred and fifty dollars; to be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 24, 1854; and all the provisions of said act and amendments are hereby declared applicable to said police magistrate.

Qualification of voters.

§ 7. All male inhabitants of said city shall be entitled to vote for city officers, who are qualified to vote for state officers, and shall have resided in the city thirty days next before any such election.

Who shall be mayor and aldermen.

§ 8. The president of the town of Polo, and the trustees thereof, shall be the mayor and aldermen of the city of Polo until their successors are elected and qualified. The present police magistrate shall be the police magistrate of said city until his successor is elected and qualified.

Oath of office.

§ 9. Every person elected or appointed to an executive, judicial or administrative office, under this act, shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States and of this state, together with the additional oath prescribed in the constitution of this state for officers, and also that he will well and truly perform the duties of his office according to law and the best of his ability.

Qualifications of officeholders.

§ 10. No person shall be eligible to any of the offices elective by the people, unless he shall at the same time be a legal voter of the said city, and shall have resided therein at least one year previous to the time of his election, and a freeholder within the city.

Election returns

§ 11. The common council shall judge of the qualifications of its officers, and also of the election returns, and shall determine all contested elections, as shall be prescribed by ordinance.

Quorum.

§ 12. A majority of the common council shall form a quorum to do business; but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as they may prescribe by ordinance.

Rules of proceedings.

§ 13. The common council shall have power to prescribe the rules of its proceedings, punish its members for disorderly conduct, for any violation of its rules, and, with the concurrence of two-thirds of the members elected, to expel a member.

Journal of proceedings.

§ 14. The common council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Vacancies, how filled.

§ 15. All vacancies which shall occur in the common council, or in the office of police magistrate, shall be filled by election.

Tie vote, mayor.

§ 16. Whenever there shall be a tie in the election of mayor, alderman or police magistrate, the judges of election shall

certify the same to the mayor, who shall determine the same by lot, in such way as shall be provided by ordinance.

§ 17. If any of the elective officers of said city shall remove from said city during the term for which they have been elected, the office of the person so removing shall become vacant. May declare office vacant.

§ 18. The mayor shall preside over the meetings of the common council, and see that all the ordinances of the city are enforced, respected and observed, and that all the officers of the city discharge their respective duties. In the absence of the mayor, any one of the aldermen present may be appointed to preside. In case of a tie, the mayor shall have the casting vote, but no other. The mayor shall be, *ex officio*, a member of the board of supervisors of Ogle county. Enforcing ordinances.

§ 19. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by or directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council. Alderman not to hold office.

§ 20. There shall be twelve stated meetings of the common council in each year, at such times and places as may be prescribed by the common council. Special meetings may be called by the mayor or any two of the aldermen. Meetings.

§ 21. The common council shall have the power to require all city officers to give bond, with sufficient sureties, for the due performance of all the duties of their respective offices. Give bond and security.

§ 22. The mayor and aldermen shall receive no compensation for their services as such officers. All other city officers shall receive such compensation for their services as the common council shall by ordinance or resolution prescribe. Compensation

§ 23. The common council shall have power, from time to time, to require and prescribe other and further powers and duties of all officers whose powers and duties are herein prescribed; and prescribe and determine the powers, duties and liabilities of all officers appointed or elected to any office under this act, and whose powers, duties and liabilities are not herein specifically mentioned. Further duties of officers.

§ 24. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten or attempt to break the peace, or be found violating any ordinance of the city, commit for examination or trial, and, if necessary, detain such persons in custody over night or the Sabbath, in the city prison or county jail, or other safe place, or until they can be brought before a proper magistrate; and Conservators of the peace.

shall have and exercise such other powers, as conservators of the peace, as authorized by law or prescribed by ordinance. Policemen and watchmen are hereby declared conservators of the peace within said city.

Powers of the
city marshal.

§ 25. The city marshal shall be a conservator of the peace, and shall have power to suppress riots and breaches of the peace and to take into custody any person who shall in his presence be engaged in the commission of any such offense, or any indictable offense, and take such persons before the proper magistrate for examination or trial. Said marshal shall have power to restrain, for a reasonable time, all persons who shall be found drunk or who shall threaten or attempt to break the peace, or who shall violate or threaten or attempt to violate any ordinance or police regulation of said city, and he shall be authorized to command assistance for such purpose of every male inhabitant of said city, over the age of eighteen years, to aid in the enforcing of the laws and ordinances of said city; and any person who shall, without legal cause, refuse or neglect to obey such call, shall forfeit to said city a fine not exceeding five dollars and not less than three dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Jurisdiction.

The city marshal shall have power to execute writs or any other process issued by the police magistrate or any justice of the peace in said city, any where within the limits of the county of Ogle, and shall be entitled to the same fees for traveling as constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Ogle county, with power to serve processes and to do all acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law, and shall give bond as other constables are required by law to give—which bond shall be filed in the office of the city clerk.

Duty of clerk.

§ 26. The clerk shall keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the common council, certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall, likewise, draw all warrants upon the treasury and sign the same, and keep an accurate account thereof in a book to be provided for that purpose. He shall also have power to administer any oaths required by the laws of this state, or by this act or the ordinances of said city, and shall be the keeper of the corporate seal.

Attorney.

§ 27. It shall be the duty of the city attorney to conduct all the law business of the corporation and all other law business in which the city shall be interested, when so ordered by the common council. He shall draft all ordi-

nances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city, and to perform such other duties as may be prescribed by the ordinances of the city.

§ 28. The city treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures. Treasurer.

§ 29. All warrants drawn upon the treasury, must be signed by the clerk and countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no moneys shall be otherwise paid than upon such warrants so drawn. The treasurer shall keep a separate account of such fund or appropriation, and the debits and credits belonging to them, and to perform such other duties as may be ordained by the common council. Warrants to be signed by mayor

§ 30. It shall be the duty of the street commissioner to superintend all local improvements in the city, when so instructed by the common council, and to carry into effect all orders of said council in relation thereto. It shall be his duty to superintend the opening of streets and alleys and the grading, improving and repairing the same; the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to owners of property adjoining such sidewalks, when required, and, upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, in proportion to the benefits resulting thereto, and deliver the accounts thereof to the city clerk, to be laid before the council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account; and he shall render accounts thereof, and of all his proceedings to the common council as often as required by them. He shall also see that the streets, alleys and sidewalks are kept free and clear of all obstructions, and do and perform all other acts and duties required of him by the common council. Street commissioner, duty of.

§ 31. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor shall and may recover possession of the books, papers and property appertaining to Plans and estimates.
Surrender of property, etc. to successor,

his office, in the manner prescribed by the laws of this state.

- Finances and property. § 32. The common council shall have the management, disposition and control of the finances and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance,
- Gaming houses. *First.*—To restrain and prohibit all description of gaming and fraudulent devices, and all playing of dice, cards, and other games of chance, with or without betting.
- Billiards. *Second.*—To license, tax, regulate, suppress and prohibit billiard tables and all other gaming tables, pin and ball alleys, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.
- Bawdy houses. *Third.*—To restrain, regulate, prohibit and suppress gambling houses, bawdy houses, houses of ill-fame, and other disorderly houses.
- Auctioneers, peddlers, etc. *Fourth.*—To tax, license and regulate auctioneers, peddlers, hawkers, brokers and pawn-brokers.
- Porters, etc. *Fifth.*—To tax, license, regulate and suppress hackmen, draymen, wagoners, carters, porters, omnibus drivers, cabmen, and all others, whether in the permanent employment of any individual, firm or corporation, or otherwise, who may pursue like occupation, with or without vehicles, and prescribe their compensation.
- Exhibitions. *Sixth.*—To license, tax and regulate theatrical and other exhibitions, shows, and other amusements.
- Suppress disorderly houses. *Seventh.*—To suppress and prevent any riot, noise, disturbance or disorderly assemblage.
- Offensive establishments. *Eighth.*—To compel the owner or occupant of any grocery, cellar, tallow or soap factory, tannery, stable, barn, privy, sewer, drain, or other unwholesome, nauseous or nuisance house or place, to cleanse, remove or abate the same from time to time, as the health and comfort of the public may require.
- Markets. *Ninth.*—To establish and regulate markets and other public buildings, and determine their location, and license and prohibit butchers and revoke their licenses for misconduct in the course of trade; to regulate, license and restrain the selling of fresh meats, fresh fish and vegetables in the city, and restrain and punish for selling [forestalling].
- Breweries, tanneries, etc. *Tenth.*—To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of and regulate, restrain, abate and prohibit, within the city, distilleries, slaughter houses, establishments for rendering or steaming tallow, offal and such other substances as can or may be rendered, and establishments or places where any nauseous or offensive or unwholesome business may be carried on,

Eleventh.—To direct and prohibit the location and man- Combustibles.
agement of houses for the storing of gunpowder and other
combustible and dangerous materials within the city.

Twelfth.—To regulate the keeping and conveying of Lights in barns,
outhouses, etc.
gunpowder and other combustible and dangerous materials,
and the use of candles and lights in barns, stables and out-
houses.

Thirteenth.—To prevent horse-racing, immoderate riding Fast driving.
or driving in the streets, and to authorize persons immoder-
ately riding or driving, as aforesaid, to be stopped by any
person, and to prohibit and punish the abuse of animals;
to compel persons to fasten their horses, oxen or other ani-
mals attached to vehicles, or otherwise, while standing or re-
maining in the streets or alleys or any place within the
limits of the city; and, also, to regulate the rate of speed Locomotives.
at which locomotives and cars may be driven in said city.

Fourteenth.—To prevent the incumbering or obstructing Incumbering
streets.
of sidewalks, streets, lanes, alleys, avenues, public grounds
with carriages, carts, sleighs, sleds, wagons, wheelbarrows,
boxes, lumber, timber, fire-wood, posts, awnings, signs, or
any other substance or materials whatever.

Fifteenth.—To prevent any person from bringing, de- Offensive matter
positing or leaving within the limits of the city, any dead
carcass or any other unwholesome or offensive substance,
and to require the removal or destruction by any person who
shall have placed or caused to be placed upon or near his
premises any such substances or any putrid or unsound
beef, pork, meat or fish, hides or skins of any kind, and
in his default, to authorize the removal or destruction of
the same by some officers of the city.

Sixteenth.—To prevent lewd and obscene or indecent Indecencies.
exhibitions, exposure or misconduct, or of the use of ob-
scene or indecent language; to restrain and punish va-
grants, mendicants, street beggars and prostitutes.

Seventeenth.—To restrain, regulate or prohibit the run- Running at
large of animals
ning at large of cattle, horses, swine, or other animals, to
authorize the impounding and sale of the same for the
penalty incurred and the cost of the proceedings, and also
to impose penalties on the owners of any such animals for
the violation of any ordinance in relation thereto.

Eighteenth.—To prevent and regulate the running at Dogs at large.
large of dogs and sluts, and to authorize the destruction of
the same when at large contrary to ordinance. To prevent
the firing of crackers, squibs, rockets, firearms, and all
manner of fireworks within the city, or any amusement or
practice having a tendency to annoy persons passing on the
streets or sidewalks, or to frighten horses or teams.

Nineteenth.—To compel all persons to keep the snow, ice, Obstructions.
dirt or rubbish from the sidewalks in front of the premises
owned or occupied by them. To prevent or regulate the Unusual noises.
ringing of bells, blowing of horns and bugles, crying

of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusements or otherwise. To establish and erect pounds and regulate the same, and to provide penalties and fines for breach thereof or any injury thereto. To establish, make and maintain public cisterns, reservoirs, and to dig wells and erect pumps in the streets, for the extinguishment of fires and the convenience of the inhabitants. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies and to regulate the same, and to regulate the building and fixing of chimneys, flues and stove pipes; to prevent the deposit of ashes in unsafe places.

Wells, cisterns.

Extinguishment of fires.

Wooden buildings.

Twentieth.—To prescribe limits within which wooden buildings shall not be erected or placed, or repaired or removed, without the permission of the common council, and to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof materials, exclusively, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and prescribe the manner of ascertaining such damages.

Destruction of property.

Twenty-first.—To prohibit and punish any willful or malicious destruction of public or private property; to fence, improve, ornament and protect any public grounds, and cause shade trees to be planted in the same; to direct and regulate the planting and preserving of ornamental and shade trees in the streets, alleys and highways. To take an enumeration of the inhabitants as often as they may judge it necessary.

General health.

Twenty-second.—To secure the general health of the inhabitants of the city; to make regulations to prevent the introduction of contagious diseases into the city; to establish hospitals and pest houses, and to provide for the removal of patients thereto; to prevent the spread of contagious diseases, and make quarantine laws for that purpose.

Lighting streets

Twenty-third.—To erect street lamps and regulate the lighting thereof, and from time to time create, alter and extend lamp districts; to have exclusive power over the streets and alleys, and remove and abate any nuisances, and punish the authors thereof by penalties, fines and imprisonments, and define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Cemeteries.

Twenty-fourth.—To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others for any default in relation thereto.

Twenty-fifth.—To regulate the measurement and inspection of wood, lumber, shingles, timber, posts, staves and heading and all building materials, and to appoint one or more inspectors; to regulate the weighing and place and manner of storing and selling hay; to regulate the weighing and selling of coal and the place and manner of selling the same; to regulate the inspection of flour, meal, pork, beef, poultry and other provisions and salt, to be sold in barrels, hogsheads or other packages; to create and regulate the police of said city; to appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees; to exclusively control, regulate, repair and amend and clean the streets, alleys and sidewalks and crosswalks and other public grounds, and open, widen, straighten and vacate streets and alleys, and put drains and sewers therein.

Fire-wood and
lumber, etc.

Inspection of
meats, etc.

Streets and al-
leys.

Twenty-sixth.—To borrow money, not exceeding one thousand dollars in any one year, without a vote of the legal inhabitants of said city, and pledge the revenues of the city for its payment, and issue bonds therefor.

May borrow
money and issue
bonds.

Twenty-seventh.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expenses to be assessed and collected in the same manner as sidewalk assessments.

Drains, side-
walks, etc.

Twenty-eighth.—To authorize and direct the taking of and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Destitute chil-
dren.

Twenty-ninth.—To appropriate money and provide for the payment of debts and expenses of the city; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city.

Appropriations.

Thirtieth.—The common council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such ordinances, rules or police regulations, and to punish violations thereof by fines, penalties and imprisonments in the county jail, city prison, or both, in the discretion of the magistrate or court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars nor the imprisonment six months for any offense; and such fine or penalty may be recovered with costs, in the action of debt in the name and for the use of the city, before any court having jurisdiction, and

Further pow-
ers of council.

Fines and imprisonment.

punishment inflicted ; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, or city prison, or be required to labor on the streets, or other public works of the city, for such time and in such manner as may be provided by ordinance.

Style of ordinances.

Thirty-first.—The style of the ordinance of the city shall be, "*Be it ordained by the Common Council of the City of Polo.*"

Publication of ordinances.

Thirty-second.—All ordinance of said city, before they come in force, shall be published ten days, either by posting written or printed notices thereof in three public places in said city, or by one insertion in a newspaper published in said city.

Proof.

Thirty-third.—All ordinances of said city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed and published by authority of the city, the same shall be received in evidence in all courts and places without further proof.

Financial statement.

Thirty-fourth.—The common 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 expended.

Levy taxes.

§ 33. The common council shall have power and authority to levy and collect a tax, not exceeding one per cent., annually, for all revenue purposes. All taxes for revenue shall be levied upon and according to the assessed value of the property, real and personal, included in said corporation, as assessed by township assessor of the town of Buffalo for each year, respectively.

Rate of assessment on property.

§ 34. The said common council shall have power, and it shall be their duty, before the first day of September of each year, to determine, by ordinance, the rate per cent. upon the assessed value of the property assessed by the said town assessor within the limits of said corporation, for which a tax shall be levied for the current year ; a copy of said ordinance, together with an alphabetical list of the resident tax-payers of the city, shall be filed with the county clerk of the county of Ogle, whose duty it shall be to extend such tax upon the books of the collector of the town of Buffalo, in a separate column, to be provided for that purpose, in the same manner that he is now required 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 tax shall be collected in every respect and the collection thereof be 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. Every

Extend tax list.

court in Ogle county shall have the same power to render judgment against lands and lots within said city, for taxes due said city for city purposes, as for the time being it may have to render judgment for county and state taxes; and such judgment shall have the like force and effect as if rendered for delinquent county or state taxes. For his services in carrying out, adding and extending said tax in the books of the collector, said county clerk shall receive one-half cent for each lot or tract, and one-half cent on each person's name assessed for personal property, to be paid out of said city tax when 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 him collected; the fees of the collector to be paid out of the taxes when collected.

Jurisdiction of courts.

Collector's fees.

§ 35. The common council shall have power to declare what shall be a nuisance within the limits of the city, and may provide for the abatement and removal thereof.

Nuisances.

§ 36. The common council shall also have power, by ordinance, to levy and collect a special tax on the lots in any street, lane, avenue or alley, in proportion to the benefits resulting thereto, for the purpose of constructing sewers, water-ways, and for paving, flagging, grading or planking any sidewalk, avenue or street to the center of the same.

Special taxes.

§ 37. The common council, by ordinance, may require every able-bodied male resident of the city, over the age of twenty-one years, and under fifty years, to labor (not exceeding three days in each year) upon the streets, alleys and avenues of said city, at such time and in such manner as the street commissioner may direct. But any such person may, at his option, pay in lieu thereof one dollar and a half for each day he shall be so assessed to labor, and such labor or payment shall be in lieu of labor required to be performed upon any road, street or alley by any law in this state; and in default of the performance of such labor or payment of such money, the party thus neglecting shall forfeit and pay the sum of two dollars for each and every day so neglected or refused, to be paid in labor or money as aforesaid, to be recovered by the city before the police magistrate or any justice of the peace of said city.

Street labor, how performed.

§ 38. All ordinances heretofore passed, or that may be passed by the president and trustees of the town of Polo, shall remain in full force until repealed by the common council; and all rights, actions, fines, forfeitures and penalties, in suit or otherwise, which have accrued to the president and trustees of the town of Polo, shall be vested in and prosecuted by the corporation hereby created.

Prior ordinances to be in force

§ 39. All property, real, personal and mixed, belonging to the president and trustees of the town of Polo, is hereby vested in the corporation hereby created by this act.

Vested property

- Change venue. § 40. In all cases under the ordinances of said city changes of venue and appeals shall be allowed, as in other cases before justices of the peace.
- Incompetent judges, etc. § 41. No person shall be an incompetent judge, magistrate, justice, witness or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which the city is a party in interest.
- Railroad job-structions. § 42. The said common council shall have power to regulate the time that locomotive engines and railroad cars may obstruct the streets of said city.
- Prohibit sale of liquor. § 43. No person or corporation shall sell, barter, exchange, dispose of or give away, within the boundaries of said city, any whisky, rum, gin, brandy, wine, ale, beer, porter, lager beer, nor any strong fermented, spirituous, vinous, intoxicating, malt or mixed liquors, nor any Drake's Plantation bitters, Hostetter's bitters, Jockey Club bitters, Red Jacket bitters, brandy peaches, or any so-called patent medicines, composed in part of intoxicating liquors, for any purpose, without a license so to do from the common council. Any person violating the provisions of this section shall be fined therefor, not less than ten dollars nor more than seventy-five dollars for each offense, in an action of debt at the suit of said city, before any justice of the peace residing within the said city limits.
- Punishment for violations. § 44. Upon complaint being made before any justice of the peace of a violation of any of the provisions of the last preceding section, the said justice of the peace shall issue his warrant for the arrest of the alleged offenders.
- Imprisonment. § 45. The common council may provide, by ordinance, for the imprisonment in the common jail of Ogle county, of all persons convicted of either of the offenses enumerated in section forty-three of this act, and who shall neglect or refuse to pay such fines.
- Notice of election. § 46. In case of failure to hold the first election provided for in this act, upon the day herein mentioned, the same may be held within a reasonable time thereafter, sufficient notice thereof being given.
- Conflicting acts repealed. § 47. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.
- Election for adoption of the charter. § 48. The board of trustees for the town of Polo shall, on Saturday, the twenty-seventh day of February, 1869, submit the question whether this charter shall become a law or not, to the legal voters residing within the territory described and limited in this charter; and if it shall appear as the result of said election, held under the direction of said board of trustees, that the majority of all the votes cast at said election shall be in favor of this charter, then this charter, with all its provisions, shall become a law, otherwise said charter shall be, in all its parts, null and void.

§ 49. This act is hereby declared to be a public act, and shall be in force from and after its passage.

APPROVED Feb. 19, 1869.

AN ACT to incorporate the city of Paris.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

In force when
adopted by
legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the city 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 City 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.

Name and style.

§ 2. The boundaries of said city shall embrace all the following tracts of land: Section one (1), in township thirteen (13) north, of range twelve (12) west; also the east half of the east half of section two (2), in the same township and range; also the north-west quarter of the south-east quarter of said section two (2); also the south-west quarter of the north-east quarter of said section two (2); also the east half of the south-east quarter of the south-east quarter of section thirty-five (35), in township fourteen (14) north, of range twelve (12) west; also the south half of the south half of section thirty-six (36), in township fourteen (14) north, of range twelve (12) west; also the north-east quarter of the south-west quarter of the said section thirty-six (36); also the north-west quarter of the south-east quarter of said section thirty-six (36); also the tract of land known as Penn's addition to the town of Paris, and being the south sixty (60) acres of the west half of the south-west quarter of section thirty-one (31), in township fourteen (14) north, of range eleven (11) west; also the west half of the west half of section six (6), in township thirteen (13) north, of range eleven (11) west; also the north half of the north half of section twelve (12), in township thirteen (13) north, of range twelve (12) west.

Boundaries.

§ 3. Whenever any tract of land adjoining the city 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 city of Paris.

Additions.

§ 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 whatsoever; to purchase, receive and hold property, real and personal, in said city,

Corporate powers.

and to purchase, receive and hold property, real, beyond the limits of said city, for burial grounds, for the use of the inhabitants of said city; and to sell, lease, convey and improve property, real and personal, for the benefit of said city; and to do all other things in relation thereto as natural persons.

Description of boundaries of wards.	§ 5. The city of Paris shall be divided into four (4) wards, as follows, to-wit: All that part of the city which lies south of a line running west from the centre of the public square and west of a line running south from the centre of said square, shall be denominated the First Ward.
Second ward.	All that part of the city which lies south of a line running east from the centre of said square and east of a line running south from the centre of said square, shall be denominated the Second Ward.
Third ward.	All that part of the city which lies north of a line running east from the centre of said square and east of a line running north from the centre of said square, shall be denominated the Third Ward.
Fourth ward.	And all that part of the city which lies west of a line running north from the centre of the said square and north of a line running west from the centre of said square, shall be denominated the Fourth Ward.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

City council.	SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and one alderman from each ward. The officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor and collector, a city surveyor and engineer, a city supervisor, and a police magistrate, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and perform such duties as may be prescribed by ordinance.
Officers,	

Term of office.	§ 2. All officers elected or appointed under this act, except aldermen and the police magistrate, shall hold their offices for one year, and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the third Monday of May, in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: <i>Provided</i> , the mayor or marshal may be authorized to remove them from office, for good cause. All officers elected or appointed to fill vacancies, shall hold for
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the unexpired term only, and until the election or appointment and qualification of their successors.

§ 3. The several wards in the city shall be represented Aldermen. in the city council by one alderman from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years from and after their election, and until the election and qualification of their successors. At the first Two classes. meeting of the city council, after the first annual election under this charter, the aldermen shall be divided, by lot, into two classes, consisting of two aldermen each. 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.

§ 4. If from any cause there shall not be a quorum, Vacancies, how filled. the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, from any cause, the officers herein named shall not be appointed on the second Monday of May, in each year, the city council shall adjourn, from time to time, until such appointments are made. If there should Failure to elect. be a failure of the people to elect any of the officers herein required to be elected, the city council may, forthwith, order a new election.

§ 5. Any officer elected or appointed to any office, may Removal from office. be removed from such office by a vote of three-fourths of the aldermen authorized by law to be elected; but no officer shall be removed, except for good cause, nor unless first furnished with the charges against him, and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purposes of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer such charge, then the city council may declare the office vacated: *Provided*, this section shall not be deemed to apply to any officer [?] by the city council. Such officer may be removed, at any time, by a vote of three-fourths, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges, when preferred.

§ 6. Whenever any vacancy shall occur in the office of Vacancy in office of mayor. mayor, alderman, or police magistrate, such vacancy shall be filled by a new election; and the city council shall order such new election, within ten days from the time such vacancy occurs. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies, if more than nine months of the term have expired.

Qualification of
officeholders.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act; but no person shall be eligible to office under this act, or any act in relation to said city, who is now or may hereafter become defaulter to said city, or the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public moneys which may have come to his possession; and if any person holding any such office or place within the city shall become a defaulter, while holding such office or place, the same shall thereupon become and be declared vacant.

Tie vote.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

ELECTIONS.

Election, when
and where held.

SECTION 1. A general election of all the officers of the corporation required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Monday of May, in each year, at such places as the council may appoint, and of which six days' previous notice shall be given, by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

Manner of vot-
ing.

§ 2. The manner of voting and conducting the elections held under this act, and contesting the same, the keeping of the poll lists, canvassing of votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law for general elections in this state: *Provided*, the city council shall have power to regulate such elections and to appoint the judges thereof. Voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same powers and authority, as the judges of general elections. After the closing of the polls, the ballots, in the manner provided by law, and the returns, shall be returned, sealed, to the city clerk, within three days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election. The person having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appoint-

Declare result.

ment ; and such person shall qualify within twenty days thereafter [or] the office shall become vacant.

§ 5. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and has not been a resident of the city at least six months next preceding said election ; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath, before he is permitted to vote : “ I swear (or affirm) that I am the age of twenty-one years, that I am a citizen of the United States, (or was a resident of the state of the time of the adoption of the constitution), and have been a resident of the state one year and a resident at this city six months, and have been for ten days and am yet a resident of this ward, and have not voted at this election : ” *Provided*, the voter shall be deemed a voter of the ward in which he is accustomed to lodge.

Qualification
of voters.

Oath.

§ 4. No election shall be held in any grog-shop or other place where intoxicating liquors are sold at retail or wholesale.

No election in
bar-rooms, etc.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom the same was taken, with the city clerk.

Oath of office.

§ 2. The mayor, before he enters upon the duties of his office, shall, in addition to the usual oath, swear (or affirm) “that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require.” He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all the officers of the city discharge their respective duties. He shall cause negligence and positive violation of duties to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

Oath of mayor.

Mayor's duties.

§ 3. The mayor is hereby authorized to call upon any and all male white inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city ; and any person who shall not obey such call, shall forfeit to the city [a fine] of not less than five dollars.

Enforcing or-
dinances, etc.

§ 5. The mayor shall be liable to indictment in the circuit court of Edgar county, for palpable omission of duty,

Malconduct of
mayor.

willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add, as a part of the judgment, that he be removed from office.

Salary of mayor.

§ 6. The mayor shall receive such salary as shall be fixed by ordinances, not exceeding five hundred dollars per annum.

Approval of ordinances.

§ 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk; and if the mayor approve thereof, he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections to the same. Upon the return of any ordinances or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members elected to the council shall agree, by yeas and nays, which shall be entered upon the journal, to pass the same, it shall go into effect. And if the mayor shall neglect to approve or object to any such proceedings for a longer period than ten days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. The mayor shall be, *ex officio*, police magistrate, and shall have concurrent jurisdiction, in the hearing and punishment of all offenses in violation of the city ordinances; and in case of the absence, sickness or other disability of the police magistrate, it shall be and is hereby made his express duty to try all causes arising under the ordinances of the city. He shall, also, *ex officio*, have power to administer any oath required to be taken by this or any other law of the state; to take depositions, 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.

Ex officio police magistrate.

Acting mayor.

§ 8. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its own members, by ballot, to preside over its meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of the mayor, until the mayor shall resume his office, or the vacancy be filled by a new election.

Fire wardens.

§ 9. The members of the city council, together with the mayor, shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty or street labor during their term of office.

Clerk's duties.

§ 10. The clerk shall keep the corporate seal, and the papers and books belonging to the city. He shall attend all the meetings of the city council, and keep a full record of

their proceedings upon the journals; and copies of all the papers duly filed in his office, and transcripts of the journals of the proceedings of the city council, duly certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

§ 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the city council or the mayor, or any of its committees: *Provided, however,* the offices of city attorney and clerk may be vested in the same person. Attorney.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the city clerk. Such warrants shall specify for what purpose the amount therein shall be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election in each year, and oftener, if required, a full and detailed account of all the receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the city clerk. Treasurer.

§ 13. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license money, fines or otherwise. He shall possess and [the] authority of a constable at common law and under the statutes of this state, and shall receive like fees, but shall not serve civil process unless he shall first enter into bond, as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof. Marshal.

§ 14. The city engineer and surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and shall receive such fees and emoluments for his services, as the city council shall direct and prescribe. He shall possess the same power, in making plats and surveys in the city, as is given by law to the county surveyor. He shall, when required, superin- Engineer and
surveyor.

Powers of the
surveyor.

tend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of the streets and alleys; but such plans, estimates, contracts, grades and boundaries, shall be first reported to the city council, and approved by them, or they shall not be valid.

Assessor and collector.

§ 15. The assessor and collector shall perform all the duties in assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to town or county assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council; and perform such other duties as may be herein prescribed, or ordained by the city council.

Supervisor.

§ 16. The supervisor shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and surveys [sewers]; to order the laying, re-laying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, re-laid, repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to any streets and alleys, bridges, culverts and sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and all disbursements thereof, specifying to whom made and on what account; he shall render quarterly accounts thereof to the city council.

Plans and estimates.

Jurisdiction of magistrate.

§ 17. The police magistrate, under the charter of the city of Paris, shall do and perform all the duties now required by the law creating the office of police magistrates, entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27th, 1854; and, in addition thereto, shall have full power and authority to hear, try and punish, in such manner as may be prescribed by the ordinances of the city, all persons guilty of violating any of the provisions of the same; *Provided*, that the present incumbent shall hold

over until the term for which he was elected shall expire, and that his successor be elected at the annual city election of the year in which his term expires, and every four years thereafter.

§ 18. The city council shall have power, from time to time, to require further and other duties from all the officers whose duties are herein specified, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Paris, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council, certified thereon by the clerk, shall be filed in his office.

Requirements
of officers.

§ 19. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all books, property, papers and effects of every description in his possession, belonging to said city or appertaining to their said office, he shall forfeit and pay for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office in the manner now provided by law.

Surrender of
books, etc., to
successor.

§ 20. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal of the city, signed by the mayor or presiding officer of the city council and clerk; and they shall, severally, receive such compensation as may be fixed by the ordinances of said city; and those of them not heretofore exempted are, by this section, severally exempted from serving upon juries and from road or street labor.

Commission of
officers.

ARTICLE V.

POWERS OF THE CITY COUNCIL AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the city council. The council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only the casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

City council.

Mayor.

§ 2. The members of the city council shall receive such compensation for their services as the city council shall

Compensation
of city council.

Not to be interested in contracts.

direct: *Provided*, that no member of the city council shall receive more than two dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same. No member of the city council shall be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the city council, or to be directly or indirectly interested in any contract, the expense and consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Stated meetings

§ 3. The city council shall hold twelve stated meetings, one in each month, during the year; and the mayor or any two aldermen may call special meetings by notice to each of the members of the city council, served personally or left at their usual place of abode; that said council of the city shall not, at any time, issue city bonds for a greater amount than ten thousand dollars, without submitting the question of issuing such bonds to a vote of the legal voters of said city; which vote or election shall be held as elections are now held under this charter for the election of such officers of the corporation as by this act are required to be elected by a vote of the people. If there be a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officer, to issue said bonds. Petition and remonstrance may be presented to the city council; and they shall determine the rules of their own proceedings, and be the judges of the election and qualification of their own members; and shall have power to compel the attendance of absent members.

Bonds.

Petitions, etc.

Finances and property.

§ 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the city, by ordinance—

May borrow money.

First.—To borrow money on the credit of the city, and issue the bonds of the city therefor, as provided in the preceding section; but no sum of money shall be borrowed at a higher rate of interest than the rate of ten per cent., nor shall a greater sum or sums be borrowed, or at any time be outstanding, the interest upon the aggregate of which shall exceed the one-half the city revenue arising from the ordinary taxes within the city for the year immediately preceding. No bonds shall be issued or negotiated at more than two per cent. below par value, and, when so issued or negotiated, the interest on the same shall not exceed the rate of ten per cent. The appropriations of the city council for the payment of the interest, for improvements and city expenses, during any one fiscal year, shall not exceed the whole of the ordinary revenue of the city for the fiscal year immediately preceding; but the council may apply

any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose; or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Second.—To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations.

Third.—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof. Contagious diseases.

Fourth.—To make regulations to secure the general health of the inhabitants; to prevent, abate and remove nuisances, and to punish the authors thereof by penalties, fines and imprisonments: to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. General health.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets, within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water. Provide water.

Sixth.—To have the exclusive power and control over the streets, alleys and highways of the city, and to abate or remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains or sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury. Streets, alleys, and highways.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and crossings, and regulate the construction and use of the same, and abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons. Bridges and sidewalks.

Eighth.—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts; to exclusively regulate and control and direct the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks. Lighting streets

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location and authorize their erection in the streets and ave- Markets and market houses.

nues of the city, and the continuation of such as are already within the same.

Public grounds
and cemeteries.

Tenth.—To provide for the inclosing, regulating and improving of all public grounds and cemeteries belonging to and used by the city, either within or without the same, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds.

Hospitals.

Eleventh.—To erect or establish one or more hospitals or dispensaries, and control and regulate the same.

Incumbering
streets.

Twelfth.—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the streets and sidewalks and gutters, in front of premises occupied by them.

Merchants,
peddlers, etc.

Thirteenth.—To license, tax and regulate merchants, commission merchants, inn keepers, brokers, money brokers, insurance brokers, and auctioneers; to impose duties on the sale of goods at auction; to license, tax, regulate and prohibit and suppress hawkers, peddlers, pawn-brokers, grocery keepers, and keepers of ordinaries, theatrical and other exhibitions, shows and amusements.

Porters, hack-
men, etc.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; to regulate and restrain runners for stages, cars and public houses.

Tippling houses

Fifteenth.—To license, tax, regulate and suppress billiard tables, bagatelle or Jenny Lind tables, or similar tables, pin alleys and ball alleys; to suppress, restrain and prohibit gambling or gaming houses, disorderly houses, bawdy houses, tippling shops, groceries, lotteries, gift enterprises, and all fraudulent devices and practices, and all playing of cards, dice or games of chance of any kind, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming. And this division (the fifteenth) shall extend one mile beyond the city limits.

Issue licenses.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than five nor more than one thousand dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed five dollars; but no license for the sale of wines or other ardent or vinous, fermented or malt liquors, at wholesale or retail, by grocery keepers, inn-keepers or others, shall be issued for less than four hundred dollars, except ale and beer, which shall not be less than fifty dollars; and all licenses

for the sale of liquors of any kind shall expire on the last day of June in each year.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating, malt or mixed liquors by any person, within one mile of the city limits, except by persons duly licensed; and to provide for the searching, seizing and destruction of all such intoxicating, fermented, malt or mixed liquors within such distance; and to forbid and punish the selling or giving away of any such liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master, or mistress. Sale of liquors, to prohibit, etc.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, butter, lard and other provisions, and the place and manner of selling fish and the inspection of the same. Forestalling and regrating.

Nineteenth.—To regulate, license and prohibit butchers, and revoke their licenses for malconduct in the course of trade. Butchers.

Twentieth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders and dealers in merchandise, or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city clerk, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance. Weights and measures.

Twenty-first.—To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts and staves, headings, and all kinds of building materials, and for the measuring of all kinds of mechanical work, and appoint one or more inspectors or measurers. Lumber.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone-coal, and the place and manner of selling the same; to regulate the measurement of fire-wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same. Hay, lime, etc.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal, and other provisions, salt, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent. Beef, pork and flour.

Twenty-fourth.—To regulate the quality and weight of the bread to be sold in the city, or used within the same. Bread.

Twenty-fifth.—To regulate the quality and size of brick to be used within the city, and the inspection thereof. Bricks.

- Police.** *Twenty-sixth.*—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.
- Riots, etc.** *Twenty-seventh.*—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.
- Horse-racing and fast driving.** *Twenty-eighth.*—To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to any vehicle or otherwise, while standing or remaining in the streets.
- Vagrants, prostitutes, etc.** *Twenty-ninth.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.
- Running at large of animals** *Thirtieth.*—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties upon the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners and keepers thereof.
- Annoying practices, etc.** *Thirty-first.*—To prohibit and restrain the rolling of hoops, flying of kites, or the discharging of fire arms, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, or any other noises, performances or practices tending to the collecting of persons upon the streets or sidewalks, by auctioneers and others, for the purpose of business, amusements, or otherwise.
- Abate nuisances** *Thirty-second.*—To abate all nuisances, which may injure or affect the public health or comfort, in any manner they may deem expedient.
- Health and diseases.** *Thirty-third.*—To do all acts and make all resolutions [regulations] which may be necessary or expedient for the promotion of health and the suppression of disease.
- Offensive establishments.** *Thirty-fourth.*—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort or convenience of the inhabitants.
- Breweries, tanneries, stables.** *Thirty-fifth.*—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within

the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming and rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Thirty-sixth.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties upon physicians, and sextons and others, for any default in the premises. Cemeteries.

Thirty-seventh.—To provide for the taking of an enumeration of the inhabitants of said city. Census.

Thirty-eighth.—To erect and establish a work house or house of correction; make all necessary regulations therefor and appoint all necessary keepers and assistants. In such work house or house of correction may be confined all stragglers, vagrants, idle and disorderly persons, who may be committed thereto by any proper officer; and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Edgar, for any assault or battery, petit larceny, or other misdemeanor punishable by imprisonment in the county jail, and any person who shall fail or neglect to pay any fine, penalty or costs, imposed by any ordinances of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail, of Edgar county, to be kept therein, and subject to hard labor and confinement. Work house.

Thirty-ninth.—To authorize the taking up and providing for the safe keeping and education, and for such period of time as may be deemed expedient, of all children who may be destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, and idleness. Destitute children.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments. Drains, sinks, etc.

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, turnouts, bridges and switches [shall] interfere as little as possible with the ordinary travel and use of the streets and alleys of the city, and that sufficient space shall be left on either side of the tracks, for the safe and convenient passage of teams and persons; to require the railroad companies to keep in repair the streets through which their railways may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, and sewers Railroad tracks and bridges, etc.

and culverts, when the city council may deem necessary; and to prohibit the use and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or from collecting pay for storage.

General powers.

Forty-second.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such ordinances, rules or police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the magistrate or court before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment exceed six months, for any offense; and such fine or penalty may be recovered, with costs, in an action of debt, in the name and for the use of the city, before any court having jurisdiction, and punishment may be inflicted by such court; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, city prison or work house, or be required to labor on the streets or other public works or private works, within one mile of the city limits, for such time and in such manner as may be provided for by ordinance.

Punishment of
violations.

ARTICLE VI.

TAXATION.

SECTION 1. The city council shall have power, within the city, by ordinance—

Power to levy
taxes for gen-
eral purposes.

First.—To levy and collect, annually, taxes not exceed-
ing five mills to the dollar, on the assessed value of all the
real and personal estate and property within the city, and
all personal property of the inhabitants thereof, made taxable
by the laws of the state for state purposes, to defray the
general and contingent expenses of the city not herein other-
wise provided for; which taxes shall constitute the general
fund.

Pay city debts
and issue bonds

Second.—To annually levy and collect taxes, not exceed-
ing five mills to the dollar, per annum, on all property
taxable for state purposes, and to issue bonds as heretofore
provided.

Pay interest.

Third.—To levy and collect taxes, not exceeding five
mills to the dollar, per annum, on all property subject to
taxation, to meet the interest accruing on the debt of the

city; and the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provisions for the levying a tax sufficient to defray the interest accruing thereon, when payable.

Fourth.—To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, markets, city prisons or work house, or hospitals, the purchase of market grounds, public squares or parks, or any other public improvements: *Provided*, the estimated cost of the city hall, hospital, work house or market house, may be apportioned by the city council and collected by a series of annual assessments; but the cost of market grounds, markets, public squares, or other improvements, may be levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvement under this section shall be ordered in any division or ward, unless the aldermen from such ward shall vote for the same; but no taxes shall be levied in any one year, under this section, which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenue arising from such market or other improvement shall be applied to the liquidation of the costs thereof, and taxes shall be levied and collected to make up the sufficiency.

Tax for public buildings.

Limit of assessment.

Fifth.—To levy and collect upon all property in such district as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts, lamps, and lighting the streets in such district or ward; and the tax thus collected shall be exclusively expended for such purpose in the district or ward paying the same.

Special tax may be levied for lighting city.

Sixth.—To require it, and it is hereby made the duty of every male resident of the city, over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, in lieu thereof, pay such sum as may be prescribed by ordinance, not exceeding: *Provided*, the same shall be paid in ten days after the notification by the supervisor. In default of payment, as aforesaid, the sum of five dollars and costs may be collected, and no set off shall be allowed in any suit brought to collect the same.

Street labor.

Punishment for refusal.

ARTICLE VII.

OF ASSESSMENTS FOR STREETS AND ALLEYS.

SECTION 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots

Open streets.

adjoining said street, alley or highway. They shall cause all streets, alleys or highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded, in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken, and the same, when opened and made, shall be public highways and public squares.

Condemnation
of land.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to take and appropriate the land necessary for the same to the owner thereof, by publishing said notice for ten days, in the newspaper publishing the ordinances of the city; at the expiration of which time, they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively; and at the same time to determine what persons will be benefited by such improvements and assess the damages and expenses thereof on the real estate benefited thereby, 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 a choice of such commissioners.

Commissioners
appointed.

Benefits.

Commissioners'
oath and duties.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least five days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners or residents are known, or by publication in the newspaper publishing the ordinances of the city, if the owners are non-residents or unknown; they shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings.

§ 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 actual injury to him in having such building taken from him; and, secondly, the value to remove such building.

Notice to owner.

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given him personally or in writing, left at his usual place of abode; and if a non-resident or unknown, a like notice shall be given to all persons interested by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the building and the

award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear, by a day to be 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 receive such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove such building, he shall have such reasonable time for such purpose as the city council may direct.

§ 6. If the owner refuses to take the building at the appraised value, to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at auction, for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

When owner
refuses to take
at valuation.

§ 7. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner shall or may derive from such improvements. In the estimate of the damages to the land, the commissioners shall include the value of the buildings, if the property of the owner of the land, as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner 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.

Commissioners
to appraise the
value of land.

§ 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case, the commissioners shall strike a balance 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 collected or paid to them.

Damages and
benefits in sepa-
rate sums.

§ 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 from the improvements.

Leases and
mortgages.

§ 10. Having ascertained the damages and expenses of such improvements, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed to have been benefited, in proportion to the benefit resulting 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

Apportionment
of damages.

return the same to the city council within thirty days of their assessment.

Return of assessment lists.

§ 11. The clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council, unless objections to the same are made by some persons interested. Objections shall be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessments, 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. 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 the like notices, as herein required in relation [to the first.] And all parties in interest shall have the like notice and rights; and the city council shall perform the like duties and have the like powers, in relation to any subsequent determination, as are herein given in relation to the first.

Objections.

Removal of commissioners.

§ 12. The city council shall have power to remove commissioners, and, from time to time, appoint others in place of such as may be removed, or refuse, or neglect, or are unable from any cause to serve.

Payment for damages.

§ 13. The land required to be taken for the making, opening, or widening, or altering any street, alley or highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or in case such owner or his agent cannot be found in the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; then, and not before, such lands may be taken and appropriated for the purposes required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

Landlords and tenants.

§ 14. When the whole of any lot, 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 tenant, or any other contracting parties, touching the same, or any part thereof, shall, upon the confirmation of the report of the commissioners respectively, cease and be absolutely discharged.

Contracts discharged.

§ 15. When part, only, of any lot, parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, and engagements respecting the same, upon the confirmation of the report of the commissioners,

shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments received, payable and to be paid for and 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 in any respect of the same.

§ 16. Any person interested may appeal from any order of the city council for opening, widening or straightening any street, alley or other highway or public ground, to the circuit court of Edgar county, by notice in writing, to the mayor, at any time before the expiration of twenty days after the passage of said 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 the 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, all questions involved in said proceedings, including the amount of the damages, shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the city or any party, the amount of the damages may be assessed by a jury of said court, without formal pleading, and judgment rendered accordingly; and the burden of the proof shall in all cases be upon the city to show that the proceedings are in conformity with the provisions of this act. Appeal taken.

§ 17. In all cases, where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who ought and shall pay and bear any expense or assessment made for any public improvement. When 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 the 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 in any way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessment. Owner and not the tenant, the interested party.

§ 18. When any known owner, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Edgar county, the county judge of said county or any judge of the supreme 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 summonses required by this act shall be served upon such guardian. Infant.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

- Streets, alleys and highways. SECTION 1. The city council shall have power, from time to time, to cause any street, alley or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same
- Sidewalks, etc. *Second.*—To cause cross and sidewalks, main drains and sewers, and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.
- Public grounds. *Third.*—To grade, improve, protect and ornament any public square or other public ground now or hereafter laid out.
- Assessments. *Fourth.*—The city council shall have power to assess and collect of the owners of lots or real estate on any street or any highway, or any part thereof, in the same manner as other taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such streets or other highways: *Provided*, that such tax shall not exceed ten mills to the dollar per annum of the property assessed.
- Sewers, drains. § 2. That for the purpose of establishing a system of draining or sewerage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to the general plan of drainage by sewers and drains for the whole city, and number and record the same.
- Special tax. § 3. That whenever a majority in numbers of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax upon the real estate in such district so drained, and not to exceed ten mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains; which taxes shall be annually levied as other city taxes by law, and shall constitute [a lien] upon the real estate in the district where the same is so assessed; and the city council shall provide for the construction or cutting of such new sewers or drains, or such parts thereof, as they shall deem necessary; and may, from time to time, extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary. And the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such district; or the city council may apportion the estimated cost of such sewers and drains, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

No ordinance creating a debt to be repealed until the debt is paid.

§ 4. All owners or occupants of lands or lots in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such lots or lands to be nuisances, and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drains, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise. If not done within the time and in the manner prescribed, the council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses thereof, by an order to be entered in their proceedings, upon the lots and lands, respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may be also maintained against the owner or occupant of such premises for the recovery of such expense, as for money paid and laid out to his use, at his request.

Lots to be filled up, drained, etc.

Assessment for.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use; and in case the same shall not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Cost for abating nuisances.

§ 6. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any private or public alley, to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

Power to clean streets and alleys.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such regulations in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

Form of assessments.

§ 2. The annual [assessment] lists shall be returned by the assessor on or before the first Monday in August, in each year; but the time may be extended by order of the city

Return of assessment lists.

council. On the return thereof, the city council shall fix a day for the hearing of objections thereto; and the clerk shall give notice of the time and place of such hearing, by publication in the paper publishing the city ordinances; and any person feeling himself aggrieved by the assessment of his property may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment list, and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or refer the same back to the assessor, with instructions to revise and correct the same.

Supply omissions.

Issue warrants

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection of the same shall be entered by the clerk. The city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which the taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and, if not for general purposes, the division or ward of the city upon which the same are levied.

Taxes, a lien on real estate.

§ 4. All taxes or assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the correct assessment list shall be confirmed, or the passage of the ordinance for the assessment, and upon personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real and personal estate; and the real estate shall be liable for the taxes upon personal estate, in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is provided by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Injunction.

Clerk to issue warrant for tax.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

General or special tax.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor

and clerk, with the corporate seal attached thereto, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days of the filing of the corrected lists, unless further time shall be given for this purpose by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice, published for ten days by the collector, in the newspaper publishing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days shall be deemed a refusal. The assessor's list shall in all cases be evidence on the part of the city corporation.

May collect tax
by suit.

§ 7. All taxes, general or special, shall be collected by the collector in the same manner and with the same authority as is now given by law to collectors of state and county taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liability in case of default or misconduct, shall be the same as is now provided by law: *Provided*, the city council shall have power to prescribe the powers and liabilities by ordinance.

How collected.

§ 8. In case of non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within five years after the confirmation of the assessment by the city council. Before any such sale and order shall be made by the city council, which shall be entered at large in the journals or records kept by the clerk, directing the collector to sell, particularly directing the delinquent premises to be sold, and assessment for which the sale shall be made: a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale shall be made.

Delinquent tax-
payers.

§ 9. The collector shall then advertise such premises, in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner when known, and the several amounts of the taxes and assessments thereon, and costs. Said notice shall also contain the time and place of said sale, and shall be published at least four times. The proceedings may be stopped at any time on payment of the taxes or assessments and interest, with the expenses of advertising.

Sale of land.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to pre-

Manner of con-
ducting sale.

scribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, taken from the east side of the premises, for which any person will take the same and pay the taxes and assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other to be filed in the office of the clerk; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same were sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

Certificates of sale.

Right of redemption.

Infant or femme covert.

Abstract of deeds.

Deed of premises.

Bids at sale.

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, executors or administrators, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on payment, in national currency, of double the amount for which the same was sold, and all taxes accruing subsequent to the time of sale, with interest. If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may be redeemed at any time within two years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the clerk, conveying to the purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all the deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city council, shall be entitled to receive a deed for said premises in his own name, and with the same effect as though he had been the original purchaser.

§ 13. If, at any sale of any real or personal estate for taxes or assessments, no bid shall be made for any parcel of the land, or any goods or 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 at such sale.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all suits and controversies in relation to the rights of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts: Deeds to convey perfect title.

First—That the lot or land conveyed was subject to tax or assessment at the time the same was advertised for sale, and had been listed and assessed in the manner and time required by law. Advertisement.

Second—That the taxes or assessments had not been paid at any time before the sale of the same. Taxes not paid.

Third—That the land conveyed had not been redeemed from the sale at the date of the deed. Non-redemption.

And shall be conclusive evidence of the following facts:

First—That the land or lot was advertised for sale the length of time and in the manner required by law. Was advertised.

Second—That the land was sold for taxes or assessments as stated in the deed. Sale of land.

Third—That the grantee in the deed was the purchaser. Deed.

Fourth—That the sale was conducted in the manner required by law. And in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the day of sale, that the taxes and assessments had been paid, that the said lands had never been listed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the benefit and use of the persons having the right of redemption under the law of this state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had had title to the land at the time of sale, or that the title was obtained from the United States or this state after the sale; and that all taxes due upon the land have been paid by such persons or the persons under whom they claim title as aforesaid. Sale lawful.

ARTICLE X.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have Fire department Prohibitions.

- been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining the extent of such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct.
- Nuisances. To declare all wooden buildings within fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such a manner as they shall prescribe.
- § 2. The city council shall have power—
- Chimneys and flues. *First.*—To regulate the construction of chimneys and flues so as to admit of chimney-sweeps or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.
- Fire places, etc. *Second.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure or safe condition, when considered dangerous.
- Ashes. *Third.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings or inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.
- Fire buckets. *Fourth.*—To require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair, wells and cisterns, upon the premises.
- Manufactories. *Fifth.*—To regulate and prevent the carrying on of works and manufactories dangerous in promoting or causing fires.
- Fire works. *Sixth.*—To regulate, prevent and prohibit the use of fire works and fire arms.
- Combustibles. *Seventh.*—To direct and prohibit the management of houses for the storing of gunpowder, and other combustible and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.
- Parapet walls. *Eighth.*—To regulate and prescribe the manner and order of the building of parapet and partition walls and of partition fences.
- Scuttles, etc. *Ninth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.
- Idle and suspicious persons. *Tenth.*—To authorize the mayor, fire warden or other officers of the city to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all officers of the city, and all other persons to aid in the extinguish-

ment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh.—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient. Extinguishment of fires.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for the preserving and keeping the same; and shall have power— Engines.

First.—To organize fire, hook, hose, ax and ladder companies. Hook and ladder companies.

Second.—To appoint, during their pleasure, a competent number of able, suitable and respectable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires. Firemen.

Third.—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for any violation of the same; and for incapacity, neglect of duty or misconduct, to remove them. Duty of firemen.

Fourth.—The city council shall have power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council. Engineers.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in the ordinance shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed. Exempt from jury duty.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the city ordinances, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective divisions and wards of the city, for making and repairing streets, Receipts and expenditures.

highways and bridges, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Exempt from road labor. § 2. The inhabitants of the city of Paris are hereby exempted from working the roads beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

Supervisor's duty. § 3. The supervisor shall demand the services of all persons who are required to labor upon the streets and alleys of the city, at such time and place and in such manner as the city council may direct, or the supervisor may deem necessary.

Notice. He shall deliver or cause to be delivered, or left at the usual place of abode or business [of the person] so required to labor, as aforesaid, a written or printed, or partly written or partly printed, notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the day which he or they are required to labor, requiring such persons to appear at such time and place as may designated, for the purpose of laboring upon the streets and alleys; but a similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the supervisor, or posted up in three of the most public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any one to appear and labor, as aforesaid, or pay the tax, the collector shall collect from such person the sum of five dollars, with his commission for the same added thereto.

Notice by publication.

Boundaries of streets, etc.

§ 4. The city council shall have power to make, establish and declare the boundaries and names of the streets and alleys of the city.

Fines and penalties to go into city treasury.

§ 5. All fines, forfeitures and penalties collected for offenses committed within said city, shall be paid into the treasury of said city by the officer collecting the same, and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner.

Additions.

§ 6. The city council shall have power to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into lots or blocks, shall be so laid out or platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

Proportionate expenses.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend, annually, in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes, during the same period, as will correspond to the several sums contributed by each division to the general fund. Street taxes shall be expended in the several wards or divisions where the persons paying the same may respectively reside.

§ 8. The supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine, in the same manner as supervisors, under the laws of the state. Liability of supervisor

§ 9. Neither the city council or mayor shall remit any fine or penalty, imposed upon any person for a violation of any laws or ordinances of said city, or released from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise. Remission of fines.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose and the aldermen be so notified, and unless at such special meeting there shall be present as large a number of aldermen as was present when the vote was taken. Reconsideration of votes.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published once in the newspaper publishing the city ordinances; and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places. Publication of ordinances.
Evidence of.

§ 12. All actions brought to recover any penalty or forfeiture, incurred under this act, or any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence of it. Actions for recovery of penalty, etc.

§ 13. In all prosecutions for a violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. First process a summons.

§ 14. In all cases in which there shall be a conviction for a violation of any ordinance, by-law or other regulation of the city of Paris, and the person or persons so convicted shall fail or refuse, upon the rendition of the judgment, to pay the fine and costs so recovered against him or them, such person or persons shall stand committed to the county jail of Edgar county, or the city work house or city prison, until such fine and costs are paid: *Provided*, that no such imprisonment shall exceed a period of three months. Punishment for refusal.

Execution of judgment. § 15. Execution may, in the discretion of the court, be issued immediately on rendition of judgment, and the fine and costs, so recovered against the defendant, be made by levying upon his goods and chattels within the county of Edgar.

Incompetent judges, etc. § 16. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Paris, in any action or proceeding in which said city may be a party in interest.

Prior ordinances to be in force. § 17. All ordinances, regulations and resolutions now in force in the town of Paris, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect; and all ordinances, regulations and resolutions, and all acts, proceedings, matters and things, of any and every name and nature whatever, done or provided to be done by the town council of the town of Paris, before this act shall take effect, are hereby made and declared to be valid.

Actions in suit. § 18. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have heretofore accrued to the town of Paris, at any time, shall be vested in and may be prosecuted by the corporation hereby created.

Property, etc. § 19. All property, real, personal and mixed, belonging to the town of Paris, is hereby vested in the corporation created by this act; and the officers of the same, now in office, shall respectively continue in the same, until superseded, in conformity to the provisions hereof; but shall be governed by this act, which shall take effect from and after its passage.

Ordinances, how proved. § 20. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Style of ordinances. § 21. The style of all ordinances shall be, "*Be it ordained by the City Council of the City of Paris.*"

Additions to the city. § 22. Any tract of land adjoining, which may be laid off into lots or blocks, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to the same and form a part thereof.

This act shall not invalidate certain rights. § 23. This act shall not invalidate any legal act done by the town council of the town of Paris, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

Power to arrest with or without process. § 24. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, de-

tain such person in custody over night, or the Sabbath, in the watch house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

§ 25. There shall be a digest of the ordinances of the city, which are of a public nature, published within three years after the passage of this act, and a like digest within any period of three years thereafter. Publication of digest of ordinances.

§ 26. The city council shall have power 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 regulations.

§ 27. This act shall not take effect as the charter of the city of Paris, unless a majority of the legal voters of said city, voting at an election hereinafter provided, shall cast their votes for the adoption of the same; said election to be held on the first Monday in the month of March, A. D. 1869; and the clerk of the present board of councilmen for the town of Paris shall give notice of said election, said notice to be posted up in five public places in said town. If, from any reason or circumstance, the election for the adoption of this charter by the voters of said city cannot be held on the day last above named, such election may be held upon any subsequent day, to be determined by the town council of the town of Paris, giving thirty days' notice of said election, in at least five public places in said city, by posting notices of the same. The returns of said election, held as aforesaid, shall be certified by the officers of the election, and shall be placed on file in the office of the clerk of the circuit court of Edgar county, Illinois; and it shall not be necessary in any proceeding, either in law or in equity, to prove that this charter was adopted by the people, but such proof shall be a matter of defense, by showing that such charter was not adopted by the vote of the people, by reference to the return of the election, as in this section provided for. Act submitted to legal voters.

§ 28. The town council of the town of Paris shall provide for the holding of said election, in the same manner as other elections in said town are now held in respect of the registration of voters, the judges and clerks, and place of voting; and it is herein provided that all persons who are entitled to vote at state elections, and who reside within the limits of the city of Paris, as described in section two of the first article of this act, and who have so resided for the period of three months next preceding said election, shall be entitled to vote at said election. Election for the adoption of charter.

§ 29. Before the election required to be held by the preceding section, the present board of the town shall cause this act to be published in some newspaper of the Provide for holding election

Qualifications of voters.

Publication of act.

town, or in pamphlet form, as they may elect, and have the same distributed among the inhabitants of the town.

§ 30. This act to be a public one, and to be in force from and after the passage of the same.

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

EDWARD RUMMEL, *Sec'y of State.*

In force March
4, 1869.

AN ACT to incorporate the city of Pekin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of all that district of country in the county of Tazewell and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic, under the name and style of "The City of Pekin," and by that name sue and be sued, complain and defend in any court; make and use a common seal and alter it at pleasure; take, hold, purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require, within or without the limits aforesaid.*

Name and style.

Boundaries.

§ 2. The corporate limits and jurisdiction of the city of Pekin shall embrace and include all that country commencing at northeast corner of the southeast quarter of section twenty-five (25), township twenty-five (25) north, of range five (5) west of the third principal meridian; thence south to the southeast corner of section one (1), in township twenty-four (24) north, of range five (5) west of the third principal meridian; thence west to the west bank of the Illinois river; thence up the bank of the Illinois river to a point opposite the center of section twenty-seven (27), township twenty-five (25) north, of range five (5) west of the third principal meridian; thence east to the place of beginning.

Division of city
into wards

§ 3. The city of Pekin shall be divided in six (6) wards, as follows:

First ward.

First Ward.—All that part of Pekin which lies south of Court street and west of Capital street, in Pekin, and west of Pleasant street, in the town of Cincinnati, shall be denominated the First Ward.

Second ward.

Second Ward.—All that part lying north of Court street and west of Capital street, in Pekin, and Alton street, in Bailey's addition, shall be denominated the Second Ward.

Third ward.

Third Ward.—All that part lying north of Court street, and between Capital and Sixth streets, in the town of Pe-

kin, and Alton street and Common street in Bailey's addition, shall be denominated the Third Ward.

Fourth Ward.—All that part lying south of Court street, and between Capital and Sixth streets, in the town of Pekin, and east of Pleasant street, in the town of Cincinnati, and west of Colts street, in Colts' addition, be denominated the Fourth Ward. Fourth ward.

Fifth Ward.—All that part lying south of Court street, and east of Sixth street and east of Colts street, in Colts' addition, be denominated the Fifth Ward. Fifth ward.

Sixth Ward.—All that part lying north of Court street, and east of Sixth street, and east of Common street, in Bailey's addition, shall be denominated the Sixth Ward. Sixth ward.

§ 3½. The municipal government of the city of Pekin shall consist of a common council, composed of a mayor, and two aldermen from each ward. The other officers of the corporation shall be as follows: A city clerk, a city engineer, a city attorney, a city collector, a city treasurer, a city assessor, a city marshal, a city assistant marshal, a city street commissioner, a chief engineer of the fire department, an assistant engineer, a weigher of hay and stone-coal, a harbor master, an auditor, and three inspectors of election for each ward, and such other officers and agents as may be provided for by this act, or the common council may, from time to time, direct. Mayor and aldermen.
Officers.

§ 4. Each ward shall constitute an election precinct, and the inspectors of election and the places of holding elections therein for city, town, county and state officers, shall be appointed by the common council; and all elections for state, county and town officers, in said wards, shall be conducted and the returns made to the county or town clerk as provided by the law regulating state, county and town elections. Each ward an election precinct.

§ 5. The municipal election in said city shall be held on the third Monday of April, each year, at which time there shall be elected, by the qualified voters of said city, all officers to be elected at the general municipal election. Ten days previous public notice shall be given by the city clerk, by publication in one or more newspapers published in said city; and no special election shall be hereafter held in said city for the election of city officers except in this act provided. Elections.

§ 6. The municipal officers, to be chosen at the annual election, shall enter upon the duties of their respective offices on the first Monday of May succeeding their election. Officers to be chosen.

§ 7. The mayor, city clerk, city attorney, treasurer, collector, city engineer, marshal, assistant marshal and street commissioner shall be elected by the people, and shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified; the persons Term of office.

having the highest number of votes cast in the whole city shall be declared elected.

Election of
aldermen.

§ 8. At the municipal election the electors, in their respective wards, shall vote for two aldermen, and the person receiving the highest number of votes cast in the ward for such office shall be declared elected.

representation.

§ 9. The several wards of the city shall be, respectively, represented in the common council by two aldermen, who shall be residents thereof, and who shall, except as herein otherwise provided, hold their offices, respectively, for two years from and after the first Monday of May next succeeding their election. They shall be divided into two classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, so that an alderman from each ward may be annually elected. In all cases when two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes, for one year; and in case of two successful candidates having an equal number of votes, the term of service to which they shall be, respectively, entitled [shall be determined] by their casting lots, in the presence of the common council; and the results shall be entered upon their proceedings. If any alderman removes from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city for more than four months, his office shall thereby become vacant; and when any vacancy shall occur in the office of any alderman, the common council shall, within ten days after the happening of such vacancy, order a new election: *Providing*, more than six months of the term shall then remain unexpired.

Office vacated.

Tie, how de-
cided.

§ 10. Whenever there shall fail to be an election, voted for by the people, in consequence of two or more candidates receiving the highest and equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and the result shall be entered upon their proceedings.

Qualification
of assessor.

§ 11. The city assessor, who shall be a freeholder, shall be appointed annually, by the common council, on the first Monday of May, or as soon thereafter as may be convenient. The common council may increase the number of assessors if they think proper.

Inspectors of
elections.

§ 12. The inspectors of election shall be appointed annually by the common council, at least ten days before the annual election.

Appointment
of officers.

§ 13. All other officers mentioned in this act, not otherwise specially provided for, shall be appointed by the common council, by ballot, on the first Monday in May in each

and every year, or as soon thereafter as may be, and shall, respectively, continue in office one year from the first Monday in May, or until the appointment and qualification of their successors. Officers appointed or elected to fill vacancies shall, respectively, hold for the unexpired term only and until the election or appointment and qualification of their successors. But the common council may especially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the common council.

§ 14. Any person appointed to any office by the common council, and every person elected to any office by the people, for whose removal from office no other provision has been specially provided by this act, may be removed from such office by two-thirds vote of all the aldermen authorized by law to be elected, and no officer shall be removed, except for cause, and unless furnished with the charges and heard in his defense; and the common council shall have power to compel the attendance of witnesses and the production of papers, when necessary, for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer neglects to appear and answer to such charges, then the common council may declare the office vacant. Any officer may be suspended until the disposition of the charges, when preferred.

Removal from office.

§ 15. When any vacancy shall happen by death, resignation, removal or otherwise, in the office of mayor, such vacancy shall be filled by a new election; and the common council shall order a new election within ten days after the happening of such vacancy: *Providing*, that more than six months of the term shall remain unexpired. Any vacancy occasioned by the death, resignation, removal or refusal to serve of any other city officers, elected by the people or appointed by the common council, may be filled by appointment by the common council, except in cases when different provision is herein specially made for filling such vacancy.

Vacancy in office of mayor.

§ 16. All city officers, who are required by the provisions of this act, or by any legal ordinance passed by the common council, to give bonds for the faithful performance of their official duties, shall file their bonds with the city clerk within fifteen days after their election or appointment, and shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk within fifteen days after the vote shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment as in other cases. If, in any case, any official bond so filed shall not be approved, the officer filing the same shall

Bonds, securities, etc.

Refusal to file bond.

furnish a new and satisfactory bond within fifteen days after such disapproval; and in case of failure so to do, he shall be deemed to have refused said office, and the same shall be filled as above provided. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall be filed and approved, as by this act provided.

Qualifications
of officeholders.

§ 17. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, except in cases where a different provision has been herein especially made; but no person shall be eligible to any office or place under this or any other act in relation to said city, who is now or hereafter may be a defaulter to said city or the state of Illinois, or any county thereof; and any person shall be considered a defaulter who has refused and neglected, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person, holding any such office or place, shall become a defaulter while in office or place, [such office or place] shall thereupon become vacant.

Manner of vot-
ing and con-
ducting elec-
tions.

§ 18. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping the poll list, canvassing the votes, certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the common council shall have power to regulate elections. The voting shall be by ballot; and the inspectors of election shall take the same oath and shall have the same power and authority as inspectors of general elections. The polls shall be opened by the inspectors at eight o'clock in the morning and keep open until six o'clock in the evening, and every violation of this provision shall subject the inspectors so offending to a penalty of one hundred dollars. After the closing of the polls, the ballots shall be counted in manner required by law, and the returns shall be returned, sealed, to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed, and unless such persons, respectively, qualify in fifteen days thereafter, the office shall become vacant.

Penalty for vi-
olations.

Qualification
of voters.

§ 19. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of the city at least six months next preceding the election; he shall, moreover, have been an actual resident of the ward or election precinct in which he votes for thirty days previous to the election, and, if required by any person qualified to vote thereat, shall take the following oath before he is permitted to vote: *Provi-*

ded, the voter shall be deemed a resident of the ward in which he is accustomed to lodge: "I swear (or affirm) that I am the age of twenty-one years, that I am a citizen of the United States (or was a resident of the state at the time of the adoption of the constitution), and have been a resident of the state one year and a resident of the city six months immediately preceding this election, and am now or have been, for thirty days last past, a resident of this ward (or election precinct), and have not voted at this election."

Proviso.

And, if required by any legal voter, such voter shall swear (or affirm) to his place of residence, specifying the particular place or house in which he resides, and stating how long he has resided, and his business or employment; and if he has not resided in such house for thirty days immediately preceding such election, he shall state when and in what house he has resided for the last thirty days, and produce at least one witness, who shall be a householder and legal voter, and no further evidence of such residence shall be [required] at municipal or other elections.

Residence of voter.

§ 20. The person entitled to vote at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election under this act shall be punishable according to the laws of this state.

No arrests on election day.

§ 21. The city of Pekin shall be entitled to elect three supervisors, in addition to the township supervisors; and the several supervisors so elected shall be members of the board of supervisors of the county of Tazewell, and shall possess and enjoy all the rights, powers and privileges that are now or hereafter shall be possessed and enjoyed by the several township supervisors as members of the board of supervisors of the county. The election of such supervisors to be held at the same time and in the same manner as election for township supervisors in the county in which said city is situated.

Election of supervisors.

§ 22. At all future elections of city officers, three supervisors shall be elected for said city, as hereby created—said supervisors to be elected at the same time and in the same manner as the mayor.

Time and manner of election.

CHAPTER II.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe to the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Oath of office.

§ 2. The mayor shall preside over all meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly enforced, respected

Presiding officer.

and observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall have power, *ex officio*, to administer an oath to be taken by the laws of this state.

Ordinances to
be approved by
mayor.

§ 3. Every act, ordinance or resolution passed by the common council, before it shall take effect, and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he approve, he shall sign it, if not, he shall return it, with objections, in writing, to the city clerk, and the clerk shall submit said objections to the common council at their next regular meeting, who shall enter said objections upon their records and proceed to reconsider the matter; and, after such reconsideration, [if] two-thirds of all the members elected shall agree to pass the same, it shall take effect as a law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented, within five days, it shall take effect in five days, in the same manner as if he had signed it.

Vacancy in of-
fice of mayor.

§ 4. In case of any vacancy of the office of mayor, or his being unable to perform the duties of his office, by reason of absence or sickness, the common council shall appoint, by ballot, one of their number to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy [be] filled by a new election.

Conservators of
the peace.

§ 5. The members of the common council shall be conservators of the peace, and shall be exempt from jury duty during their term of office.

Duties of clerk.

§ 6. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts of the record of the proceedings of the common council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall have power to administer any oath authorized to be taken by the laws of this state.

City attorney.

§ 7. The city attorney of the corporation shall be the chief officer of the law department of the city, conduct all the law business of the corporation, and all other law business in which the city shall be interested, when so ordered by the corporation, and, when required, shall furnish written opinions on subjects submitted to him by the mayor and common council, or any other department of the municipal government. It shall be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances

and such other instruments of writing as may be required by business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments; and perform such other duties as may be prescribed by the charter and ordinance of the city.

§ 8. The assessor shall perform all the duties in relation Assessor. to the assessing of property for the purpose of levying of taxes imposed by the common council. In the performance of his duties, he shall have the the same powers as are or may be given by law to county and town assessors, and be subject to the same liabilities.

§ 9. The common council shall have power, from time Requirements of officers. to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the city of Pekin for the faithful performance of their duties.

§ 10. The treasurer and collector shall, severally, before Treasurer and collector. they enter upon their duties of their respective offices, execute a bond to the city of Pekin in such sums and such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them; which bonds, with the approval of the common council certified thereon by the clerk, shall be filed with the clerk.

§ 11. The common council, at their annual meeting, Publication of ordinances. on the first Monday in May in each year, or within not exceeding thirty days thereafter, shall designate one public newspaper, printed in said city, in which shall be published all ordinances and proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council to be published in the corporation newspaper. And if the proprietors of the newspaper so designated shall, at any time during the year, suspend the publication thereof or decline longer to publish said proceedings, another newspaper shall be designated. The common council may also, in its discretion, provide for the publication of said ordinances and other proceedings, or such portion of the same as it may think proper, in some newspaper printed in the German language.

§ 12. If any person, having been an officer of said city, Deliverance of records. shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in [his] possession, belonging to said city or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect and refusal so to deliver.

Such successor shall and may recover possession of the books, papers and property appertaining to his office in manner prescribed by the laws of this state.

Commission of
officers

§ 13. All persons elected or appointed, under this act, to any office, may be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the common council and clerk.

Compensation.

§ 14. The common council may, by ordinance, establish salaries as a fixed compensation for all officers of said city, and may provide for their removal from office in case they receive other and greater fees than so paid and fixed by the corporation.

Time of pay-
ment of salaries.

§ 15. All salaries shall be paid monthly or quarterly out of the appropriate fund voted by the common council to pay the same.

CHAPTER III.

Government

SECTION 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such time and places as they shall, by resolution, direct. The mayor shall preside at all meetings of the common council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

No compensa-
tion to council.

§ 2. No member of the common council shall receive any compensation for his services, or be appointed to or be competent to hold any office [of] which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expense or consideration whereof are to be paid under any ordinance of the common council.

Meetings.

§ 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally or left at his place of residence. Petitions and remonstrances may be presented to the common council; and the council shall determine the rules of its own proceedings, and be judge of the election and the qualification of its own members.

Petitions, etc.

§ 4. All ordinances, petitions and communications to the common council shall, unless by unanimous consent, be referred to the appropriate committee and only acted on by the council at a subsequent meeting, on the report of the committee having the same in charge. Any report of the committee of the council may be deferred to the next regular meeting of the same, and the publication of said report in the corporation newspaper, by request of any two aldermen present.

§ 5. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting, there be present as large a number of aldermen as were present when such vote was taken. Reconsideration of vote.

§ 6. The common council shall have power to require from any officer of said city, at any time, a report, in detail, of the transactions in his office, or any other matter said council may deem necessary. Officers' reports.

§ 7. Upon the passage of all orders or ordinances or resolutions appropriating money, imposing taxes or authorizing the borrowing of money, the yeas and nays shall be entered on the record of the common council, and a majority of all the votes of all the aldermen entitled to seats in the board, shall be necessary for their passage. Powers of the council.

§ 8. The common council shall have, subject to the provisions hereinafter contained, the general management and control of the finances and all the property, real, personal or mixed, belonging to the corporation, and shall have power within the jurisdiction of the city, by ordinance— Council shall control finances.

To lease the wharfing privileges of the river at the ends of streets, on such terms and conditions as may be usual in leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies, in case of non-performance of any covenants in such lease, as are given by law in other cases. Wharfage.

To remove and prevent all obstructions of the waters which are public highways in said city; to straighten and deepen the same. Obstructions.

To prevent and punish forestalling and regrating, and prevent and restrain every fraudulent device. Forestalling and regrating.

To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards, and other games of chance, with or without betting. Gaming houses.

To regulate the selling or giving away of any ardent spirits by any shop-keeper, trader or grocer, to be drunk in any shop, store or grocery, out-house, yard or garden, or other place within the city. Ardent spirits.

To forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parents, guardian, master or mistress. Prohibit sale of liquors.

To license, regulate and restrain tavern keepers, keepers of ordinaries, or victualing or other houses or places for the selling or giving away wines or other liquors, whether ardent, vinous or fermented. Tavern keepers and keepers of ordinaries.

To license, tax and regulate, suppress or prohibit billiard tables, bagatelle tables, nine or ten pin alley or ball alleys. Billiards.

To license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others in permanent employment, or of any individual, Porters, etc

firm or corporation, or otherwise, who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Auctioneers,
peddlers, etc.

To tax, license and regulate auctioneers, distillers, brewers, brokers, insurance companies, pawnbrokers, merchants, retailers, grocers, tavern-keepers, ordinaries, money changers and places for the sale and purchase of second-hand goods, wares and merchandise.

To license, tax regulate and suppress hawkers and peddlers.

Exhibitions.

To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts, or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Licenses.

To authorize the mayor or other proper officer of the city to grant licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, that a license shall not be granted for more than one year, and not more than five hundred dollars shall be required to be paid for any license under this act, and the fee for the issuing of the same shall not exceed one dollar; but no license for the sale of wine and other liquors, ardent, vinous or fermented, at wholesale or retail, or by inn-keepers or others, as aforesaid, shall be less than fifty dollars. Bonds may be taken, on the granting of license, for the due observance of the ordinances or regulations of the common council.

Prevent riotous
conduct.

To prevent any riot, noise, disturbance or disorderly assemblage.

Suppress disorderly
houses.

To suppress and restrain disorderly houses and groceries and houses of ill fame, and to authorize the destruction and demolition of all instruments and devices for the purpose of gaming.

Preserve cleanliness
in the city

To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other nauseous house or place, to cleanse, remove or abate the same, from time to time, as may be necessary for the health and convenience of the inhabitants of said city.

Breweries, tanneries,
etc.

To direct the location and management of, and regulate and license breweries, tanneries [and] packing houses, and direct the location, management and construction of and regulate, license and restrain, abate and prohibit, within the city, or one mile therefrom, distilleries, slaughtering establishments or establishments for straining or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

To establish and regulate markets and other public buildings, and provide for their erection and determine their location. Markets and market houses.

To regulate and license or prohibit butchers, and revoke their license for mal-conduct in the course of trade ; to regulate, license or restrain the sale of fresh meat and vegetables in the city ; to restrain and punish the forestalling of poultry, fruit and eggs. Butchers.

To direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials. Combustibles.

To regulate the keeping and conveying of gunpowder or other combustible and dangerous materials, and use of candles and lights in barns, stables and out-houses. Lights in barns, outhouses, etc.

To prevent horse-racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person, and punish or prohibit the abuse of animals, and compel persons to fasten their horses, oxen or other animals attached to a vehicle, or otherwise, while standing or remaining on the street. Fast driving.

To prevent the incumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire-wood, awnings, signs, or any substance or material whatever. Incumbering streets.

To regulate the time and places for bathing and swimming in the river adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. Bathing.

To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants.

To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals for the violation of any ordinance in relation thereto. Running at large of animals

To prevent and regulate the running at large of dogs ; to tax and to authorize the destruction of the same when at large contrary to the ordinance. Dogs at large.

To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. Annoying practices.

To make regulations to prevent the introduction or spread of contagious diseases into the city ; to make quarantine laws and enforce the same, not exceeding five miles beyond the city boundaries. Contagious diseases.

To control and regulate the streets and alleys, to remove or abate any obstructions and encroachments thereon. Streets and alleys.

- Ice and dirt from sidewalks. To compel all persons to keep the ice, snow and dirt from the sidewalks in front of the premises owned or occupied by them.
- Unusual noises. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, or otherwise.
- Abate nuisances. To abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets or any other part of said city or within its jurisdiction, by indictment or otherwise.
- Runners. To license, regulate and restrain runners for boats and stages, cars and public houses.
- Cemeteries. To regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.
- Lumber yards. To regulate and prohibit the keeping of any lumber yard, and placing, piling or selling lumber, timber, wood or combustible materials within the fire limits of said city.
- Inspection and measuring of lumber. To regulate the measuring and the inspecting of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.
- Fish market. To regulate the place and manner of selling fish.
- Weighing hay. To regulate the weighing, and place and manner of selling hay, and the cutting and sale of ice, and restrain the sale of such ice as is impure.
- Wood and coal. To regulate the measuring of wood, and the weighing and selling of coal, and the place and the manner of selling the same.
- Pork, beef and flour. To regulate the inspection of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads, and other packages.
- Liquors. To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads, and other vessels.
- Inspectors, weighers and gaugers. To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.
- Bread. To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf, and the quality of the same.
- Wells, cisterns, etc. To regulate public pumps, wells and cisterns, hydrants and reservoirs, and prevent the unnecessary waste of water.
- Pounds. To establish and regulate pounds.
- Lighting streets. To erect lamp posts and regulate the lighting thereof.
- Ferries. To regulate and license ferries.

To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and require railroad companies to construct, at their own expense, such bridges, tunnels, or other conveniences, at public railroad crossings, as the common council may deem necessary; also to regulate the running of horse railroad cars, the laying down of tracks for the transportation of passengers thereon, and the kind of rail to be used.

Railroad tracks,
bridges, etc.

To erect and establish, either within or without the corporate limits, a bridewell or house of correction, and purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In said bridewell or house of correction shall be confined all vagrants, stragglers or disorderly persons who may be committed thereto by any criminal court or magistrate in and for the city, for any assault and battery, petit larceny, or other misdemeanor, punishable in any county jail; and all persons confined therein may be kept at labor or solitary confinement.

House of cor-
rection.

To require every merchant, retailer, trader, dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights to be sealed by the city sealer, and be subject to his inspection, the standard of which weights and measures shall be conformable to those now established by law.

Weights and
measures.

To preserve the harbor, to prevent any use of the same, or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the carting or depositing therein, any earth, ashes or other substance, filth, logs, or floating matter; to prevent and remove all obstructions therein, and punish the author thereof; to regulate and prescribe the mode of speed of entering and leaving the harbor, and coming and departing from the wharves and streets of the city, by steam boats, canal boats, or other crafts and vessels, and the disposition of the sale yards, anchors and appurtenances therefor, while entering, leaving or abiding in the harbor, and to regulate and prescribe, by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steam boat, or other craft or vessel or floats, and such changes of station in, and use of the harbor, as may be necessary to promote order therein and safety, and equal convenience, as near as may be, of all such boats and vessels, crafts and floats, and to impose penalties, not exceeding one hundred dollars, for any offense against any such ordinance; and by such ordinances, charge such penalties, together with such expenses as may be in-

Protection of
harbor.

Fines and pe-
nalties.

curred by the city enforcing this section, upon steam boats, canal boats, or other vessel, craft or float. The harbor of the city shall include all the grounds and real estate, west of the west side of Front street, lying between the north side of Margaret street and the south side of Elizabeth street, owned by the city, and all the ground between Water street and the Illinois river, to low water mark.

General powers. To control, regulate and repair, amend and clear the streets and alleys, bridges, side and cross-walks, and open, widen, straighten and vacate streets and alleys, and establish and alter the grade thereof, and prevent the incumbering of the streets, in any manner, and protect the same from any encroachment and injury.

Shade trees. To direct and regulate the planting and preserving [of] ornamental trees in streets and public grounds.

Drains, sinks^s, etc. To fill, drain, cleanse and alter, relay, repair and regulate any grounds, yards, barns, shops, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be collected in a manner hereafter provided.

Hospitals, etc. To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same.

To abate nuisances. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient.

General health. To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases.

To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass or any other unwholesome substance, and to require the removal or destruction, by any person, who shall have placed or caused to be placed upon or near his premises, any such substance, or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default to authorize the removal or destruction of the same by some officer of the city.

Destitute children. To authorize the taking up and provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.

House of refuge. To lease or purchase, maintain and improve, suitable grounds, either within or without the corporate limits of said city, for a house of refuge or correction, to erect buildings thereon, and to adopt such rules and regulations for the government thereof, and the punishment therein, as may from time to time be deemed expedient.

Punishment of idlers, etc. To authorize the arrest, fine and imprisonment in the city bridewell or house of correction, as vagrants, of all persons who, not having visible means to maintain themselves,

are without employment, idle, loitering or running about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing, in the night time, upon the private premises of others, or begging, or placing themselves in the street or other thoroughfares, or public places, to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house for fortune-telling, places of cock-fighting, or other places of device, and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession article or thing used for obtaining money under false pretences, or who shall disturb any place where private or public schools are, either on week day or on Sabbath, or places where religious worship is held.

To make, publish, ordain, amend or repeal, such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city, and the trade and commerce, as may be necessary or expedient to carry into effect the powers vested in the common council, or any officer of said city, by this act, and enforce the observance of all rules, ordinances, by-laws and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same. The common council may also enforce such rules or ordinances, by-laws, police and other regulations, as aforesaid, by punishment of fine or imprisonment in the county jail, bridewell, or the house of correction, or both, in the discretion of the magistrate or court before which conviction may be had: *Provided*, such fine shall not exceed five hundred dollars, nor the imprisonment more than six months.

Publication of
ordinances.

§ 9. The common council is hereby authorized to purchase for said city, such tracts of land, without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary, which shall be exempt from taxation under the laws of this state, and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations, with regard to the improvement, preservation, laying out and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out, shall be placed under the superintendence of the common council of said city, and lots that may be laid out and sold, shall, with the appurtenances, be forever exempt from execution or attachment. As soon as said grounds are regulated and laid out, a map or plat thereof shall be made by the common council, and a copy thereof filed in the city clerk's office, who shall have charge of the sale and disposition of all lots therein, under the ordinance and regulation of the common

Cemeteries.

Violations,
how punished.

council. The proceeds of such sale shall be paid into the city treasury, and to be credited and charged on the books of the treasury department to a cemetery fund, to be kept distinct from all other funds of said city. The said common council is fully empowered and authorized to provide for the punishment, by ordinance, of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules or ordinances established by said city in relation to such cemeteries, and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city; and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits, by any officer or constable thereof, the same as if the offense had been committed in the boundaries of the corporation.

CHAPTER IV.

Streets, alleys
and highways.

SECTION 1. The common council shall have power, from time to time, to lay out public streets, alleys, lanes, highways, to make wharves and slips at the end of streets, and extend and alter, widen, contract, straighten and discontinue the same, and to purchase and lay out public parks, squares and grounds.

Repair streets.

To cause any street, alley or highway to be filled, graded, leveed, paved, curbed, walled, graveled, macadamized or planked, and to keep the same in repair.

Sidewalks.

To cause cross and sidewalks, area walls, lamp posts and private drains to be constructed and laid, relaid, erected, cleansed and repaired.

Public square.

To fill, grade and improve, protect and ornament any public square now or hereafter laid out.

Special assess-
ment.

§ 2. The expenses of any improvement mentioned in the foregoing section shall be defrayed by a special assessment, unless otherwise provided, upon the real estate benefited, to be levied in such a manner as shall be prescribed by the common council.

CHAPTER V.

Fire department

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed or repaired without permission, and to direct that all and any building, within the limits prescribed, shall be made or constructed of fire-proof materials, and prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same have been damaged fifty per cent. of the value thereof, and prescribe the manner of ascertaining such damages.

Chimneys, etc.

§ 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-

places, hearths, stoves, stove-pipes, boilers and apparatus used in and about any building or manufactory, and cause the same to be removed, or placed in a safe and secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state, to be put in a safe condition. Ashes.

To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires. Manufactories.

To regulate or prevent the use of fire-works and fire-arms. Fire works.

To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same. Scuttles. etc.

To authorize the mayor, aldermen, police or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat. Idle and suspicious persons.

And generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient. Extinguishment of fires.

§ 3. The common council shall provide fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same; and shall have power: Engines.

To organize fire, hose, hook and ladder and ax companies. Hook and ladder companies.

To provide for a competent number of respectable inhabitants of said city, firemen, to take care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires. Firemen.

To prescribe the duties of firemen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for violation of the same; and for incapacity and neglect of duty, or misconduct, to remove them. Duty of firemen.

The chief and assistant engineer of the fire department shall take care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires; their duties and powers shall be defined by the common council. Engineers.

§ 5. The assistant engineers of the fire department shall, also, act as fire-wardens, and it shall be their duties to examine all buildings and inclosures, to discover whether the same are in dangerous state, and to report to the chief engineer all violations of the charter or ordinances of said city in relation to the prevention and extinguishment of fires. Fire-wardens.

Exempt from
jury duty.

§ 6. The members of the common council and firemen shall, during their term of service as such, be exempt from serving on juries in all courts of this state, and in the militia. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk, made within the year in which the exemption is claimed.

CHAPTER VI.

Levy taxes for
general purposes.

SECTION 1. The common council shall have power, within the city, by ordinance :

To annually levy and collect taxes, not exceeding ten mills on the dollar of the assessed value of all real and personal estate in the city, made taxable by the laws of this state, to defray contingent expenses not herein otherwise specially provided for, which taxes shall constitute the general fund.

School tax.

To annually levy and collect a school tax, not exceeding five mills on the dollar, on all taxable real and personal estate, to meet the expenses of purchasing grounds for school houses and buildings, and repairing school houses and maintaining schools.

Police expenses.

To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable and personal estate, for police expenses for said city.

Lighting streets

To annually levy and collect a tax, not exceeding two mills on a dollar, on all taxable real and personal estate, to defray the expenses of lighting the streets in said city.

Interest on the
bonded debt.

To annually levy and collect a tax of sufficient amount, on all taxable property, real and personal, to meet the interest accruing on the general bonded debt of said city.

Public buildings

To annually levy and collect a tax, not exceeding ten (10) mills on a dollar, on all taxable real and personal estate, when required, for the erection of a city hall, markets, bridewell or house of correction, or other public buildings, the purchase of ground therefor, for public squares or parks or any other public improvement: *Provided*, no tax shall be levied under this clause unless a majority of all the aldermen elected shall vote for the same.

Repairs of.

To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, when required, to pay any debt that may be contracted for money borrowed during the preceding year, or to provide for the expenses incurred in making public improvements, caused by any casualty or accident happening after the making the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year.

Sinking fund
for payment of
bonded debt.

§ 2. The common council shall, also, annually levy and collect a tax of two (2) mills on a dollar, on the real and

personal estate in said city, made taxable by the laws of this state, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of the bonds of said city, if they can be purchased on satisfactory terms; all city bonds so purchased shall be returned and canceled.

§ 3. All corporations, companies or associations engaged in said city in effecting fire, marine and life insurance, shall pay to the city treasurer the sum of two (2) dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the half ($\frac{1}{2}$) year ending on the first day of July and January, shall have been received, or have agreed to have been paid, for any insurance effected or agreed to be effected in said city, by or with such corporations, companies or associations, respectively. Every person who shall act in said city as agent or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth (15) day of July and January, in each year, render to the city clerk a full, true and just account, verified by his oath, of all premiums which, during the half year ending on the first day of July and January, [have been received]: *Providing*, such reports [premiums] shall have been received by him, or other persons for him, or shall have been agreed to be paid for or on behalf of any such corporation, company or association, and shall specify in said account the amount received for fire, marine and life insurance, respectively. Said agents shall, also, pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable, by virtue thereof. If such an account be not rendered on or before the day hereinafter designated for that purpose, or if said rates shall remain unpaid after that day, it shall be unlawful for any company, corporation or association, so in default, to transact any business of insurance in said city until said requisition is fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating the provisions of this section shall be subject to indictment, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand (1000) dollars, and be imprisoned not exceeding six (6) months, or both, in the discretion of the court. Said rates may be recovered of such corporation, company or association, or its agent, by an action in the name and for the use of said city, as for money had and recovered for its use.

Taxation of insurance companies.

Payment semi-annually.

Penalty violations. for

CHAPTER VII.

SECTION 1. The city treasurer shall receive all moneys Treasurer. belonging to the city, and shall keep his office in some

place designated by the common council; he shall keep his books in such a manner as the common council may prescribe, and such books and accounts shall be always subject to the inspection of the common council.

Warrants, how signed.

§ 2. All warrants drawn upon the treasurer must be signed by the city clerk and countersigned by the mayor, stating thereon the particular fund or appropriation to which the same is chargeable, and to the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn.

Separate accounts.

§ 3. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

Quarterly reports.

§ 4. He shall give every person paying money into the treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid, and also, file copies of such receipts with the city clerk at the date of his quarterly reports.

General duties of treasurer.

§ 5. The treasurer shall, at the end of each and every quarter, render an account to the common council, under oath, showing the state of the treasury at the date of such account, and the balance of the money in the treasury. He shall also accompany such account with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all other vouchers held by him, shall be delivered over to the city clerk, and filed with his said account in the clerk's office. On every day of such settlement he shall return all warrants paid by him, stamped or marked paid, and shall give a list of said warrants stating the number and the amount of each.

City funds.

§ 6. The treasurer may be required to keep all moneys in his hands, belonging to the city, in such place or places of deposit as the common council may, by ordinance, provide, order, establish and direct. Such moneys shall be kept separate from his own money; and he is hereby expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council, who are hereby authorized to declare said office vacant; and the mayor, in case of said removal, shall nominate a successor, who shall be appointed to said office upon the confirmation of the said common council, and hold his office for the remainder of the unexpired term of such officer so removed.

Annual report.

§ 7. The treasurer shall also report to the common council annually, in the month of April before the election, and oftener if required, a full and detailed account of all receipts and expenditures during the succeeding [preceding] fiscal year, and the state of the treasury. He shall also keep a

register of all warrants redeemed and paid during the year, describing such warrants, their date, amount and number, the fund from which paid, and to the persons to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of making such annual report to the common council, by the finance committee, who shall examine and compare the same with the books of the city clerk, and report discrepancies, if any, to the common council.

§ 8. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatsoever. Funds applied to special improvements.

§ 9. The treasurer shall give bond, with securities, to the amount [of] not less than twenty thousand dollars, to be approved by the common council, and filed in the clerk's office and entered of record. He shall also be sworn, the same as other officers, to the faithful discharge of the duties of his office. Give bond and security.

CHAPTER VIII.

SECTION 1. It shall be the duty of the city collector to collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein or ordained by the common council. He shall keep in his office, besides his collection and revenue warrants, such other books, vouchers, records and accounts, as the common council may direct and prescribe; which books, records and all other papers, shall remain in and pertain to said office, and be handed over to the successors of said office, or deposited in the office of the city clerk. Duties of city collector.

§ 2. All city collector's papers, books, warrants and vouchers, shall be examined by, and the same are placed under the supervision of the finance committee of the common council; the said collector shall weekly, on the receipt of the same, pay over all moneys collected by him of any person or persons, to the city treasurer, taking his receipt therefor, which said collector shall immediately file in the office of the city clerk. Finance committee to have control of papers.

§ 3. The city collector shall make a report in writing, under oath, to the common council, monthly, or oftener if required, of the amount of all moneys collected by him, the account upon which collected, and shall file with the city clerk the voucher or receipt of the city treasurer for the amounts so collected. He also shall, in the month of April in each year, before the annual election, submit to the common council and finance committee a statement of all moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, Report of collector made under oath.

and the balance of moneys uncollected on the warrants in his hands, and a copy of such statement shall be filed with the city clerk.

Collector prohibited from keeping the city funds.

§ 4. The city collector is hereby expressly prohibited from keeping the money of the city in his hands, or in the hands of any person or corporation to his use, beyond the time for the payment, or the time prescribed for the payment of the same to the city treasurer; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council; and it is hereby declared to be the duty of the mayor, upon such removal being made, to nominate and appoint a successor with the advice and consent of the common council.

Collector's bond

§ 5. The collector shall give bonds not less than twenty thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council, and filed in the clerk's office, and entered of record. He shall also be sworn, as other officers, to the faithful discharge of the duties of his office.

Misfeasance of collector.

§ 6. If the collector shall receive any money for taxes or assessments, giving any receipt therefor, for any land or parcel of land, and afterwards sell the same at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for double the amount of the face of the certificate, to be demanded within three years from the date of the sale, and recover in any court having jurisdiction of the amount; and the city, in no case, shall be liable to the holder of the certificate.

Auditor may be appointed.

§ 7. The common council may hereafter, in their discretion, provide for the appointment of city auditor, to hold his office for two years, and until the appointment and qualification of his successor, whose duty shall be to examine personally, and certify to the correctness or incorrectness of all accounts rendered for any money which may be collected or disbursed by any of the officers of said city; the said common council may, by ordinance, prescribe his qualifications and more particularly define his duties; and he shall be removable from his office at any time, by the mayor, with the concurrence of the common council.

CHAPTER IX.

assessor

SECTION 1. The assessor [shall], immediately after his appointment, in each year, proceed to examine and determine the valuation of the taxable real and personal estate in the city. Schedules of the taxable real estate shall be furnished by the city clerk, to aid him in the performance of his duties, upon which he shall enter his

valuations. Said appraisal, together with his appraisal of all the personal estate taxable in said city, shall be completed and filed in the office of the city clerk, on or before the first Monday in August, in each and every year, unless further time shall be granted by the common council. And when so completed and filed, the assessor shall fix upon a day for hearing objections thereto; and the city clerk shall give ten days' notice of the time and place of such hearing, by publication thereof in the corporation newspaper. Any person feeling aggrieved by the assessments of his property, may appear at the time specified and make his objections.

§ 2. The said assessor shall meet at the time and place designated, to revise and correct his assessment; he shall hear and consider all objections which may be made, and shall have power to supply omissions in his assessments, and for the purpose of equalizing the same, to alter, add to or take from, and otherwise correct and revise the same. The assessor may adjourn, from time to time, until his revision shall have been completed.

Time and place
for revising as-
sessment list.

§ 3. When said revision shall have been completed the city clerk shall, under the direction of said assessor, in one or more books prepared for that purpose, [make] a complete list of all the taxable real estate in said city according to the schedule as returned and revised by the assessor, showing in a proper column, to be ruled for that purpose, the names of the different owners, as far as known by said assessors, and in another column the amount of valuation in each case. Said books shall have ruled therein an appropriate column for extending or inserting the amount of taxes which may be levied upon said property; said book or books shall together constitute the tax list of real estate for such year. The city clerk shall also enter, under the direction of said assessor, [in] another book to be prepared for that purpose, a complete list of taxable personal estate in said city, as returned and revised by said assessor, showing in a proper column the names of the different persons whose property has been assessed, and in another column the valuation made by the assessor; said book shall have ruled therein an appropriate column for extending or inserting the amount of the taxes which may be levied thereon; said book shall constitute the personal tax book for such year. The clerk shall add the valuation in each list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column on the last page. When said tax lists shall have been completed they shall be signed by said assessor and left in the custody of the city clerk, and shall constitute the only record to be referred to in any case in which said assessments may be drawn in question.

General duties
of assessor.

§ 4. The common council shall, thereupon, by an ordinance or resolution, levy such sum or sums of money

Further assess-
ment by order of
council.

as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized percentage), particularly specifying the purpose for which the same was levied.

Clerk to estimate the several tax lists.

§ 5. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the opposite column of the several tax lists opposite the person or property charged therewith. When completed, the city clerk shall attach to each of said tax lists a warrant, under the corporate seal, signed by the mayor and city clerk, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate or persons, in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate, which warrant shall also designate the names and rates of the several taxes included therein.

Warrants to be delivered to the collector.

§ 6. Said tax lists, with the warrants attached, shall be delivered to the collector by the city clerk, on or before the last day of October, in each year, and shall constitute the only process necessary to be issued for the collection of the amount of taxes. The clerk shall take receipt from the collector for the said tax list, specifying the amount of the taxes levied in each list.

Confirmation of special assessments.

§ 7. When any special assessment shall have been confirmed by the common council (and no right of appeal therefrom is given by this act), it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the mayor and city clerk; shall contain a copy of the assessment roll, as confirmed by the common council, or so much thereof as describes the real estate assessed and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist, in any case, said warrant shall not be issued until the expiration of the time limited for the taking such appeal; and in any case an appeal should be actually taken, the issue of the warrant shall be delayed until after the termination of such appeal.

Warrants to collector to be receipted for.

§ 8. All warrants issued for the collection of special assessments, shall be delivered by the clerk to the collector, taking his receipt therefor, in a manner prescribed in case of warrants for the collection of annual taxes.

Notice given by publication.

§ 9. Upon the receipt of any warrant, for the collection of annual taxes or any special assessment, the collector shall forthwith give notice, by publication in the corporation newspaper, that said warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment, at his office, and that in default thereof the same will be collected at the

cost and expense of the persons liable for the payment of such taxes or assessments. Immediately after receiving the personal property tax list, he shall notify all persons, through the postoffice, of the amount of their personal property tax. In the notice to be published in the corporation newspaper, he shall notify all parties interested that after the expiration of sixty days from the day of receiving said lists, he will levy upon the personal property of all who shall have failed to pay; and at the end of sixty days he shall so levy, if the property belonging to such delinquent person can be found, and he shall be liable for the amount of their taxes in case of neglecting to do so. Where persons cannot be found, or property belonging to them, out of which to make the tax, the collector shall advertise their names and call for information concerning them and their property, and state the amount of their corporation tax, in the corporation newspaper; and the tax shall be a lien upon any property they may have or thereafterward acquire until paid, and the collector, or his successor in office, may, at any time thereafter, levy on the same; but nothing in this section shall be so construed as to prevent the collector from levying after the publication of the notice above required.

§ 10. All taxes levied by the common council, under this act, shall be a lien upon the real estate upon which the same may be unpaid, and said lien shall continue until said taxes are paid. Every person owning property on the first day of May, including all such property purchased on that day, shall be liable for taxes thereon, for that year. The city taxes shall, also, be a lien on the personal property of all persons owing taxes from and after the delivering of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector, wherever found, and removed, if necessary, and sold to discharge the taxes of the persons owning the same, and the same proceedings may be resorted to by the collector, upon any warrant issued for the collection of a special assessment.

Taxes, a lien
on real estate.

§ 11. The city collector shall be allowed, for the use of said city, one half of the same fees and charges for making distress and sale of goods and chattels, for the payment of city taxes and special assessments, as may be allowed, by law, to constables, for making levy and sale of personal property on execution, and his proceedings in such cases shall conform, as nearly as may be, to those prescribed to town collectors by the general laws, relative to the collection of the revenue.

Fees of collector

§ 12. If, from any cause, the taxes charged in the real estate lists shall not be collected or paid on the lands and lots described therein, on or before the first day of January, ensuing the date of the warrant, it shall be the duty of the

Collection of
tax.

collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case; and if the assessments charged in any special assessment warrant shall not be paid after the first publication of the collector that he has received such warrant, shall not be paid after the first publication of notice by the collector that he has received such warrant for collection, the assessment then remaining unpaid shall be collected, with damages at the rate of one per cent thereon for each and every month thereafter, until the same is paid.

Delinquent tax-
payers.

§ 13. It shall be the duty of the collector, between the fifteenth day of January and the last day of February, in each year, to make report to the Tazewell county court, held in said city, at a special or general term thereof, of all the taxes and assessments then remaining unpaid on the real estate tax list and all special assessment warrants, on or before the last day of the preceding October, asking judgment against the several lots and parcels of land or other property described in such lists or warrants, for the amount, assessments, damages and costs, respectively, due thereon. The collector shall give ten days' notice, by publication thereof, in the corporation newspaper, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which application is to be made, and request all persons interested to attend at such term. The advertisement, so published, shall be deemed and taken to be sufficient legal notice of the aforesaid intended application, by the collector, for such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

Notices, one
advertisement.

§ 13½. When two or more notices are required in the corporation newspaper, in any special assessment, proceedings may be comprised in one advertisement, and the provisions of this section shall extend to and embrace all notices required to be given in the corporation newspaper, by the city collector, of delivery to him of all taxes and special assessment warrants for collection, and of his intended application to the court for judgment thereon.

Evidence of a
legal notice.

§ 14. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with the certificate of due publication thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of the Tazewell county court at the same term with, said reports.

Duty of clerk
in filing report.

§ 15. The clerk of the county court, upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto; each of said reports shall constitute a separate suit, and shall be docketed in the following form, as near as may be, to-wit:

"City of Pekin *vs.* —, and others. Suit for taxes." Or, if it be for an assessment for some specific improvement, in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

§ 16. It shall be the duty of the court, upon filing of said reports, to proceed, immediately, to the hearing of the same, and it shall have priority of all other causes pending in said court. The court shall pronounce judgment against the several lots and parcels of land, or other property, described in said reports, for which no objections shall be filed, for the amount of the tax or assessment, damages and costs due severally thereon. The owner of any property described in said report, or any person beneficially interested therein, may appear at said court at the time designated in the collector's notice, and file objections, in writing, to the recovery of judgment against such property. No objection shall be sustained on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice; but should justice require, for any cause, the suit, as to one or more owners, should be delayed for more than twenty days, judgment shall be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in all other cases.

§ 17. In all cases where judgment shall be rendered by default against the property described in said report, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form: "Whereas, due notice has been given of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense or show cause why judgment should not be entered against land and other property for taxes (or assessments, as the case may be), damages and cost due and unpaid thereon, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land, and other property, in favor of the city of Pekin, for the sum annexed to each lot and parcel of land, or other property, being the amount of taxes (or assessments), damages or costs due severally thereon; and it is ordered by the court that the said several lots and parcels of land, or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes (or assessment), damages and costs annexed to them, severally, be sold as the law directs." In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made out and entered of record. Ten cents shall be taxed against each lot

Duty of court
on filing report.

Court may
order sale of
real estate.

Form of order.

When defense
is made, how to
proceed.

[against] which judgment is rendered—five cents to be paid to the clerk and judge, and five cents for advertising the notice of sale.

Duty of clerk.

§ 18. It shall be the duty of the clerk of said court, within twenty days after such order is granted, as aforesaid, make out, under the seal of the court, a copy of so much of the collector's report in such cases as gives a description of the land or other property against which judgment has been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, sublots, pieces or parcels of land, or other property, shall be sold for the amount of any taxes, assessments, damages and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land, or other property, upon ten days' notice, to be published in some newspaper published in said city.

Delinquent lots of land to be sold

§ 19. The said advertisement so to be published in each case of judgment upon any special or general collection warrant and reports, as aforesaid, shall contain a list of the delinquent lots and parcels of land and other property to be sold, the names of the owners, if known, the amount of the judgment rendered thereupon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed at public sale at a time and place, to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon the payment of said judgment to the collector.

Figures may be used to denote the lands.

§ 20. In all proceedings and advertisements for the collection of such taxes and assessments, and the sale of lands thereof, letters and figures may be used to denote lots, sublots, lands and blocks, sections, townships and ranges and parts thereof, the year and the amounts.

Proceedings in sale of lands and lots.

§ 21. The sale shall be made for the smallest portion of ground (to be taken from the east side of the premises), for which any person will take the same and pay the amount of the judgment thereon. Certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser; which certificates shall contain the name of the purchaser, a description of the premises sold, and the time when the right of redemption will expire. The collector shall continue such sale from day to day until all the lots or parcels of land, or other property contained in his precept on which judgment remains unpaid, shall be sold or offered for sale.

§ 22. The person purchasing any lots, or parcel of land, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bids shall be made for any parcel of land, or other property, the same shall be struck off to the city, and thereupon the city shall receive, in the corporation name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sale.

In case of non-payment, land to be offered again.

§ 23. The collector shall make a return of his precept to the court from which the same was issued. A record of all sales made by the collector shall be kept in the office of the city clerk, which shall be open to public inspection at all reasonable times; and said record and copies thereof, certified by said clerk, shall be deemed sufficient evidence to prove the sale of any land, or other property, for taxes or assessments, or any other fact authorized to be recorded therein.

Collector to make record of all sales.

§ 24. The right of redemption in all cases of sale for taxes or assessments, shall exist to the owner, his heirs, creditors or assignees, to the same extent as is allowed by law in case of sales of real estate for taxes, on payment of lawful money of the United States of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of ten per cent. per annum. If the real estate of any infant, *femme covert*, or lunatic, to be sold under this act, the same may be redeemed within any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of the redemption money to the treasurer and taking his voucher therefor, and filing the same in the office of the city clerk, who shall thereupon note the facts of said redemption upon his record of sale; or any person holding a certificate of sale may surrender the same to the city clerk and be canceled, and the fact in like manner shall be noted on said record upon the return of the certificate, or the proof of its loss, and filing with the clerk of the city the affidavit required by the constitution of this state. If the property shall have not been redeemed according to law, a decree shall be executed to the purchaser, or his assignee, under the corporate seal, signed by the mayor and clerk, conveying to such purchaser, or assignee, the premises so sold and unredeemed, as aforesaid. A memorandum of all deeds, so made and delivered, shall be entered in a book wherein tax sales are recorded, and a fee of one dollar may be charged by the clerk for every deed so issued.

Right of redemption of the lands sold for taxes.

Infant or femme covert, etc.

Deeds, how made.

§ 25. Such certificate shall be assignable by indorsement; and an assignment thereof shall vest [in] the assignee,

Certificate of sale transferable

or his legal representatives, all the right and title of the original purchaser.

When not subject to taxation.

§ 26. Whenever it shall appear to the satisfaction of the clerk that the execution of a deed, for any property sold for taxes, that such property was not subject to taxation, or that the taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales that the same was sold in error. Such entry shall be evidence of the fact therein stated, and this provision shall apply, so far as the same is applicable, to all sales of special assessments.

Tax deeds shall be prima facie evidence.

§ 27. All deeds made to purchasers of lots of land, or other property sold for taxes or assessments, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assignee, to the premises thereby conveyed, of the following facts:

Advertisement.

That the land or lot conveyed was subject to taxation or assessment, at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Taxes not paid.

That the taxes and assessments were not paid at any time before the sale.

Non-redemption

That the lands or lots conveyed have not been redeemed from sale at the date of the deed.

And shall be conclusive evidence—

Was advertised.

That the land or lots were advertised for sale in the manner and length of time required by law.

Sale of land.

That the lands or lots were sold for taxes or assessments, as stated in the deed.

Deed.

That the grantee in the deed was the purchaser.

Sales, manner of conducting. Sale lawful.

That the sale was conducted in manner required by law.

And in all controversies and suits involving the title of the lots or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation at the date of the sale, or that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the person having the right of redemption under the laws of this state; but no persons shall be permitted to question the title acquired by said deed, without first showing that he or she or they, or the person under whom he or she or they claim title, had title to the lands or lots at the time of the sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lots or lands have been paid by such person, or the person under whom he claims title, as aforesaid; and no deed of lands or other property

Title.

sold for the non-payment of taxes or assessments shall be questioned in any suit or controversy, unless the person wishing to contest the same shall have tendered or deposited the amount of the redemption money and interest, as now provided by the laws of this state in case of sales of real estate for taxes.

§ 28. Any change made in the incumbent of the office of the collector during the pendency of any such proceedings shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In a case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the clerk until such vacancy is filled by election or otherwise.

Change of collector not affect the same.

§ 29. All sales of property for the non-payment of taxes and assessments for any improvement, of what kind soever, shall be held at the same time with the general sale of property for the non-payment of city taxes in each year, unless, in particular cases, said sales are stayed or delayed by examination or process of law—the intent hereafter being there shall be but one general collection, by sale, of all taxes and assessments whatsoever, in each and every year; which sale shall take place in the manner hereinbefore provided, and at the same time in each year: *Provided*, in all cases where judgment shall be delayed in consequence of any appeal, or delay of any court in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

Non-payment of taxes.

§ 30. Any assessor, collector other officer, who shall, in any case, refuse or knowingly neglect to perform any duty enjoined on him by this chapter, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city, individually, and upon his official bond, for double the amount of damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

Neglect of duty liable to damages.

§ 31. No assessments of property, or charge for taxes or assessments thereon, shall be considered illegal on account of any irregularity or informality in tax lists or assessment rolls, or on account of assessment rolls or tax lists not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers intrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice

Informality of tax lists, not to be illegal.

of the tax or assessment itself, shall vitiate or any way affect the tax or assessments.

When purchaser not entitled to deed.

§ 32. If any purchaser of lands, lots, or other property sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments before the expiration of the two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot or other property shall be subject to redemption; and the persons redeeming shall only be required to pay, for the use of the purchaser, after the first sale, the amount paid for the property, and double the amount paid by the second purchaser, for his use, as in other cases.

CHAPTER X.

Publication of ordinances.

SECTION 1. Every ordinance, regulation or by-law imposing any penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published in the corporation newspaper; and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer an oath, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances or by-laws, in all courts and places.

Ordinances to be in force until repealed.

§ 2. All ordinances, regulations and resolutions now in force in the city of Pekin, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the common council, after this act shall take effect.

§ 3. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation herein created.

All property vested in corporation.

§ 4. All property, real, personal or mixed, belonging to the city of Pekin, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall, respectively, continue in the same until superseded in conformity to the provisions hereof; shall be governed by this act, which shall take effect from and after its passage.

This act shall not invalidate certain rights.

§ 5. This act shall not invalidate any legal act done by the common council of the city of Pekin, or by its officers, nor divest their successors under this act of any rights of property, or otherwise, or liability, which may have accrued to or been created by said corporation prior to the passage of this act.

Incompetent judges, etc.

§ 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or

freeholder in the city of Pekin, in any action or proceeding in which the city shall be a party in interest.

§ 7. All officers of the city created conservators of the peace by this act shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, and, if necessary, to detain such persons in custody over night in the watch house or other safe place; and shall have and exercise other powers, as conservators of the peace, as the common council may prescribe.

Power to arrest with or without process.

§ 8. The cemetery lots which have been or may be hereafter laid out and sold by said city, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Cemetery lots.

§ 9. When, in any suit, the city of Pekin prays an appeal from the judgment of any court in this state to a higher court, it shall not be required to furnish an appeal bond; nor shall any affidavit of merits be required of said city in any suit to which it is a party defendant, to entitle it to defend the same. No suit shall be brought against the city, except in a court of record, nor shall a writ of execution be issued for the collection of any judgment recovered against said city.

City not required to give bond.

§ 10. All ordinances of the city of Pekin, when printed and published by authority of the common council, shall be received in all courts and places, without further proof.

Evidence and proof of ordinance.

§ 11. This act shall be deemed a public act, and may be read in evidence, without proof, and judicial notice thereof shall be taken in all courts and places.

Evidence of validity of act.

§ 12. All aldermen now in office, and whose terms, by virtue of previously existing laws, shall not expire until 1870, shall represent in the common council the respective wards in which they reside, as the same are hereby established, to the end of the term for which they were chosen; and that if, in any case, more than two such aldermen may happen to reside in the same ward, two of them, to be designated by lot, shall retain their seats as above provided, and the others shall retire from office on the first Monday of May next. Two aldermen shall be chosen at the next annual election, in each of said wards which would not otherwise be fully represented in the common council during the ensuing municipal year.

Representation of wards.

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

APPROVED March 4, 1869.

In force March
4, 1869.

AN ACT to incorporate the city of Sycamore.

CHAPTER I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of DeKalb, and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic and corporate, under the name and style of "The City of Sycamore," and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, complain and defend, in all courts of law and equity, in all actions whatsoever; and may make and use a common seal, and alter the same at pleasure; to take and hold, receive, purchase and lease property, real, personal and mixed, as the purposes of the corporation may require, within or without the limits and boundaries of said city; to sell, lease and convey or dispose of property, real, personal and mixed, and to improve and protect said property, and to do all other things in relation thereto as natural persons.

§ 2. The corporate limits and jurisdiction of the city of Sycamore, shall embrace and include within its boundaries the following limits, viz: All of section number thirty-two (32), and so much of section number thirty three (33), in township number forty-one (41) north, of range five (5) east of the third principal meridian, as is embraced and included in the present corporate town of Sycamore; and whenever any tract of land adjoining the said limits, or any addition to the city, shall be laid off into town lots, and the plat thereof shall be recorded, the same shall be and form a part of the city of Sycamore, as fully as if within the original corporate limits.

§ 3. The city of Sycamore shall be and is hereby divided into four (4) wards, as follows, to-wit:

First Ward.—All that portion of said city which lies north of State street, and east of a line running due north from the junction of State and Maple streets to the northern limits of said city, shall be and is hereby established as and denominated the first ward.

Second Ward.—All that portion of said city which lies north of State street and west of a line running due north from the junction of State and Maple street to the northern limits of said city, shall be and is hereby established as and denominated the second ward.

Third Ward.—All that portion of said city which lies south of State street and west of a line running due south from the junction of State and Maple street to the southern limits of said city, shall be and is hereby established as and denominated the third ward.

Body corporate
and politic.

Name and style.

Boundaries.

Division of city
into wards.

First ward.

Second ward.

Third ward.

Fourth Ward.—All that portion of said city which lies south of State street and east of a line running due south from the junction of State and Maple streets to the southern limits of said city, shall be and is hereby established as and denominated the fourth ward: *Provided, always,* that the city council shall have, and they are hereby vested with, the power and authority to alter the boundaries of the wards of said city, and to create additional wards and fix the boundaries thereof. Fourth ward.

CHAPTER II.

OF GOVERNMENT.

SECTION 1. The corporate powers of said city shall be vested in a city council, to be composed of the mayor of said city and two aldermen from each of the wards thereof. The other officers of said city shall be as follows, to-wit: A clerk, treasurer and assessor, constable, who shall be, *ex-officio*, collector, an attorney, fire warden, and a marshal and street commissioner. The mayor and aldermen shall be elected by the qualified voters of the city, and hold their respective offices, the mayor for one year and the aldermen for two years, and until their successors are elected and qualified: *Provided*, that at the first election held under this act, one of the said aldermen elected in each ward, shall be elected for one year, to be so designated by the ballots cast at such election: *And, provided*, that no person shall be eligible to any of the aforesaid offices, unless a citizen of the United States and of this state, and who shall have had at least one year's residence in said city previous to his election: *Provided, further*, that the city council may elect or appoint such other officers of the city as they may deem advisable, and, by ordinance, prescribe their powers and duties. Organization of city council.

§ 2. If any person, having been an officer in said city, who shall not, within ten days after notification and request, deliver to his successor in office, all money, property, papers and effects of every description, in his possession, belonging to said city, or appertaining to the office held by him, he shall forfeit and pay for the use of the city, the sum of one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor shall and may recover possession of the books, papers, property, etc., appertaining to his office, in the manner prescribed by the laws of this state for the recovery of the possession of personal property. Surrender of books, etc., to successor.

§ 3. The mayor, constable, marshal and aldermen of said city are hereby created conservators of the peace within and for said city, and shall, and they are hereby declared to be exempt from all jury duty, and from the payment of street or poll tax, during their continuance in office. Officers.

Officers' fees.

§ 4. The emoluments, salaries and fees of all city officers shall be fixed and regulated by the city council, by ordinance, and the same shall not be changed or altered so as to affect any officer during his term of office.

Vacancies, how filled.

§ 5. When a vacancy shall occur in any elective office, either by a failure of the people to elect, or by the death, removal or resignation of any incumbent, the city council shall forthwith declare said office or offices vacant, and order a new election; and if, from any cause, there shall not be a sufficient number of aldermen of the city left to form a quorum, it shall be the duty of the clerk to order such election.

Presiding officer

§ 6. In case of a vacancy occurring in the office of mayor, or if the mayor be unable to perform the duties of his office, by reason of temporary absence or sickness, the city council shall appoint, by ballot, one of their number to act as mayor, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be and he is hereby vested with all the powers, and shall perform all the duties, and be subject to all the liabilities of the mayor, until the mayor shall resume the duties of his office or the vacancy be filled by a new election.

Office vacated.

§ 7. Whenever a vacancy shall occur in the office of any person elected or appointed by the city, by death, resignation or from any other cause, the city council shall immediately declare such office vacant, and fill the same by a new election or appointment.

Tie, how decided.

§ 8. Whenever a tie shall occur in the election of any person to any office created by section one (1) of this chapter, the judges of election shall certify the same to the mayor of said city, who shall determine the same by lot, in such manner as may be prescribed by ordinance.

Removal from office.

§ 9. Any person elected to any office under this act, may be removed from such office by a two-thirds vote of all the aldermen of said city, but no person shall be so removed except for good cause, nor until first furnished with the charges preferred against him, in writing, and heard in his own defense; and the city council shall have power to compel the attendance of witnesses and the production of papers for the purpose of such hearing, and shall proceed, in a summary manner, to hear and determine the merits of the case. And if such officer shall refuse or neglect to appear at the time appointed for a hearing, and neglect to make answer to the charge or charges preferred against him, the council may declare his office vacant, and the city council may suspend any officer until a final disposition of the charges preferred: *Provided*, that the provisions of this section shall not apply to officers appointed under this act by the city council; such officers may be removed at any time, at the discretion of the council, by a two-thirds vote of all the aldermen.

Provided

§ 10. All persons elected or appointed to office under this act, shall, before they enter upon the duties of their respective offices, take and subscribe the oath of office prescribed in the constitution of this state, and within ten days after notice of such election or appointment, file the same, duly certified by the officer before whom it was taken, with the clerk of the city, and any person neglecting so to do shall be considered as having refused to accept the office, and such office may be immediately declared vacant. The mayor, before entering upon the duties of his office, shall, in addition to the above oath, make oath or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require.

§ 11. All persons elected or appointed under this act, to the office of mayor, clerk, attorney, assessor, constable, marshal and street commissioner, shall, before they enter upon the duties of their respective offices, severally execute to the city of Sycamore, a bond, in such sum and with such securities as the city council may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys and other property belonging to said city, received by them, which said bond, with the approval of [the] city council certified thereon by the clerk, shall be filed with the clerk: *Provided*, that the city council may, at their discretion, require bonds of any and all other officers of said city, and that no member of said city council shall be received as surety upon any official bond.

CHAPTER III.

OF ELECTIONS.

SECTION 1. On the third Monday of March, next, an election shall be held in each ward of said city, for one mayor of said city and two aldermen for each ward; and forever thereafter, on the third Monday in March of each year, there shall be an election held in each ward of said city, for one mayor of the city and one alderman of each ward. The present board of trustees of the town of Sycamore shall make the necessary arrangements for said first election, and fix the place in each ward, as above mentioned, for said election, and one of their present number shall preside at and hold such election in each of said wards; the said trustee acting as judge of said election, having power to administer the necessary oaths to clerks and others that may be required to take oath previous to voting. And the election returns from each ward shall be made up in manner and form as now required by law in case of town elections, and returned to the said board of trustees, or a majority of them, at the office of the said board of trustees, immediately after such returns shall have been completed. The

said present board of trustees, or a majority of them, shall determine the same, and make record thereof in the present book of record of the town of Sycamore. And for all elections to be held after said first election, the city council shall, on their meeting in March of each year, or as soon thereafter as convenient, and before the third Monday of March, appoint one judge and one clerk of election for each ward, for the then coming election, and make record of the same in their journal of proceedings; and in case any or either of said judges or clerks of election shall fail to attend, the mayor, on the mornings of said elections, may supply their places by appointment. The pay of said judges and clerks of election to be paid out of the city treasury the sum fixed and ordered by the said city council.

Clerk of election.

Oath of office.

§ 2. The judges of any city election, within three days after such election, shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books, and enter the result of the election on their journal; and if the persons elected do not take the oath of office within ten days after said election, [as] required by this act, their office shall be declared vacant, and a new election ordered.

Qualification of voters.

§ 3. 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 sixty 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.

Registry law not applicable.

§ 4. The registry law of this state shall not be applicable to any election in said city held for the election of city officers, or for any corporate purpose.

CHAPTER IV.

APPOINTMENTS.

Appointment of officers.

SECTION 1. The city council of the city of Sycamore shall have the power to appoint a clerk, treasurer, assessor, constable (who shall be, *ex-officio*, collector), attorney, fire warden and marshal and street commissioner, and such other city officers as they may deem expedient; and they may give one or more of said offices to any one person, as they may see proper, and regulate the salaries and fix the same as they may think best, and in accordance with the services performed by the said officers. And the city council may remove any of said officers at their pleasure, either for misconduct or any reasonable cause

CHAPTER V.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, preserve order and direct the course of business before the council; and in case of a tie in any vote thereof, shall give the casting vote. He shall be the head of the police and fire department, and all marshals or deputy marshals, policemen and all officers of the fire department shall be under his command. Mayor's duties.

§ 2. In case the mayor is unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the council shall appoint one of its [own] members to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall assume his office or the vacancy be filled by a new election. Acting mayor.

§ 3. The council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members elected, expel a member. A journal of the council proceedings shall be kept, and the yeas and nays, when demanded by any member present, shall be entered on the journal. Duty of mayor.

§ 4. The council shall judge of the qualification and election of its members, and shall hear and determine all contested elections under this act, and its decision shall be final. A majority of the 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. Journal of proceedings.

§ 5. The mayor is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and, in case of riot, to call out the militia and citizens, to assist him in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit and pay to the said city a fine of five dollars. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city, an exhibit of all their official books and papers; and shall have power to execute all duties that may be required of him by this act, or any ordinance made in pursuance thereof. Qualification of officeholders.

§ 6. The mayor shall, *ex officio*, have power to administer any oath, required to be taken by this act, or any law of the state; to take depositions, acknowledge deeds, mortgages, and all other instruments of writing, and certify the Enforcement of laws.

Power of mayor.

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

Ordinances to
be approved.

§ 7. All ordinances, before they take effect, shall be placed in the office of the clerk, and if the mayor approve thereof, he shall sign the same, and such as he may not approve, he shall return to the council, at the next meeting thereafter, with his objections thereto. Upon the return of any such ordinance, by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the aldermen elected, shall agree, by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object for a longer period than ten days after an ordinance shall be placed in the clerk's office, as aforesaid, the same shall go into effect.

Clerk's duties.

§ 8. The clerk shall keep the corporate seal and all the books and papers belonging to the city. He shall attend all the meetings of the council and keep a full record of its proceedings; copies of all papers and ordinances filed in his office, and transcripts from the journal of the proceedings of the council, certified by him as clerk, shall be evidence in all courts and places, without further proof thereof, and in like manner as if the originals were produced. The clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof, in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct; and he shall have power to administer any oath required to be taken by this act.

Treasurer.

§ 9. The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the council may direct. All moneys shall be drawn from the city treasury in pursuance of an order from the council, by treasury warrants, signed by the clerk and mayor, and such warrants shall specify for what purpose the amount named therein is to be paid; he shall exhibit to the council, as often as required, a full and detailed account of all receipts and expenditures, the state of the treasury, and the state of each special fund therein; which account shall be filed in the office of the clerk; and on retiring from the office of treasurer, shall deposit his account books in the office of the city clerk, where they shall be kept as public records of the city.

City Marshal.

§ 10. The marshal shall perform all such duties as may be provided by ordinance; he shall possess the same power and perform the same duties within the limits of the city as constables in the different counties possess, and may serve any process, issuing under and by virtue of this act, or the ordinances and by-laws of said city, at any place within the county of De Kalb.

§ 11. The city assessor shall perform all duties in relation to the assessing of property, for the purpose of levying taxes imposed by the council. In the performance of his duty, he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. City assessor.

§ 12. Every person appointed or elected to the office of constable shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the common council, execute, in the presence of the clerk of the city, a bond, by which such constables and sureties shall jointly and severally agree to pay to the city of Sycamore, for the use of any person who may be entitled thereto, all such sums of money as the said constable may be liable to pay, by reason or on account of any summons, execution, distress warrant or other process, which shall be delivered to him for collection. He shall have power and authority to execute all process issued for the breach of any ordinance of said city, and for that purpose his power and authority shall extend over the county of De Kalb, and shall have the same power, jurisdiction and authority, within the limits of said city, as other constables under the laws of this state. He shall collect all taxes and assessments which may be levied by the council, except special taxes and assessments, and perform such other duties as may be prescribed by ordinance. The council may appoint township assessors and collectors, to assess and collect for the city. Constable to give bond.

Duties.

§ 13. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees. City attorney.

CHAPTER VI.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION 1. The city council shall have control of the finances, and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance— Control of finances, etc.

§ 2. To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than that allowed by law; nor shall a greater sum or sums be borrowed, or at any time outstanding, than the aggregate of which shall exceed the sum of twenty-five hundred dollars, unless by a majority vote of the people, at the annual election held in March, of each year; and no bonds of the city shall be issued or negotiated at less than par value, except by the unanimous vote of the entire board in the affirmative; but the city council may apply any surplus money in Indebtedness.

the treasury to the extinguishment of the city debt, or to the contingent fund for the contingent expenses of the city.

- Appropriations. § 3. To appropriate money for improvements, or appropriate the same to provide for the payment of the debts and expenses of the city.
- Sanitary. § 4. 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.
- Hospitals. § 5. To establish hospitals and make regulations for the government of the same.
- General health. § 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.
- Provide water. § 7. 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.
- Streets, alleys, and highways. § 8. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.
- Bridges. § 9. To establish, erect and keep in repair bridges.
- Division of city into wards. § 10. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.
- Lighting streets § 11. To provide for lighting the streets and erecting lamp-posts.
- Night watches. § 12. To establish, support and regulate night watches.
- Markets and market houses. § 13. To erect market houses, to establish markets and market places, and provide for the government thereof.
- Buildings. § 14. To provide for all needful buildings for the use of the city.
- Public grounds. § 15. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- Merchants, peddlers, etc. § 16. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers, money changers and sample sellers.
- Vehicles § 17. To license, tax and regulate hacks, 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. § 18. To license and regulate porters and the rates of portorage.
- Exhibitions. § 19. To license, tax and regulate all theatrical and other exhibitions, shows and amusements.
- Tippling houses § 20. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses.
- Extinguishment of fires. § 21. To provide for the prevention and extinguishment of fires, to organize and establish fire companies.

- § 22. To regulate the fixing of chimneys and to fix the flues thereof. Chimneys and flues.
- § 23. To regulate the storage of gunpowder, tar, pitch, rosin, oils, and other combustible materials. Combustibles.
- § 24. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large. Walls, fences.
- § 25. To establish standard weights and measures, to be used in the city, in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order. Weights and measures.
- § 26. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works. Lumber.
- § 27. To provide for the inspection and weighing of hay and stone coal, measurement of charcoal, firewood and other fuel to be used within said city. Fuel, etc.
- § 28. To provide for and regulate the inspection of tobacco, and beef, pork, flour, meal and whisky in barrels. Beef, pork and flour.
- § 29. To provide for and regulate the inspection of butter, lard and other provisions. Lard and butter.
- § 30. To regulate the weights and quality of bread to be sold and used in the city. Bread.
- § 31. To regulate the size of bricks to be sold and used in the city. Bricks.
- § 32. To provide for taking enumeration of the inhabitants of the city. Enumeration.
- § 33. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties, and to use the county jail as a lock-up. Police.
- § 34. The city council shall have exclusive power within the city, by ordinance, to license regulate and restrain the keeping of billiards and billiard tables. Billiards, etc.
- § 35. The city council, by ordinance, shall have exclusive power to license, prohibit or regulate, in any manner they see fit, the selling, bartering or trafficking of any wine, rum, gin, brandy, whisky, malt liquor, strong beer, ale, porter, mixed liquors, or any intoxicating liquors whatsoever. Sale of liquors, to prohibit, etc.
- § 36. To regulate the running at large of dogs, and to authorize the destruction of the same, if at large contrary to ordinance. Dogs
- § 37. To prevent horse racing, or immoderate driving or riding of horses or other animals, and to prohibit the abuse of animals; and to compel persons to fasten their horses or other animals, attached to vehicles, whenever standing in the streets of said city. Horse-racing and fast driving.

Running at
large of animals

§ 38. To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and fowls, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto.

Destitute children.

§ 39. To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care.

Breweries, tanneries, stables.

§ 40. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for rendering or steaming lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Railroad tracks
and crossings.

§ 41. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers, and ditches, and culverts, when the city council shall deem necessary; to prohibit said railroad companies from leaving cars standing across the streets; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city.

Wooden buildings.

§ 42. To prescribe limits within which wooden buildings shall not be erected, or placed, or repaired, or removed, without the permission of the common council; and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, exclusively; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and prescribe the manner of ascertaining such damage.

Willful destruction of property.

§ 43. To prohibit and punish any willful destruction of private property; to fence, improve, ornament and protect any public grounds, and cause shade trees to be planted in the same; to direct and regulate the planting and preserving of ornamental and shade trees in the streets, alleys and highways; to take an enumeration of the inhabitants of said city as often as they shall judge necessary, and to regulate the burial of the dead.

CHAPTER VII.

STREET LABOR.

SECTION 1. The city council shall have power, for the purpose of improving the streets, and keeping the streets, lanes, alleys and highways in repair, to require every male inhabitant of said city of twenty-one years of age, to labor on the streets, alleys and public highways within the limits of the city, for any number of days in each and every year, not exceeding two. Labor on the streets and alleys.

§ 2. Any person may commute for such service, by paying to the street commissioner, at a rate not exceeding one dollar and fifty cents per day, to be fixed by the council. Payment in lieu of labor.

§ 3. Every person who, after having three days' notice from the street commissioner, to perform such labor, shall neglect or refuse to perform the same, and shall also neglect to commute thereof, shall be liable to a penalty of two dollars and fifty cents for each day's labor, to be recovered before any court of competent jurisdiction, and his liability to perform the labor shall not thereby be discharged. Notice.

§ 4. The inhabitants of said city shall not be liable to work upon any roads beyond the limits of the city, and shall be exempt from paying tax in lieu thereof, without said limits: *Provided*, that the city council may, at their discretion, cause three-fourths of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-eighth of the amount annually assessed. Citizens exempt from road labor outside of city limits.

CHAPTER VIII.

OF ASSESSMENTS FOR OPENING STREETS, &C.

SECTION 1. The city council shall have power, upon the petition of one-half of the owners of the property fronting thereon and lying within six hundred feet thereof, and without such petition, by the unanimous vote of the city council, to open or lay out public grounds or squares, streets, alleys and highways, or sections thereof; and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning lands or lots adjoining such street, alley and highway, unless by a unanimous vote of the city council. The city council shall cause all streets, alleys or highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be Petitions for opening streets, alleys, etc.

taken; and the same when opened and made shall be public highways and public squares.

Taking private
property for
public use.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice by two insertions in a weekly newspaper published in said city, or by posting three written notices in three public places in the city for the space of ten days; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and, at the same time, determine what persons shall be benefited by such improvements, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement, benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon the same. They shall give at least five days' personal notice of the time and place of their meeting for the purpose of viewing the premises, and making their assessments, which notice shall be given only to the owners who are residents thereof, and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Damages.

§ 3. In making their assessment, the said commissioners shall ascertain the value of the land taken, and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof; which shall be paid by the owners respectively, and be a lien upon the property on which it may be assessed and collected, as other taxes are collected, by sale of land or otherwise. In ascertaining the amount of compensation to be made to the owner of any property taken for the purposes aforesaid, the commissioners shall take into consideration the benefits as well as the injury accruing to said property or the owner thereof. Said commissioners shall particularly describe the lands or parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion.

Return of as
essments.

§ 4. The clerk shall give ten days' notice, by one publication in a city newspaper, or by posting up, in three public places, three written or printed notices of the same, that

such assessment has been returned, unless objections are made to the same by some persons 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 alter, confirm or amend the assessment, or annul the same. If annulled, all the proceedings shall be void; if altered or confirmed, an order shall be entered directing a warrant to be issued for the collection thereof.

§ 5. The city council shall have power to remove the commissioners, and, from time to time, to appoint others in place of such as may be removed, refuse, neglect or are unable, from any cause, to serve. Removal of commissioners.

§ 6. Any person interested may appeal from any order of the city council for opening, widening or altering, or straightening any street, alley or other highway or public ground, to the circuit court, after the passage of said final order, as in other cases of appeals. Upon the trial of the appeal, all questions involved in such proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court; or upon application of the city or any party, the amount may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings of final order of the council for any omission or informality, unless injury has resulted therefrom. Appeals taken.

§ 7. It is, however, here provided that none of the petitioners petitioning the said city council under the first section of this chapter, shall be entitled to any damages under this act, unless by the unanimous vote of the city council, and then only such sum or sums as the said council shall so vote. Payment for lands.

CHAPTER IX.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council shall have power, from time to time, upon the petition of one-half of the owners of the property fronting thereon and lying within six hundred feet thereof, or without such petition, by the unanimous vote of the council, to cause any street, alley or other highway or section thereof, to be graded or re-graded, leveled, paved or planked, and keep the same in repair, and alter and change the same; to cause side and cross-walks, main drains and sewers, and private drains and sections thereof, to be constructed, laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or other public ground now or hereafter laid out. Streets, alleys and highways.

Special assessments for expenses.

§ 2. The city council shall have power to assess and collect a special tax upon the taxable property within the corporate limits of the city, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the payment of all expenses and damages for the purpose of grading, paving, planking or re-planking such street, side-walk, pavement or other highway: *Provided*, that the city council shall first assess to each lot or parcel of land to be benefited by such improvement, the special benefits each will derive from said improvement, charging such benefits upon each lot or parcel of land; and the residue of the cost of such improvements, if any, shall be paid out of the city treasury.

Expenses for the removal of nuisances.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed by the foregoing section. Such expenses may likewise be collected by the owner or occupant of such premises, in a suit for money expended to his or their use. And in case the same shall not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisances, if known, or any person whose duty it may be to remove or abate the same.

Clean alleys, etc.

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley, to keep the same clean, and, if necessary, to direct the same to be paved or planked, and the cost thereof to be assessed and collected in the same manner as prescribed in section 2d of this chapter.

CHAPTER X.

OF ASSESSMENTS, TAXATION, ETC.

Assessment for public improvements.

SECTION 1. All real estate and personal property within the limits of the city of Sycamore, DeKalb 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. The city council shall have power to levy and collect taxes, annually, for the general purposes of the city, upon all taxable real and personal property within the city limits, in any sum they may deem expedient, but never to exceed one per cent. upon the assessed value thereof, without first having been submitted to a vote of the taxable citizens of the city, and approved by three-fifths (3-5) of the voters therein, and, in such case, never to exceed two per cent. in any one year.

Duties of the assessor.

§ 2. The assessor shall assess all the real estate and personal property in said city so far as practicable; he shall ascertain the name 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.

§ 3. The assessor shall prepare an assessment roll with Assessment roll. a caption, in substance, as follows: "An assessment roll of all the real estate and personal property within the limits of the city of Sycamore, DeKalb county, Illinois, made by the assessor of said city for the year — ;" and shall set down in separate columns, according to the best information in his possession: *First*, the names of all owners, if known, of all taxable real estate within the limits of said city. If the owner is unknown, it shall be so stated. *Second*, the description of all real estate opposite the name of the owner, or word "unknown," when the name of the owner cannot be ascertained. *Third*, the value of the real estate opposite the description. *Fourth*, the amount of the tax assessed opposite the value. The said assessment roll shall also contain in parallel columns: *First*, the names of the owners of personal property subject to taxation, in alphabetical order. *Second*, the assessed value of the personal property taxed to each individual. *Third*, 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. Certificate of assessor.

§ 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. Inspection of lists.

§ 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 Publication of notice by clerk.

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.

True copy of
assessment.

§ 7. Immediately after 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 or usual place of residence, the collector shall proceed to levy the same of the goods and chattels of said resident, 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 said 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 shall take his receipt for the same.

Personal prop-
erty taken.

Non-payment
of taxes.

§ 8. In the return of 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 unable to collect the tax, and the city council may give him credit for the amount of taxes he has been unable to collect.

Delinquent 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 the 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.

Notice of sale
of premises.

§ 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 upon 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 —, at ten o'clock in the forenoon, at the door of the clerk's office, in the city of Sycamore, and sold for the purpose of making said taxes, and fifty cents for costs of selling each lot or parcel, in case of sale." Said 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 costs 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 taxes and costs 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 costs due at any time before sale, and pay the same over to the treasurer, taking his receipt for the same.

Manner of conducting sale.

§ 12. In case no person shall bid the amount of taxes and costs charged upon any of said real estate, 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.

Bids at sale.

§ 13. All lands sold for taxes and assessments assessed under this chapter, shall be sold off of the east side, as in cases of sale for county and state taxes, and may be redeemed within two years from the sale, in the same manner and 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 city clerk shall keep and preserve said books of sale in his office and enter said redemption therein. Said books shall be *prima facie* evidence of the matters contained therein.

Rights of redemption.

§ 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 shall be in substance as follows: "Whereas, on the — day of —, A. D. —, at a public sale made by the collector of the city of Sycamore, 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 — dollars, 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 pur-

Deed of premises.

chased by him, subject to the rights 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 —, etc.”

Deeds to convey perfect title.

§ 15. Deed on 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.

Fees of collector and clerk.

§ 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.

Levy and collection of taxes.

§ 17. Power is hereby given, also, to the city council of said city 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 the general law, to assess and collect the state and county tax for township forty-one (41) north, of range five (5) east of the third principal meridian, in DeKalb 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, on or before the first day of September, of each year, of the rate per cent. of the taxation levied by them for city purposes for said year, and also for all special assessments for any purpose of laying out public grounds, streets, alleys, lanes or highways, and altering, widening, contracting, repairing or discontinuing the same, either or all, as the said city council may direct; and it shall thereupon be the duty of the said county clerk to carry out each and extend said tax upon the books of the 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 DeKalb 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, add-

Clerk's fees.

ing and extending said tax on the books of the collector, said county clerk shall receive one-half cent for each lot or tract and one-half cent on each person's name assessed for personal property, to be paid out of said city tax when collected. The collector shall receive the same compensation Collector's fees. which may be allowed by law for the collection of school taxes, and shall be liable, on his official bond, for the payment of all such city taxes by him collected—the fees of the collector to be paid out of the taxes when collected.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The style of all ordinances passed by the city council shall be "*Be it ordained by the City Council of Sycamore,*" and shall be read three times before their final passage. Upon the final passage of all ordinances, the ayes and noes shall be taken and recorded. Style of ordinances.

§ 2. All ordinances shall, before they take effect, be placed in the office of the city clerk; and if the mayor approve thereof he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections thereto. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, a majority of all the members of the city council shall agree, by the ayes and noes, which shall be entered on the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to any such ordinance, for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect the same as if he had signed it. Approval of ordinances.

§ 3. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, nor unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken. Reconsideration of votes.

§ 4. Neither the mayor or city council shall remit any fine or penalty, imposed upon any person for a violation of any law or ordinance of said city, or release from confinement, unless three-fourths of all the aldermen elected shall vote for such release or remission. Remission of fines.

§ 5. The city of Sycamore shall not be required to give security for costs in any appeal or other suits to which said city may be a party. Not required to give security for costs.

§ 6. The present justices of the peace, or police magistrates of the corporate town of Sycamore, shall be justices of the peace in said city of Sycamore, during the time for which they were elected and commissioned, and until their successors are elected and qualified, and shall have authority to hear and determine all cases arising for any vio- Jurisdiction of justices of peace

Election of
Justices of peace

lation or breach of the ordinances of said city. The said city of Sycamore shall constitute a district, in which two justices of the peace shall be elected by the qualified voters of said city, and who shall be commissioned and qualified, in all respects, as other justices of the peace of this state. Each of said justices shall hold his office for four years, and, in addition to having power to hear and determine all cases arising under this charter and for any violation of any ordinance of the city council of said city, they shall have and exercise all the powers and authority conferred on justices of the peace by the laws of this state, and shall be entitled to charge and receive the same fees as are allowed by law to other justices of the peace. And in all cases before

Trial by jury.

them, arising under the ordinances of said city, any person or persons charged with a violation of the same shall be entitled to a trial by jury of six lawful men, being citizens of said county of De Kalb. The first election for said justices of the peace shall be held on the third Monday of March succeeding the expiration of the term for which the present justices of the peace or police magistrates of the corporate town of Sycamore were elected and commissioned, and on the same ballot with the other officers of said city; and such election shall be held every four years thereafter: *Provided*, that if any vacancy shall occur in the said office of justice of the peace, the same shall be filled by a special election, to be called and conducted as provided in this act for other special election of officers of said city of Sycamore. Appeals from any decision of said justices or trial before them, shall be allowed, by the party entering into bond, as provided by law in cases of appeal from other justices of the peace of this state.

Execution may
issue for fines.

§ 7. Execution shall issue immediately on the rendition of judgment for any breach or violation of any ordinance of the city. If the defendant have no goods or chattels, lands or tenements, whereof the judgment can be collected, it shall be the duty of the marshal or constable having such execution to immediately return the same to the officer issuing the same; and thereupon the said justice of the peace shall issue a *mittimus*, to commit him, her or them to the city jail or the jail of De Kalb county, there to be and remain twenty-four hours for each one dollar of any such fine and costs, or proceed as the city council, by ordinance, shall prescribe.

Fines and penalties to go in-
to city treasury.

§ 8. All fines collected for and on behalf of the city shall be forthwith paid to the city treasurer, by the person collecting the same.

All actions and
suits vested in
corporation.

§ 9. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, when brought in a court of record, in debt, for such

penalty or forfeiture, stating the clause of this act or the ordinance, by-laws or police regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 10. In all prosecutions for any violation of any ordinance, by-law, police or other regulation of this act, the first process shall be a summons, unless oath or affirmation be made for a warrant. First process to be summons.

§ 11. All officers of the town of Sycamore shall, respectively, continue the same until superseded in conformity hereof. Term of office.

§ 12. This act shall not invalidate any legal act done by the town council of the town of Sycamore, or by its officers, nor divest their successors, under this act, of any rights of property or otherwise or liabilities which may have accrued to or been created by said corporation prior to the offices created by this act taking possession of their property and effects. This act shall not invalidate certain rights.

§ 13. All fines, judgments, forfeitures or suits at law undetermined in behalf of or in favor of the town of Sycamore, shall be collected and prosecuted by the city of Sycamore, and, when collected, shall be paid into the treasury of the city of Sycamore and become their sole property. Fines, forfeitures, etc.

§ 14. All property now owned by the town of Sycamore, whether real, personal or mixed, is hereby vested in the city of Sycamore. Vested property

§ 15. No person shall be rendered incompetent as a judge, justice, witness or juror, by reason of his being a citizen or freeholder of the said city of Sycamore, in any action or proceeding in which the city may be a party in interest. Incompetent judges, etc.

§ 16. All rights, actions, fines, penalties and forfeitures, in suits or otherwise, which have accrued, shall be vested in and prosecuted by the corporation hereby created. Rights, actions, etc.

§ 17. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places, without further proof thereof, which shall be required, until denied under oath as aforesaid. Ordinances shall be evidence

§ 18. The mayor of the city of Sycamore shall be a member of the board of supervisors of the county of DeKalb, with the same powers, rights and duties as town supervisors. Power of mayor

§ 19. This act shall be deemed a public act, and may be read in evidence without proof; and judicial notice shall be taken thereof in all courts and places. Act valid.

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

APPROVED March 4, 1869.

IN force April 19, 1869. AN ACT to incorporate the city of Tuscola, in Douglas county, and for other purposes.

ARTICLE I.

- SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Tuscola, in the county of Douglas and state of Illinois, be and they are hereby constituted
- Name and style.** a body politic and corporate, by the name and style of "The City of Tuscola," 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 and change the same at pleasure.
- Boundaries.** § 2. The following district of country shall be included within the boundaries of the city of Tuscola, to-wit: Section No. thirty-four and the east half of section No. thirty-three, in township No. sixteen north, range eight east of the third principal meridian; also, lot No. four of the northwest quarter of section two, and lot four of the northeast quarter of section three; all in township fifteen north, range eight east.
- Additions to the city.** § 3. Any tract of land adjoining said city of Tuscola, which may hereafter be laid off into town lots and duly recorded, shall be annexed to and form a part of the city of Tuscola, by the act of dedication of streets and filing of plat in recorder's office.
- Powers of the corporation.** § 4. The inhabitants of said city, by the name and style of the city of Tuscola, shall have power to purchase and hold both real and personal property in said city; and to purchase and hold real property, beyond the limits of said city, for burial grounds, for the use of said inhabitants; and to sell, lease, convey and improve both real and personal property for the use of said city, and to do all things in relation thereto as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

- City council.** **SECTION 1.** There shall be a city council, to consist of a mayor and four councilmen.
- Board.** § 2. The board of councilmen shall be elected by the qualified voters of the city, and shall serve for one year.
- Qualification.** § 3. No person shall be a member of the city council who is not at the time of his election a resident of the city, twenty-one years of age, a citizen of the United States, or who shall not at the time of his election have been a resident of the state for twelve months, and be a freeholder of said city.
- Quorum.** § 4. The city council shall judge of the qualifications elections and returns of its own members, and shall deter

mine all contested elections, and a majority shall constitute a quorum.

§ 5. The city council shall have power to determine the rules of its proceedings; punish its members for disorderly conduct; shall keep a journal of its proceedings, and the yeas and nays shall be entered on the journal when demanded by any member. Rules of proceedings.

§ 6. All vacancies that may occur in the city council during the year, shall be filled by the council. Vacancies, how filled.

§ 7. The mayor and council shall take an oath, before entering upon the duties of office, that they will well and truly perform the duties of their office to the best of their skill and abilities; and such other oaths as the constitution and laws of the state may require. Oath of office.

§ 8. The city council shall meet at such times and places as may be prescribed by ordinance: *Provided*, that the said council shall meet at least once in each month, and that the mayor and any one member shall have the power to call a special meeting of the council. Meeting of the council.

ARTICLE III.

OF THE MAYOR.

SECTION 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 two year, and until his successor shall be elected and qualified. Mayor, 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; who shall not be at least twenty-five years of age; who shall not be a citizen of the United States, and who shall not be a freeholder in said city. Eligibility of mayor.

§ 3. Whenever any vacancy shall occur in the office of mayor, it shall be filled by election, and in all contests as to the election of mayor the council shall decide. Vacancy in office of mayor.

§ 4. The mayor shall preside at all meetings of the council, and shall have the casting vote only; and in case of his absence, a chairman, *pro tem.*, shall be appointed by the council. Presiding officer

§ 5. The mayor is hereby authorized to call on all able-bodied male inhabitants of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances; and any person who shall not obey such call shall forfeit and pay to the city a fine, not exceeding ten dollars. Citizens to aid in enforcing the laws.

§ 6. The mayor shall be conservator of the peace of said city; shall have power, generally, to administer oaths and to issue writs and process under the seal of the city; to take depositions, the acknowledgments of deeds, mortgages and other instruments of writing, and certify the same under the seal of the city, which shall be good Conservator of the peace.

and valid in law; and he shall receive for such services the same fees as the clerk of the circuit court.

Jurisdiction of
mayor.

§ 7. He shall have exclusive jurisdiction in all cases arising under this charter and the ordinances of the city, and concurrent jurisdiction with justices of the peace of Douglas county; and for such services he shall receive the same compensation as justices of the peace: *Provided*, the city council may designate a justice of the peace, residing in said city, who shall have concurrent jurisdiction with said mayor.

Malconduct of
mayor.

§ 8. In case the mayor shall be guilty of a willful and palpable omission, or shall willfully and corruptly be guilty of oppression, malconduct or partiality, in the discharge of his duties, he shall be liable to indictment in the circuit court of Douglas county, and, upon conviction, shall be fined not exceeding two hundred dollars; and the court shall have power, upon the recommendation of the jury who may try said indictment, to add to the judgment of the court that he be removed from office.

Appeal taken.

§ 9. In all cases before the mayor, arising by ordinance or otherwise, appeals shall be allowed to the circuit court of Douglas county, in the same manner as in similar cases before justices of the peace.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Power to levy
taxes for gen-
eral purposes.

SECTION 1. The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one per centum upon the value thereof, and may enforce the payment thereof by ordinance, not inconsistent with the constitution and laws of the state; and the term "property," as used in this act, shall be construed to mean the same as the word property, as used in the general revenue laws of this state.

Appointment
of officers.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor, collector, and all other officers that may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof: *Provided*, that the treasurer shall be, *ex officio*, assessor, and the marshal shall be, *ex officio*, collector, and also, *ex officio*, supervisor, unless the common council, by ordinance, otherwise provide.

Bonds.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with sufficient penalty and security, and also take an oath for the faithful discharge of their duties.

Appropriations.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

- § 5. To make all necessary regulations to secure the health of the inhabitants of the city; to declare what shall be a nuisance, and to prevent and remove the same. General health.
- § 6. To provide the city with water, to dig wells and cisterns, and to erect hydrants and pumps in the streets, for the convenience of the public. Wells, cisterns, etc.
- § 7. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, squares, lanes, avenues and alleys. Streets, alleys, etc.
- § 8. To erect and keep in repair bridges; to provide for lighting the streets and erecting lamp posts. Bridges.
- § 9. To establish, maintain and regulate night watches. Night-watches.
- § 10. To establish markets, erect market houses and places, and provide for the government and regulation of the same. Markets and market houses.
- § 11. To provide for the erection of all needful buildings for the use of the city. Public buildings.
- § 12. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds.
- § 13. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers, brokers, pawnbrokers and money changers. Auctioneers, peddlers, etc.
- § 14. 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. Vehicles.
- § 15. To license and regulate porters. Porters.
- § 16. To license, tax and regulate theatrical and other exhibitions, show and amusements. Exhibitions.
- § 17. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses. Tippling houses.
- § 18. To suppress gaming of all kinds, and to authorize the destruction of all implements and devices used for the purpose of gaming. Gaming.
- § 19. To provide for the prevention and extinguishment of fires, and to establish fire companies. Extinguishment of fires.
- § 20. To regulate the fixing of chimneys and the flues thereof. Chimneys, etc.
- § 21. To regulate the storage of gunpowder and other combustible materials. Combustibles.
- § 22. To establish standard weights and measures, and regulate the same to be used in the city, not repugnant to the laws of this state. Weights and measures.
- § 23. To provide for the inspection and measurement of lumber and other building material. Inspection and measuring of lumber.
- § 24. To provide for the inspection and weighing of hay, stonecoal, and the measurement of charcoal and fire wood. Hay and fuel.
- § 25. To provide for the inspection of beef, pork, flour, meal, butter, lard and other provisions. Pork, beef and flour.

- Census. § 26. To provide for the enumeration of the inhabitants of the city.
- Bricks. § 27. To regulate the size of brick to be used and sold in the city.
- Wards. § 28. To divide the city into wards, and specify the boundaries thereof, and create additional wards as occasion may require.
- Liquors. § 29. To license, tax, regulate, suppress and prohibit the sale or giving away of spirituous, vinous, mixed, malt and intoxicating liquors within the city; and to restrain, regulate and prohibit the selling, bartering or giving away of any intoxicating, malt or mixed liquors, by any person within said city, or within one mile of said city limits, except by persons duly licensed; and to provide for the searching for, seizing and destruction of all such intoxicating, fermented, mixed or malt liquors, within the city and within such distance; and to forbid and punish the selling or giving away of any such liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress: *Provided*, that no license for the sale of spirituous, mixed or malt liquors shall be granted for longer than one year; nor shall the same be granted to extend beyond the term of office of members of the city council granting the same.
- Offensive establishments. § 30. To compel the occupant of any grocery, cellar, tannery, stable, barn, privy, sewer, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.
- Forestalling and regrating. § 32. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.
- Prevent riotous conduct. § 33. To prevent any riot or noise, disturbance or disorderly assemblage, and punish persons guilty of assaults, assaults and batteries and affrays.
- Fast driving. § 34. To prevent immoderate riding or driving in the streets; to punish and prohibit the abuse of animals, and to compel persons to fasten their horses, oxen, animals attached to vehicles, or otherwise, while standing on the streets or otherwheres in the city.
- Incumbering streets. § 35. To prevent the incumbering and obstruction of the streets, lanes, avenues, alleys and public grounds.
- Running at large of animals. § 36. To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining and sale of the same, for the the penalty incurred and the cost of proceedings, and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto.

§ 37. To prevent and regulate the running at large of Dogs at large. dogs; to tax and to authorize the destruction of the same, when at large contrary to ordinance.

§ 38. To direct and regulate the planting and preserv- Shade trees. ing of shade and ornamental trees in the streets and public grounds.

§ 39. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private Drains, sinks, sinks and privies, direct and regulate their construction, etc. and cause the expenses to be collected out of the property.

§ 40. To erect city prisons, houses of refuge and hos- Hospitals, etc. pitals, and regulate the same.

§ 41. To regulate the election of city officers; to define Elections. their duties, and to provide for the removal from office of any person holding an office by ordinance, and 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.

§ 42. To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the Railroad tracks and bridges, etc. streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep [in repair] the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersection of streets, alleys and ditches, sewers and culverts, where the city council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business within the city, or collecting pay for the same. Locomotives, speed of.

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

§ 44. The city council shall have power to make all ordinances which shall be necessary and proper to carry into Improvements. execution the powers specified in this act, and which may be necessary for the good government and general health and improvement of the city, not repugnant to the constitution of this state.

§ 45. The style of the ordinances of the city shall be, Style of ordinances. "*Be it ordained by the City Council of the City of Tuscola.*"

§ 46. All moneys collected under the city ordinances shall be deemed and taken to belong to the city, and shall Disposition of moneys.

be appropriated and disposed of by the council for the use of the city.

Publication of ordinances.

§ 47. All ordinances, within one month after their passage, shall be published by insertion in some newspaper in said city, or by posting up in three public places thereof, and shall not be in force till after such publication; and the affidavit of the town clerk that such publication has been made, shall be sufficient evidence of that fact in all legal proceedings.

Evidence of.

§ 48. All ordinances of the corporation may be proved by the seal thereof, and when printed in book or pamphlet form, and purporting to be printed by authority of the corporation, or when shown with the seal of the corporation attached thereto, the same shall be received in evidence in all courts and places without farther proof.

Wooden buildings.

§ 49. The city council, for the purpose of guarding against the calamity of fire, shall have power to prohibit the erection, placing or repairing [of] wooden buildings within the limits prescribed by them, without their permission and direction, and prescribe that all buildings within the limits prescribed shall be made or constituted of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require the same to be removed or abated, in such manner as they shall prescribe: *Provided*, that said city council shall pay for all buildings so taken or declared nuisances.

Walls, fences.

§ 50. To regulate and prescribe the manner and order the building of parapet and partition walls and partition fences.

Scuttles, etc.

§ 51. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

May borrow money and issue bonds.

§ 52. The city council shall have power to borrow money on the credit of the city, and issue bonds therefor, with or without coupons attached; but no sum of money shall be borrowed at a higher rate of interest than ten per cent. per annum, nor shall a greater sum or sums be borrowed, or at any one time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued or negotiated for less than their par value.

ARTICLE V.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council of said city shall have power, from time to time, to cause any street, alley, avenue or highway, or any portion of any street, alley, avenue or highway, in said city, to be filled, refilled, graded, leveled, paved, planked, graveled, macadamized or repaired, and to alter and change the grade of the same, and to cause sidewalks and cross-walks to be constructed, reconstructed and repaired on said streets, alleys, avenues and highways; and to erect lamp posts and lamps thereon, and to assess and collect the expense and cost of the same, together with the expense of collection, from the real property benefited thereby, to the extent of the benefit so conferred by such improvement, the balance of the cost of such improvement to be paid out of any moneys in the treasury of the city not otherwise appropriated, or by general assessment; said assessment and collection to be made as the city council may, by ordinance, direct: *Provided*, the owners of two-thirds of the lots fronting or abutting on said improvements, shall petition for the same, or said improvements shall be ordered by a majority of all members elected to the city council: *And, provided, also*, that the owner or owners of any lot fronting or abutting on said improvement shall have the right, for thirty days after the publication of the ordinance of the city council, authorizing the same, to fill, grade, pave or plank the street or avenue, or construct or repair the sidewalk in front his or their own lot or lots, to the satisfaction of the city council, and receive appropriate credit therefor. The city council may cause the improvements, in this section authorized, to be made and paid for out of any money in the treasury at their disposal, and afterwards cause the expense thereof, with the cost of collection, to be reimbursed by a special assessment, as in other cases; and where such improvements have been already made, and paid for in whole or in part, by the city, the expense thereof may be reimbursed by similar special assessments.

Streets, alleys
and highways.

Improvements.

Powers of the
city council.

§ 2. In all cases where expenses may be incurred in the removal of any nuisances, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed in the foregoing section; such expenses may, likewise, be collected of the owner or occupant of such premises in a suit for money expended for their use; and in case the same should not be chargeable to any real estate, suit may, in like manner, be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Cost for abating
nuisances.

ARTICLE VI.

ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

Open streets, etc SECTION 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys, highways, public grounds or squares laid out by them, to be surveyed, described and recorded, in a book to be kept by the city clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened in conformity to law, shall be public highways and grounds.

Notice to owner. § 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall cause notice, in writing, signed by the city clerk, to be given to the owner of the land intended to be appropriated, if he be a resident of the city; or if such owner be a non-resident of the city, then he shall be notified by publication in the paper published in the county of Douglas, of such intention to appropriate; and at the next regular meeting of the council, after service of such notice, if by copy, or after first publication, in case of non-resident owner, provided ten days notice shall be given, as aforesaid, the council shall, at its usual place of meeting, choose, by ballot, three disinterested freeholders, residing in said city, as **Commissioners.** commissioners, to ascertain the damages and recompense due the owners of said real estate, respectively; and at the same time to determine what persons will be benefited by such improvement, and assess the damage and expenses thereof on the real estate benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the members of the council authorized by law to be elected, shall be necessary to a choice of such commissioners.

Assessments. § 2. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least ten days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents, or by publication in a newspaper published in the county of Douglas if non-residents or unknown; and on the day specified in such notice they shall view the premises, and, in their

discretion, receive any legal evidence, and may, necessary, adjourn from day to day.

§ 4. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the value of such building, and the land proposed to be taken, together with compensation for the inconvenience to such owner, resulting from the taking of the same, and, secondly, they shall estimate the value of the materials in said building, less the expense of removing the same.

Buildings taken, value to be estimated.

§ 5. At least ten days' notice shall be given, as hereinbefore directed, to such owner or owners, of such valuation and assessment, as also to each person assessed as benefited. Such notice shall specify the building or buildings, and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear, by a day to be named therein, or otherwise give notice to the commissioners, of their election either to accept the award of the commissioners, and allow such building or buildings to be taken with the land condemned or appropriated, or to receive such materials at their assessed value, and remove the same. If the owner shall elect to remove such building, he shall have such reasonable time therefor, as the city council may direct, not less than sixty days.

Notice to owner

§ 6. If the owner of the building shall refuse to take the same at the appraised value of the materials, fixed by the commissioners, as aforesaid, or fails to give notice of his election, as aforesaid, within the prescribed time, the city council shall, after the return and confirmation of the report of the commissioners, have power to direct the sale of such building at public auction, for cash or on credit, giving twenty days' notice of such sale as is required by law in sales under execution. The proceeds of such sale shall, when received, be paid into the city treasury.

When owner refuses to take valuation.

§ 7. In making assessments as aforesaid, commissioners shall estimate the value of property, damages and injury to the owner thereof on the one hand, and benefits and advantages, if any, on the other; and if the damages to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case, the commissioners shall strike balance 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 collected or payable, as the case may be.

Valuation.

§ 8. If the lands and buildings belonging to different persons, or if the lands be subject to lease or mortgage, the injury done to such persons, respectively, shall be awarded to them by the commissioners, less the benefits, if any, resulting to them, respectively, from such improvement.

Lease or mortgage.

Apportionment
of damages.

§ 9. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of proceedings upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made, having first given such owner or owners of property assessed as benefited, notice of the time and place of making such apportionment as herein above directed, and when completed, the commissioners shall sign and return the same to the city council within forty days of their appointment; and the city clerk shall, upon the filing of the same in his office as aforesaid, within five days thereafter, give notice as aforesaid, to the parties in interest, that such assessment has been returned, and that on the day specified in such notice, the said assessment shall be confirmed by the city council, unless objections thereto is made by some party interested therein.

Return of as-
sessment lists.

Objections.

§ 10. Objections, if made to such assessment, shall be heard by the council, and it may adjourn the consideration thereof, from day to day. The council shall have power, in its discretion, to alter, 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. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner, and give like notice, as herein required in relation to the first. And all parties in interest shall have the like notice and rights; and the city council shall perform like duties and have like powers, in relation to any subsequent determination, as are herein given in relation to the first.

Confirmation.

Removal of
commissioners.

§ 11. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

Payment for
damages.

§ 12. The lands required to be taken for the making, opening, widening, straightening, or altering any streets, alleys or other highways, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or in case such owner or his agent cannot be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; notice of such place of deposit, and with whom made, to be given to the party entitled to the fund, if known, and the city shall, in all cases, be held responsible for the solvency of the depository at the time of making the deposits; and then, and not before, such lands

may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways for public grounds may be made or opened.

§ 13. Any person interested may appeal from any final order of the city council, opening, altering, widening or straightening any street, alley, or other highway or public ground, to the circuit court of Douglas county, by notice, in writing, to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of an appeal, the city council shall, within thirty days after the notice thereof given, make, return and file in the office of the clerk of said circuit court a full and complete transcript of all proceedings and records had before the council, and on file in the city clerk's office, in reference to said street, alley, or other public ground or highway, which transcript shall be certified by the city clerk under the corporate seal of the city, and the court shall proceed as in other cases, to try and determine said appeal; an appeal or writ of error may be had and prosecuted from the judgment of the circuit court in every such case. Upon the trial of such appeal all questions involved in such proceedings, including the damages, and assessments for and upon property taken or benefited, shall be, at the instance of either party, submitted to a jury, as in any case at law, and the burden of proof, shall, in all cases, be upon the city, to show that the proceedings had are in conformity to this act.

Notice of intention to contest.

§ 14. Whenever any known owner, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Douglas county, the county judge of said county or any judge of the supreme court may, upon 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.

Owner a minor.

ARTICLE VII.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to the revising, altering or adding to the lists, as they may deem proper or expedient.

Form of assessments.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday of August, in each year; but the time for such return may be extended by order of the city council. The city council, upon the return

Return of assessment.

Supply omissions.

of such assessment lists, shall fix a day for hearing objections thereto; and the city clerk shall give notice of the time and place of such hearing, by publication in a newspaper published in the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The council shall have power to supply omissions in said assessment list, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer it back to the assessor, with instructions to revise and correct the same. The notice referred to in this section, may be either by publication, as aforesaid, or by posting up written or printed notices in three public places in the city.

Collection of tax.

§ 3. When the assessment lists have been corrected and revised, they shall be filed in the office of the city clerk, and an order confirming said lists, as revised and corrected, shall be passed by the city council and entered by the city clerk. The city council shall, thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage. The city council shall, thereupon, pass an order which shall be entered by the city clerk, directing the issuance, by said clerk, of a warrant for the collection of said taxes so levied and assessed, and which said warrant shall be signed by the mayor and city clerk, and shall have the corporate seal of the city impressed thereon.

Taxes, a lien on real estate.

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien; and personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate; and the real estate shall be liable for the taxes on personal estate, in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of this state: *Provided*, that in case of the collection of any assessments shall be delayed by any judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the term of two years from and after the final disposition of such judicial proceeding.

Duty of clerk in preparing list

§ 5. The city clerk shall prepare a true and correct copy of the assessment lists as filed, in which the taxes levied shall be set down opposite the respective names of the persons or real estate subject thereto.

§ 6. To each copy of such assessment lists, so made by the city clerk, as aforesaid, he shall annex the warrant issued and signed as aforesaid, which said warrant shall command the collector to collect the several amounts specified in the assessment lists of and from the persons and real estate, respectively. The said copy of the corrected lists, with said warrant annexed, shall be delivered by the city clerk to the collector for collection, within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said tax, with interests and costs, by a suit in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, ten days' notice, published in the newspaper publishing the ordinances of the city, or by posting three written or printed notices in public places in the city, by the collector, shall be deemed a demand; and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's lists shall, in all cases, be evidence on the part of the corporation.

Warrants to be delivered to the collector.

§ 7. All taxes and assessments, general or special, shall be collected by the city collector in the manner and with the same authority and power as is given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law, in regard to county collectors: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Collector's duty

§ 8. Whenever the city council shall, by ordinance, resolution or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate, for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give ten days' notice—by advertisement in a newspaper published in said city, or by posting up written or printed notices in three public places in said city; and said notices may include one or more parcels of real estate, so that all the parcels of real estate, that the taxes have not been paid upon, may be included in one and the same notice—that he will apply to the county or circuit court of Douglas county for the purpose of obtaining a judgment against such delinquent lot or parcel of real estate for the amount of taxes or assessments and costs due and unpaid; and the said court shall hear and determine such application, and render judgment against said delin-

Improvement of streets, alleys and sidewalks.

quent real estate, in the same manner; and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county, in the collection of state and county taxes; and the said court shall issue its precepts to the collector of the city, directing him to sell said real estate at public auction, at the time and place that is or may be designated by ordinance, to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix the time of said application to the county court and the time and place of the sale of said real estate.

Sales, manner
of conducting.

§ 9. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the city clerk; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem shall expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fee may be regulated by ordinance. The city clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

Right of re-
demption of the
lands sold for
taxes.

§ 10. The right of redemption, in all cases, from sales from taxes or assessments, shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for county and state taxes, on the payment of double the amount for which the land was sold, and all taxes accruing subsequent to the sale, with ten per cent. interest. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss, and upon proof being made by the holder of said certificate of a full compliance with the constitutional requirement, and the laws of the state made in pursuance thereof, imposing conditions for the making of deeds for lands sold for taxes, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the city clerk, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An ab-

tract of all deeds so made and delivered shall be entered by the city clerk in a book wherein tax sales are recorded. A fee of one dollar may be charged by the city clerk for any deed so issued.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser. Deeds, how made.

§ 12. If, at any sale of real or personal property for taxes or assessments, no bid shall be made for any parcel of land or personal property, the same shall be struck off to the city, and thereafter the city shall be the owner of said personal property; and the city shall receive, in the corporate name, a certificate of the sale of said real estate so struck off to it, and the city clerk shall give all the notices and make affidavit of the service of the same, for and in behalf of the city, as is required of other purchasers; and if the said real estate shall not be redeemed within two years from the date of said sale, upon proof of service of notice as above, the mayor and city clerk shall make a deed to the city for the same as in case of deeds to individuals. Property may be struck off to the city.

§ 13. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, to the following facts: Tax deeds shall be prima facie evidence.

First—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law. Advertisement.

Second—That the taxes or assessments were not paid any time before the sale. Taxes not paid.

Third—That the land conveyed had not been redeemed from the sale at the date of the deed. Non-red'mption

And shall be conclusive evidence of the following facts:

First—That the land or lot was advertised for sale for the length of time and in the manner required by law. Was advertised.

Second—That the land was sold for taxes or assessments as stated in the deed. Sale of land.

Third—That the grantee in the deed was the purchaser. Deed.

Fourth—That the sale was conducted in the manner required by law. And in all controversies involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation or assessment at the date of the sale, that the taxes or assessments had been paid, that the said lands had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the pro- Sale lawfully.

visions of the act, and that such redemption was made for the use and benefit of the person having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or some person under whom he, she or they claimed title, had title to the land at the time of sale, or that the title was obtained from the United States or this state after the sale.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Inhabitants required to labor on streets and alleys within the city limits.

SECTION 1. All male inhabitants of said city, over the age of twenty-one years, may be required to labor on the streets, lanes, avenues and alleys, not exceeding four days in each and every year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the city.

Punishment of offenders.

§ 2. The city council shall have power to provide, by ordinance, for the punishment of any offender, by imprisonment in the county jail or city prison, in any case, upon a failure to pay fines and forfeitures and penalties as provided by this act, or by ordinance; and the city council is hereby authorized to use the county jail for that purpose.

Inhabitants required to labor on streets and alleys, or pay a fine.

§ 3. The city council shall have power to compel persons, upon a failure to pay fines, forfeitures and penalties, to labor on the streets, lanes, avenues and alleys of said city, at the rate of two dollars per day, till such fine, forfeiture or penalty, and the costs of proceedings, is paid.

Actions for recovery of penalty, etc.

§ 4. Fines, forfeitures and penalties shall be recovered in an action of debt in the corporate name. The first process shall be a summons, unless affidavit [be] made of the truth of the charge, when a warrant may issue to bring the defendant forthwith before the mayor or justice of the peace for trial.

Arrest, with or without process.

§ 5. The mayor and marshal, and all other officers of the city authorized by ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of the city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath, in the watch-house or other safe place, till they can be brought before a magistrate or proper examining officer.

Execution to issue on rendition of judgment.

§ 6. Execution may issue immediately on the rendition of the judgment. If the defendant, when called upon, fails to give up goods or chattels, or real estate, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or work-house or city prison, for a term not exceeding six months; and

all persons committed, under this section, shall be confined one day for each two dollars of such judgment and costs.

§ 4. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional pieces of ground, or lots or blocks, in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots and pieces of ground; and to mark declare and establish the names and boundaries of streets and alleys.

General powers of city council.

§ 8. All ordinances heretofore passed and unrepealed, or that may be passed by the president and trustees of the town of Tuscola, shall remain in full force until repealed by the city council.

Prior ordinances in force.

§ 9. All rights, actions, fines, forfeitures and penalties, in suit or otherwise, which have accrued to the president and trustees of the town of Tuscola, shall be vested in and be prosecuted by the corporation hereby created.

Suits vested in corporation.

§ 10. No person shall be an incompetent judge, justice of the peace, witness or juror, by reason of his being an inhabitant or freeholder in the city, in any action or proceeding in which the city may be a party in interest.

Incompetent judge or juror.

§ 11. All property, both real and personal, belonging to the president and trustees of the town of Tuscola, is hereby vested in the corporation created by this act.

Vested property

§ 12. This act is hereby declared a public act, and shall be read in all courts and places without proof.

Evidence and proof of act.

§ 13. The city marshal, or any officer authorized to execute writs of process issued by the mayor, shall have power to execute the same within the limits [of] Douglas county.

Jurisdiction of marshal.

§ 14. Until a mayor shall be elected and qualified under this act, suits and actions in favor of the corporation may be commenced and prosecuted before any justice of the peace of Douglas county.

Jurisdiction of justices of peace

§ 15. The present president and trustees of the town of Tuscola, as now incorporated, shall constitute the mayor and city council of the city of Tuscola, until the first Monday of May, A. D. 1869, and until their successors are elected and qualified, with all the powers of the mayor and city council conferred by this act, except the judicial power of the mayor. On the first Monday of May, 1869, and on the first Monday of May in every year thereafter, an election shall be held for four councilmen of said city, who shall hold their office for one year and until their successors are elected and qualified. The clerk shall give ten days' notice of the time and place of election, by publication in some newspaper published in said city, or by posting up notices in three public places in said city.

Term of office of mayor and trustees.

§ 16. At the time appointed for the first election of councilmen, the mayor shall be elected, who shall hold his

First election of mayor and councilmen.

office for two years and until his successor is elected and qualified. Returns of the election of mayor shall be made as provided by the laws in relation to justices of the peace; and he shall give bond and be commissioned by the governor as other justices of the peace. Notice for the election of mayor shall be given in the same manner as for councilmen.

Regist-ry law
not to apply.

§ 17. The act entitled "An act for the registry of electors and to prevent fraudulent voting," approved February 15th, 1865, so far as the registry of electors is concerned, shall not apply to the city of Tuscola. No person shall be allowed to vote at any election in said city, unless he shall be a legal voter under the laws of the state, and shall have resided in said city [?] next preceding said election.

Former acts
valid.

§ 18. This act shall not invalidate any legal act done by the president and trustees of the town of Tuscola, or by its officers; and the city council shall proceed to collect all taxes heretofore levied, and assessments made by the president and trustees of the town of Tuscola, under the charter and ordinances of the same, as fully and completely and in the same manner as said president and trustees might or should do if this act had never been passed; and the present officers of said town of Tuscola shall be the officers of the city of Tuscola, until the successors of the city council are elected and qualified, unless sooner removed by said city council.

§ 19. This act to be in force from and after its passage.
APPROVED April 19, 1869.

in force March
9, 1869.

AN ACT to incorporate the city of Vandalia.

CHAPTER I.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Vandalia, in Fayette county, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Vandalia;" 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 shall constitute the city of Vandalia, to-wit: Beginning at a point on the Kaskaskia river, at the northeast corner of out-lot one hundred and nine (109), of twelve (12) acres, where said out-lot joins out-lot one hundred and two (102), of twelve (12) acres, and running thence west, on

out-lot lines, to the northwest corner of out-lot sixty-two (62), of six (6) acres, where the same corners on the southwest corner of out-lot sixty-three (63), of six (6) acres; thence south, to the southeast corner of out-lot seventy-three (73), of six (6) acres; thence west, on out-lot lines, to the northwest corner of out-lot thirty-three (33), of twelve (12) acres; thence south, on the out-lot lines, to the northwest corner of out-lot fifty-two (52), of six (6) acres; thence south, on out-lot lines, to the southeast corner of out-lot seventeen (17), of twelve (12) acres, where the same corners on the southwest corner of out-lot twenty (20), of six (6) acres; thence east, along the southern boundary of out-lots from twenty (20) to one (1), inclusive, of six (6) acres each, and including out-lot one hundred and twenty-four (124), to the Kaskaskia river; thence in a northerly direction, along the Kaskaskia river, to the place of beginning; said river being the eastern boundary of said city; the out-lots before mentioned and described being the out-lots within the corporation of Vandalia, according to the original survey.

§ 3. Whenever any tract of land adjoining said city of Vandalia 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 Vandalia. Additions.

§ 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, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, hold, lease, sell, convey and dispose of property, real and personal, within and beyond the corporate limits of said city, for the use of the inhabitants of said city, and to improve and protect such property, and to do all other acts and things in relation thereto as natural persons. Corporate powers.

§ 5. The city of Vandalia shall be divided into three wards, as follows, viz: All that part of the city of Vandalia which lies east of the Illinois Central railroad and south of Madison street, shall constitute the first ward. All that part of the city which lies east of the Illinois Central railroad and north of Madison street, shall constitute the second ward. All that part of the city which lies west of the Illinois Central railroad, shall constitute the third ward. The city council may, after the first day of April, A. D. 1872, create additional wards, if occasion requires it, and change the boundaries of the wards herein created. Division of city into wards.

CHAPTER II.

SECTION 1. The municipal government of said city shall consist of a mayor and city council, composed of two aldermen from each ward. Mayor and board of aldermen.

§ 2. The mayor shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor is elected and qualified. Election of mayor.

Qualifications
for mayor.

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

Aldermen.

§ 4. The aldermen shall be elected by the qualified voters of the city in their respective wards, and shall hold their respective offices for two years and until their successors are elected and qualified, except as herein otherwise provided.

Qualification
of alderman.

§ 5. No person shall be eligible to the office of alderman who is not a citizen of the United States, or who shall not have been a resident of the city for at least one year next preceding his election, and a resident of the ward for which he is elected, sixty days next preceding his election; or who shall be under twenty-one years of age; or who shall not be a freeholder at the time of his election. If any alderman shall remove, after his election, from the ward from which he is elected, his office shall thereby be vacated.

Office vacated.

The vote, how
determined.

§ 6. Whenever there shall fail to be an election of any officer voted for by the voters of said city, in consequence of two or more candidates receiving an equal number of votes for the same office, the judges of election shall certify the same to the mayor, who shall determine the same by the casting of lots, in such manner as the council may direct.

Election of of-
ficers.

§ 7. The first election held under this act shall be on the first Monday of May, A. D. 1869, and upon the first Monday of May of every year thereafter an election shall be held. At the first election there shall be a mayor elected for said city and two aldermen for each ward. At the first meeting of the said city council, after the first election aforesaid, the aldermen shall be divided into two classes, consisting of an equal number of aldermen from each ward. The term of office of the first class shall expire in one year from the date of said first election; and the term of office of the said second class shall expire in two years from said first election, so that one-half of the aldermen shall be elected annually.

Term of office.

New election.

§ 8. In case the people shall fail to elect any of the officers herein required to be elected, the council shall forthwith order a new election for such office; and when any vacancy shall occur by the death, resignation, removal or otherwise, of any of the officers above named, such vacancy shall be filled by a new election within thirty days after the vacancy occurs, unless said vacancy shall occur within three months before the regular city election, in which case the vacancy shall be filled at the next regular city election, and no special election shall be called. Officers elected to fill vacancies shall hold their offices only during the unexpired term.

When municipal
officers to
enter upon duty

§ 9. The municipal officers, to be chosen at the annual election, shall enter upon the duties of their respective offices on the third Monday of May succeeding their election.

§ 10. The other officers of the corporation shall be as follows, viz: City clerk, city treasurer, city attorney, city assessor, city collector, city marshal, street commissioner, police magistrate, and such other officers as the city council may deem necessary, from time to time, to appoint; who shall be appointed by the city council, and shall hold their respective offices during the pleasure of the council, except the police magistrate, who shall hold for the period of two years and until his successor is appointed and qualified; and shall perform such duties and receive such compensation as the city council may, from time to time, by ordinance or otherwise, prescribe.

Appointment
of other officers.

CHAPTER III.

SECTION 1. Frederick Remann, James M. Whiteman, John M. McCord, C. A. Sonnemann and H. S. Humphrey shall constitute a board of commissioners, for the purpose of organizing said city government; and they shall organize in conformity with this act, by electing one of their number chairman and one of their number clerk of said board; and it shall be their duty to secure a place to hold the first election in each ward, and to appoint two citizens of each ward judges of said election, and also two citizens of each ward clerks of said election, in each ward; and the said judges and clerks of said election shall be required to take the oath that is now prescribed by the general election laws of this state, before holding such election; and the election shall be conducted as general elections are under the laws of the state. And the returns of said election shall be made to the commissioners aforesaid, who shall declare who are elected. They shall also give notice of said first election by posting up three notices in each ward, of said election, and the officers to be elected. They shall obtain the necessary ballot-boxes for each ward. The clerk of said board shall be and act as city clerk until the city council elect a clerk, as provided for in this act; and said clerk and commissioners shall receive such pay for their services as the city council may allow. A majority of said commissioners shall, in all cases, constitute a quorum for the transaction of business.

Organization
of city govern-
ment.

Election returns

Notice.

Duty of clerk.

§ 2. The city council shall, previous to any election under this charter, give at least ten days' notice of such election, by publication in a newspaper published in the city, or by printed notices in each ward, or by both; and said notice shall specify the officers to be voted for in each ward, and the place of holding said election in each ward.

Notice by
publication.

§ 3. The mayor shall be elected at the annual election each year—the voters designating the person of their choice for mayor upon the same ballot with aldermen.

Election of
mayor.

§ 4. Previous to any annual election, the city council shall appoint two judges and two clerks of elections in each

Judges and
clerks of elec-
tion.

ward, who shall hold their office for one year, and until others shall be appointed in their places, respectively.

Vacancies, how filled.

§ 5. In case only one of said judges shall be present at the opening of any election, he shall appoint another person, who is a legal voter of the ward where said election is to be held, to be judge thereof with him; and the judges shall fill all vacancies of clerks of said elections.

Legal voters present may appoint.

§ 6. In case no judge shall be present at the time of opening any election, the legal voters present shall choose two legal voters of the ward in which said election is to be held, to serve as judges.

Oath of judges and clerks.

§ 7. Before any vote shall be taken, the judges and clerks shall severally take the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I will perform the duties of this election according to law and the best of my ability, and that I will studiously endeavor to prevent deceit and abuse in conducting the same."

Who authorized to administer oath.

§ 8. Such oaths may be taken before any officer authorized to administer oaths, and in case no officer be present, the judges may administer the oath or affirmation, each to the other, and one of the judges may administer it to the clerks; and the persons administering the oaths or affirmations shall cause an entry thereof, with his attestation, to be made and subscribed, and prefixed to the poll-books.

Poll list kept.

§ 9. The clerks shall each keep a poll-list of the election for the ward for which they are clerks, and shall enter therein the name of every person of their particular ward, voting at said election.

Voting, mode of.

§ 10. All votes shall be by ballot, containing the name of the person or persons voted for, and the designation of the office for which he is voted.

Vote not to be opened.

§ 11. The ballot shall be folded by the voter, and shall be received by the judges and deposited in a box to be provided by the city, without being opened; and no ballot shall be received unless written or printed on white paper, without marks or figures, except as required by law.

Qualification of voters.

§ 12. If any person shall offer to vote, and shall be challenged by a legal voter of the ward in which he shall reside, or shall be suspected by the judges not to be a legal voter, he shall be required to take the following oath or affirmation: "You do solemnly swear (or affirm) that you are a legal voter according to the constitution and laws of Illinois; that you have resided in said ward for thirty days last past, and that you have not voted at this election;" and in addition, the judges may interrogate such person, upon his oath, particularly, as to whether his residence has been permanent and in good faith, specifying the house in which he resides, his business or employment; and, in addition, may be required to support his statements by two witnesses known to the judges to be legal voters in said

Oath.

ward. If any person offering to vote, as aforesaid, shall refuse to be examined, as aforesaid, or, when required thereto, cannot be supported, as aforesaid, his vote shall be rejected.

§ 13. Judges and clerks of elections shall be subject to like penalties for non-performance of or willful or corrupt disregard of their oaths or duties, as are provided by the laws of the state for judges and clerks of general elections; and persons illegally voting or offering to vote, or falsely swearing, shall be subject to the same penalties provided by the laws of the state under like circumstances. Neglect of duty.

§ 14. The polls at every election shall be opened at least as soon as nine o'clock A.M., and shall not be closed before six o'clock P.M. Time of opening polls.

§ 15. To preserve order, and protect the judges and clerks from insult and abuse, any constable, or the city marshal in said city, who may be designated by the judges, shall attend at every election; and if the city marshal or any constable be not present, the judges may, in writing, appoint one or more special constables for the same purpose. Marshal or constable to attend all elections.

§ 16. At all elections, general or special, if the judges of election are satisfied, under the provisions of this act, and the other laws of this state relating to elections, that the person offering the vote is a legal voter, they shall indorse on the ticket offered the number corresponding with the number of the vote on the poll-book of the proper ward, and put said ticket immediately in the ballot-box; and the clerks of the election shall enter the name of the voter, and his number, in the poll-book. Indorsing vote.

§ 17. After the close of any election, the judges and clerks of the election in each ward shall immediately canvass and count the votes, and put the ballots up as provided for by the general election laws of this state now in force, and make return of the ballots and poll-books, and registry books when such are required, to the city clerk, within thirty-six hours after such polls have closed, except as hereinafter provided. Canvass votes.

§ 18. After the return of the ballots and poll-books to the city clerk, as provided for in the last section, the city council shall meet and canvass the returns, and declare the result of the election; and the persons having the highest number of votes shall be declared elected. The city clerk shall notify all persons elected or appointed to office of their election or appointment; and unless such person shall qualify within twenty days thereafter, the office shall become vacant: *Provided*, that the general registry law, approved February 15th, 1865, shall not apply to said city elections. Canvass returns
Notification of election.

§ 19. The city council shall, on the third Monday of May, A.D. 1869, and on the third Monday of May every year thereafter, elect one of the citizens of said city super- Election of supervisor, etc.

visor, who shall hold the office one year, and until his successor is elected and qualified. Said supervisor shall be a member of the board of supervisors of Fayette county, and shall have powers, and enjoy all the rights, powers and privileges, that are now or shall hereafter be possessed and enjoyed by the several township supervisors of Fayette county; and there shall at no time hereafter be more than one supervisor elected by Vandalia township or precinct, under the township organization laws.

No election in
bar-rooms, etc.

§ 20. No election shall be held in any grog-shop, or other place where intoxicating liquors or beer are vended or sold; and no grog-shop or saloon shall be permitted on election days.

§ 21. Every person shall be deemed a voter and citizen of the ward where he is accustomed to lodge.

General and
special elections

§ 22. At all general and special elections, and at all town meetings or elections held under the township organization act, the city of Vandalia shall constitute a separate election district, to be known as city of Vandalia district; and the judges and clerks of such general and special elections shall be three judges and two clerks, who shall be appointed by the city council, and the city council shall also fix the place of holding such elections. The judges and clerks, as aforesaid, of such elections shall make their returns as is now or may hereafter be provided for by law; and such judges and clerks, when a registry of voters is required, shall register such voters and proceed as in other election districts, as provided for in the registry law; and in town meetings or elections held under the township organization act, the council shall previously appoint a clerk, and a moderator shall be elected, the same as in other election districts. In case of a vacancy in any judges and clerks, the same shall be filled as herein provided for at city elections.

Appointment
for separate
election district.

Town meetings.

§ 23. All the business done at town meetings in and for the town of Vandalia (which includes the city) shall be done at the separate voting place, or place of holding the town meeting for the other district or town of Vandalia district, and the overseers of highways shall be selected exclusively by the voters of the town outside of the city. Returns of elections under the township organization act shall be made to the town clerk within twenty-four hours after the polls are closed, and the town clerk and town supervisor and city supervisor shall immediately canvass the votes and declare who are elected town officers. In case either supervisor is absent, the canvass may be made by the town clerk and other supervisor.

Returns of elec-
tions.

State law not
applicable.

§ 24. The act approved April 28, 1867, entitled "An act to provide for the division of towns or election districts, in counties adopting township organization, in two or more election districts," shall not apply to the town and city of Vandalia.

§ 25. No person, liable for street or road tax in said city, shall be entitled to vote at any election provided for in this charter, unless he has paid or worked out such street tax within one year next preceding the election, and will produce the receipt therefor given by the street commissioner: *Provided*, that minors who have become of age within six months of any election may vote at such election without having paid or worked such tax, or without producing such receipt, and such persons are exempted from producing such receipt who have moved in the city within six months.

Qualification of voters.

CHAPTER IV.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, preserve order and direct the course of business before the council, and in case of a tie in any vote thereof, shall give the casting vote. He shall be the head of the police and fire departments; and all marshals or deputy marshals, policemen and all officers of the fire departments shall be under his command.

Chief executive officer.

§ 2. In case the mayor is unable to perform the duties of his office, by reason of temporary absence or sickness, the council shall appoint one of its members to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office, or the vacancy be filled by a new election.

Acting mayor.

§ 3. The council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members elected, expel a member. A journal of the council proceedings shall be kept, and the yeas and nays, where demanded by any member present, shall be entered upon the journal.

Rules of proceeding.

§ 4. The council shall judge of the qualification and election of its members, and shall hear and determine all contested elections under this act, and its decisions shall be final. A majority of the 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.

Qualifications of officeholders.

§ 5. The mayor is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and in case of riot to call out the militia and citizens to assist in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit and pay to said city a fine of five dollars. He shall have power, whenever

Inhabitants to aid in enforcing all ordinances.

he may deem it necessary, to require of any of the officers of the city an exhibit of all their official books and papers, and shall have power to execute all duties that may be required of him by this act, or any ordinance made in pursuance hereof.

Powers of the mayor.

§ 6. The mayor shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state; to take depositions, acknowledge 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.

Ordinances to be approved.

§ 7. All ordinances, before they take effect, shall be placed in the office of the clerk, and if the mayor approve thereof he shall sign the same, and such as he may not approve he shall return to the council at the next meeting thereafter, with his objections thereto. Upon the return of any such ordinance by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the aldermen shall agree, by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object, for a longer period than ten days after an ordinance shall be placed in the clerk's office as aforesaid, the same shall go into effect.

Clerk's duties.

§ 8. The clerk shall keep the corporate seal, and all the books and papers belonging to the city. He shall attend all meetings of the council, and keep a full record of its proceedings. Copies of all papers or ordinances filed in his office, and transcripts from the journal of the proceedings of the council, certified by him as clerk, shall be evidence in all courts and places without further proof thereof, and in like manner as if the originals were produced. The clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct; and he shall have power to administer any oath required to be taken by this act.

Treasurer.

§ 9. The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the council may direct. All moneys shall be drawn from the city treasurer, in pursuance of an order of the council, by treasury warrant, signed by the clerk and mayor; and such warrant shall specify for what purpose the amount named therein is to be paid. He shall exhibit to the council, as often as required, a full and detailed account of all receipts and expenditures, the state of the treasury, and the state of each special fund therein; which account shall be filed in the office of the clerk. And, on retiring from office, the treasurer shall

deposit his account books in the office of the city clerk, where they shall be kept as public records of the city.

§ 10. The marshal shall perform all such duties as may be provided by ordinance; and he shall possess the same powers and perform the same duties within the limits of the city as constables in the different counties possess, and may serve any process, issuing under and by virtue of this act, or the ordinances and by-laws of said city, at any place within the county of Fayette. City marshal.

§ 11. The city assessor shall perform all duties in relation to the assessing of property for the purpose of levying taxes imposed by the council. In the performance of his duty, he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. City assessor.

§ 12. The city collector shall collect all taxes and assessments which may be levied by the council, and perform such other duties as may be prescribed by ordinance. The council may appoint township assessors and collectors to assess and collect for the city. City collector.

§ 13. The police magistrate shall be, *ex officio*, a justice of the peace of the said county of Fayette, and shall have jurisdiction over the same matters and receive the same fees as are prescribed by law for other justices of the peace in this state, and his jurisdiction shall extend to all cases where the plaintiff's demand does not exceed one hundred dollars. The governor shall commission the said police magistrate, and, within twenty days after his appointment by the city council as aforesaid, he shall execute and deliver unto the city clerk a bond, to be approved by said clerk, with two or more good and sufficient securities, in the sum of not less than one thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands, under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter, or the laws of this state, to the best of his skill and abilities. Said bond shall be made payable to city council of Vandalia, for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate. Change of venue may in all cases be taken from the police magistrate to a justice of the peace in accordance with the general laws of this state. Jurisdiction of magistrates.

CHAPTER V.

SECTION 1. The city council shall have power, within the city, by ordinance—

First.—To levy and collect, annually, a tax not exceeding five mills on the dollar, on the assessed value of all real Levy and collect taxes.

and personal estate and property in the city, made taxable by the laws of the state, to defray the contingent and other expenses of the city not herein otherwise provided for; which taxes shall constitute the general fund.

Police expenses. *Second.*—To levy and collect, annually, a tax not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the police expenses of the city.

Clean streets, alleys, etc. *Third.*—To levy and collect, annually, a tax, not exceeding three mills on the dollar, on all taxable real and personal property, to defray the expenses of cleaning and repairing the streets and alleys in said city.

Lighting streets *Fourth.*—To levy and collect, annually, a tax, not exceeding two mills on the dollar, on all taxable real and personal property, to defray the expense of lighting the streets of said city.

Interest on the bonded debt. *Fifth.*—To levy and collect, annually, a tax of sufficient amount, on all taxable real and personal estate, to pay the interest on all the debts due and owing by the city, whether bonded or otherwise.

General powers of council. *Sixth.*—To provide, in its own manner, for the levy, assessment and collection of city taxes and assessments, and to alter and change any such provisions as it may, from time to time, deem proper; to prescribe the form of assessment lists, and make such regulations, in relation to revising, altering or adding thereto, as it may deem right and proper, and to provide that the city taxes and general and special assessments shall, by the proper officers of the county of Fayette, be carried out on the books of the proper township collector or collectors whose township or townships embrace or may embrace the city of Vandalia, to be by them collected in the same manner and at the same time as state and county taxes, to be paid over to such person as the council may order or provide; and that delinquent lands or lots shall be returned to the county treasurer, or the officers designated by the general law, who shall proceed with the collection thereof in the same manner and at the same time as he collects state and county taxes, and shall pay the same over to such persons as the council may direct. All taxes and assessments, general or special, levied or assessed under this act, or any ordinance in pursuance thereof, shall be a lien on all the real estate upon which the same may be imposed, levied or assessed, for two years from and after the assessment thereof, and on all personal property from and after the delivery of the warrant for collection.

Street labor, how performed. *Seventh.*—To require all male inhabitants of said city, over twenty-one years of age and under fifty, to labor, not exceeding three days, in each year, upon the streets and alleys in said city, when notified to do so by the street commissioner; but each person so required to labor on the streets and alleys, may, in lieu thereof, pay the sum of one dollar per day for each day he shall be so required to labor:

Provided, he shall pay the same on or before the first day ^{Proviso.} he shall be notified to labor by the street commissioner; and in case any person shall refuse to labor when so notified, as aforesaid, or to pay in commutation thereof the amount above specified, the same may be collected of him by suit, in the name of the city, before any police magistrate or justice of the peace of said city.

§ 2. All corporations, companies or associations engaged in said city in effecting fire, marine, or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the half year, ending on every first day of July and January, shall have been received or shall have been agreed to be paid for any insurance effected, or agreed to be effected in said city, by or with such corporations, companies, or associations, respectively. Every person who shall act in said city as agent, or otherwise, for or on behalf any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the city treasurer a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him or agreed to be paid for in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire, marine and life insurance, respectively. Said agents shall also pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue thereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association, so in default, to transact any business of insurance in said city until the said requisitions shall have been complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation thereof. Any person or persons, violating any of the provisions of this section, shall be subject to indictment, and, upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding five hundred dollars. Said rates may also be recovered of such corporation, company or association, or its agent, by action, in the name of and for the use of said city, as for money had and received for its use. The amounts so received from said insurance companies, or their agents, shall constitute a fund which shall be used for the purpose of promoting the efficiency of and making improvements in the fire department of said city, and for carrying out such sanitary measures as may be

Tax upon insurance companies.

Requirements of insurance agents.

Penalty for violations.

Receipts to be applied to city improvement.

deemed necessary for the promotion of public health, and for no other purpose whatever.

Exempt from
taxation for
bridges or high-
ways.

§ 3. The inhabitants of the city of Vandalia shall be exempt from any highway, road or bridge tax, to be used beyond the limits of said city, and from paying the tax, in lieu thereof, without said limits. All property, subject to city taxes, whether real or personal, shall be exempt from general or special road, highway or bridge tax, for the construction or repairing of roads or bridges outside of the city limits of the city of Vandalia.

CHAPTER VI.

SECTION 1. The city council shall have power, by ordinance—

Officers

Bonds, securities,
etc.

First.—To require all officers appointed in pursuance of this charter to give bonds, payable to the city of Vandalia, with penalty and security, and take an oath for the faithful performance of the duties of their respective offices, upon entering upon the discharge of the same.

Indebtedness.

Second.—To appropriate and provide for the payment of the debts and expenses of the city.

General health.

Third.—To make any and all regulations necessary to secure, protect, preserve and restore the general health, and to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same.

Abate nuisances

Fourth.—To declare what shall be deemed nuisances and to provide for the prevention, abatement and removal of the same, and to punish the authors thereof by penalties, fine and imprisonment: *Provided*, parties aggrieved by the provisions of this section may litigate the same in the circuit and supreme courts of this state.

Extinguishment
of fires.

Fifth.—To provide the city with water for the extinguishment of fire and the convenience of the inhabitants, in such manner as it may deem best.

Lighting streets

Sixth.—To provide for lighting the streets, keeping the same in repair, and to prohibit obstructions and nuisances in any street or alley.

Markets and
market houses.

Seventh.—To erect market houses, establish markets and market places and provide for the government and regulation thereof.

Buildings.

Eighth.—To provide for erecting all needful buildings for the use of the city; to license, tax and regulate auctions, merchants, retailers, grocers, sample-sellers, taverns, hawkers, peddlers, brokers, pawnbrokers and money changers, hackney carriages, wagons, carts, omnibuses and drays, and to fix the rates to be charged for the carriage of persons and for the wagonage, cartage and drayage of property.

Ninth.—To license and regulate porters and fix the rate of portorage. Porters.

Tenth.—To license, tax and regulate theatrical and other exhibitions, shows and amusements. Exhibitions.

Eleventh.—To tax, restrain, prohibit and suppress tippling houses and dram-shops; to prohibit and suppress gaming and gambling, gaming houses, bawdy house and all disorderly houses. Tippling houses

Twelfth.—To license, or entirely prohibit, the sale of spirituous, vinous, mixed, malt or fermented liquors, within the limits of the city by any person or persons. Liquors.

Thirteenth.—To provide for the prevention and extinguishment of fires, and to organize, establish and support fire companies. Fire companies.

Fourteenth.—To regulate the conduct of persons present at any fire, in said city, and to provide for punishing any person disobeying such regulations. Regulate conduct of persons at fires.

Fifteenth.—To provide for the prevention and suppression of riots, routs and unlawful assemblages, and any disturbance of the public peace, and punish, by fine, all persons guilty thereof. Riots, etc.

Sixteenth.—To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials; to compel the owner, or occupant, of any grocery, cellar, soap or tallow chandlery, brewery, sewer or privy, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants affected thereby. Combustibles.

Seventeenth.—To direct the location and management and construction of, and restrain, abate and prohibit within the city, and to a distance of one mile from the limits thereof, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered. Offensive establishments.

Eighteenth.—To direct what streets and alleys, in said city, may be taken for laying and using for railroad track or tracks; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run, (this provision does not apply to horse railways), and construct and keep in repair, and unobstructed, suitable crossing at the intersection of their roads with the streets, alleys, ditches sewers and culverts; to direct the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage. Railroad tracks and crossings.

Nineteenth.—To establish and regulate standard weights and measures in all cases not otherwise provided by law. Weights and measures.

Twentieth.—To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work, and to provide for the inspection and weighing of hay, stone-coal, Lumber.

charcoal, firewood, and other fuel to be sold or used within the city, and to provide for and regulate the inspection of tobacco, beef, pork, flour, meal, and spirituous liquors of all kinds brought to the city for sale; and to regulate the weights and quality of bread to be sold and used in the city.

Enumeration.

Twenty-first.—To provide for taking enumerations of the inhabitants of the city, and to provide for numbering the houses in said city, and to compel the owner, or occupant, of such houses to have the number thereof placed thereon in some conspicuous place.

Fees.

Twenty-second.—To regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.

Horse-racing and fast driving.

Twenty-third.—To prohibit horse-racing and immoderate riding or driving in the streets; to prohibit and punish the abuse of animals, and to compel persons to fasten securely their horses, oxen, or other animals, attached to vehicles, or otherwise, while standing or remaining in the street.

Vagrants, prostitutes, etc.

Twenty-fourth.—To authorize the arrest, fine and imprisonment in the city or county jail, as vagrants, of all persons, who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting or other places of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Public grounds.

Running at large of animals

Twenty-fifth.—To establish and regulate public pounds; and to restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Dogs.

Twenty-sixth.—To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance.

Annoying practices, etc.

Twenty-seventh.—To provide for the safety and convenience of the inhabitants and other persons in the city, by prohibiting all acts, sports or amusements in the streets or public places of the city of a dangerous character.

- Twenty-eighth.*—To license, regulate, restrain and suppress billiard tables and from one- to twenty-pin alleys. Billiards.
- Twenty-ninth.*—To regulate public pumps, wells and cisterns, hydrants and reservoirs, and prevent the unnecessary waste of water. Provide water.
- Thirtieth.*—To regulate and prohibit the exhibition, in the streets of said city, of stallions and jacks. Stallions, etc.
- Thirty-first.*—To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them. Ice and dirt from sidewalks.
- Thirty-second.*—To establish and erect one or more pest houses, hospitals or dispensaries, and control and regulate the same. Hospitals.
- Thirty-third.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants.
- Thirty-fourth.*—To provide for day and night police in said city, and to regulate and control said police. Police, etc.
- Thirty-fifth.*—To suppress all gaming houses and houses of prostitution, and to provide for the entry of the same by the city marshal, by force or otherwise, and the arrest of all persons found therein, and the destruction of all implements of gaming found therein, and for the punishment of all persons so arrested, by fine or imprisonment, or otherwise. Gaming houses.
- Thirty-sixth.*—To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of brass, lead or other metal, or bowie knife, dirk knife, dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapons. Concealed weapons.
- Thirty-seventh.*—To prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement. Unsafe building, stack, etc.
- Thirty-eighth.*—To cause the seizure and destruction, or other disposition, of tainted or unwholesome meat, butter, vegetables, fruit or other provisions. Tainted meat.
- Thirty-ninth.*—To impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; to provide for the punishment of offenders by imprisonment in the county or city jail, and in all cases where such offenders fail or refuse to pay any fine or forfeiture recovered against them, to require them to labor on the streets of said city, at one dollar per day, until the whole fine and costs shall be paid. Fines and penalties.
- Fortieth.*—To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city, and the trade and commerce of the city, as may be necessary to carry into effect the powers vested in the city council, or any officer of said city, by this Pass, amend and repeal ordinances.

act, and enforce the observance of all rules, ordinances, by-laws and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

Violations,
how punished.

§ 2. The city council may, by ordinance, provide that in all suits brought for the violation of any ordinance, or the recovery of any fine under this act, before the police magistrate or other officer, the first process shall be a warrant for the immediate apprehension of the offender, or that the party may be arrested without any warrant being issued, and that all appeals shall be as in other cases of debt, giving bond to the city of Vandalia.

Streets, alleys,
and highways.

Improvements.

§ 3. The city council shall have power to open, alter, abolish, widen, extend, establish, grade, pave, plank or macadamize, or otherwise improve and keep in repair, the streets, avenues, and lanes and alleys; to make, establish, build and construct sewers, and to carry out a system of sewerage; to erect lamp posts and to build public cisterns; to drain the city, and to take private property for any of said purposes, first making provision for ascertaining and payment of adequate and just compensation for all damages to the owners of such property, in such manner as the council, by ordinance, may provide; and to require the owners of any lot or piece of ground to lay a good and substantial sidewalk along any street or alley passing such lot or ground, in such manner as the council may provide. The expenses of any improvement mentioned in this section, or any portion thereof (except sidewalks), may be levied and assessed upon the real estate adjoining or benefited thereby, with the costs of proceedings therein, in proportion, as near as may be, to the benefits resulting thereto, and may be collected as in other cases. The above assessments may be made either by a jury or by commissioners, appointed by the city council, as the council shall by ordinance provide; and such assessments may be levied and collected before such improvement shall be made according to the estimated cost of the same, as estimated by the city council; and if such estimate shall be, when collected, insufficient to make such improvements, then the council may make a second assessment, or may pay the deficiency out of the general fund of the city, as they may deem best. All owners or occupants, in front of or upon whose premises the council shall order and direct sidewalks or private drains communicating with any main drain to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalk or private drain at their own cost and charge, 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 city council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order to be entered in their proceed-

Property ben-
efited, taxed.

ings, upon such lots respectively, and collect the same as in other cases. The council may provide, by ordinance, that suits may be instituted in any court having jurisdiction, against the respective owners of any real estate, for the recovery of the amount of the expenses and costs of any special tax or assessment authorized by this section, and it may be optional with the council which remedy shall be pursued.

Enforcement of ordinances.

§ 4. The city council shall have power to issue bonds of said city to an amount not exceeding ten thousand dollars, which bonds shall be made payable in not more than twenty years, and shall bear a rate of interest not exceeding ten per cent. per annum, for the purpose of purchasing and equipping one or more fire engines, and for purchasing or building such buildings as may be necessary for properly keeping the same. Such bonds shall be executed and issued in such manner as the council may provide, the interest to be paid annually or semiannually, at the option of the council.

Issue of bonds and payment of interest.

CHAPTER VII.

SECTION 1. All the territory within the limits of the city of Vandalia, in said county of Fayette, according to its present or future boundaries, is hereby erected into a common school district.

School district.

§ 2. All school funds, from whatever source derived, belonging to township No. 6, range No. 1 east, of the third principal meridian in Fayette county, Illinois, held or owned for school purposes, shall be divided between the city of Vandalia and the portion of the said township without the same, in the proportion and manner following: The school trustees for the several districts of said township shall, within thirty days after the first election contemplated by this act, appoint two commissioners who are freeholders, one a resident of the said city, the other of said township without the city, who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of persons under the age of twenty-one years residing in the whole of said township, and the whole number in said city and in the township without the city, and thereupon said trustees shall divide and apportion said funds of said township between the city and the township without the city, according to the number of persons under the age of twenty-one years residing in said township. Said trustees shall have power to supply any vacancy occurring among said commissioners.

School fund.

Commissioners appointed.

§ 3. The said trustees, or other person or persons having custody and control of said funds, shall pay over and deliver to the treasurer of the board of education of Vandalia school district, the portion of funds to which said school district may be entitled. The public schools of said school district shall be under the exclusive management and control of a board of education, to consist of a city

Vacancies.

Board of education to receive fund.

superintendent of schools, who shall be the president of the board, and one from each ward of the city, to be known as "The Board of Education of Vandalia School District," each of whom, with the treasurer and clerk of said board, shall be sworn to discharge their duty with fidelity.

School lands
and fund.

§ 4. Said board shall have the exclusive control over the school lands, funds, and other means of said district for school purposes, and shall have power to do all acts and things in relation thereto to promote the end herein designed; may sell or lease said lands, or other land or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms, for cash or credit, and such time as they may deem proper; they shall have full power to receive conveyances or donations, and to make the necessary deeds or leases of lands; and all conveyances by the board shall be signed, and acknowledged before some competent officer, by the president and secretary of said board. *Provided, however,* that no sale or lease of land for more than one year shall be made without the concurrence of said board of education. A majority of the board of education, with or without the president, shall constitute a quorum for the transaction of business; and in absence of the president, they may appoint one of their own body president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

Powers of the
board.

§ 5. Said board shall have full power to buy or lease sites for school houses, with the necessary grounds therefor; to erect, hire or purchase buildings for school houses, and keep them in repair; to furnish schools with necessary books, fixtures, furniture, apparatus and library or libraries; to establish, conduct and maintain a system of graded schools, to be kept in one or more buildings in said district; to supply the insufficiency of school funds for the payment of teachers, and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided; to determine the number, make the appointment and fix the amount of compensation of teachers within said district, and to appoint all agents and servants, and fix their pay: *Provided,* that the said board of education shall in no case receive any compensation, except such as may be determined and fixed by the city council; to prescribe the studies to be taught, and books to be used, including maps, charts, globes, etc.; to lay off and divide said district into smaller districts, and to alter the same, or erect new ones at pleasure; to pass by-laws, rules and regulations, to carry their powers into complete execution, and for the government of their own body, their officers, agents and servants, and providing for their meetings and adjournments, and generally to have and possess all power and authority necessary for the proper establishment and control of an effective

system of graded schools within said district; and they shall visit each and all the schools therein as often as may be necessary.

§ 6. It shall be the duty of said board of education, and they shall have full power to determine the amount of money needed and to be raised for school purposes over and above the amount for the school funds hereinbefore enumerated, or from other sources: *Provided*, said board shall not for any one year require to be raised more than one per centum for the benefit of said schools, on the assessed value of the real and personal property of said city, for each year, without a majority of the voters of said city voting, authorize them to do so, at an election to be held for that purpose, at such time and conducted as the board may direct; nor shall said board or said city council make any loan whatsoever, for school purposes, without a previous authority by such vote; but, with the concurrence of a majority of the voters voting, it shall be lawful to raise such sum, either by taxation or loan, as said board may see proper; and before the first day of August, of each year, they shall determine the amount required to be collected by taxation for expenditure for one year, from the first day of January the next ensuing, for school purposes generally, and certify the amount to the city council of Vandalia.

Duties of board
of education
in raising funds.

§ 7. It shall thereupon be the duty of the city council to have levied said sum on all the real estate and personal property of said city, according to the assessment and valuation thereof, for the current year, equally, by a certain rate per centum, and collect the same as city taxes are collected. A special column shall be prepared, headed "School purposes," in which shall appear the amount of tax for school purposes, chargeable against each parcel of real estate, or amount of personal property; and when said taxes are collected, the treasurer shall keep a separate account of the same, and they shall be used and applied for school purposes only, and shall be paid only on the order of the said board.

City council to
levy sum for
current year.

§ 8. It shall be the duty of the board to cause an abstract of the whole number of children under the age of twenty-one years, within said district, to be made, and furnish the same, with such further information as is required in sections 36 and 79 of "An act to establish and maintain a system of free schools," approved February 16, 1847, to the county superintendent of schools of Fayette county, Illinois, within ten days after the same shall have been ascertained; and the county superintendent of schools shall pay annually to the said board, for the exclusive use of said district, the amount the district is entitled to receive from the funds that are or may be in his hands, subject to distribution for the support and benefit of the schools in said county, in accordance with the provisions of the free school law

Abstract of
children.

now in force, the same as if no special charter had been conferred upon the schools of the city of Vandalia.

Council may
borrow money.

§ 9. The city council of the city of Vandalia are hereby vested with full power to borrow such sums of money, being subject to the restrictions contained in the seventh section of this act, as they may deem necessary for school purposes in said district, at a rate of interest not exceeding ten per centum per annum, which may be made payable, semi-annually, at such place as may be agreed upon, and the money when so borrowed shall be placed under the control of the board of education.

Clerk and treasurer of board
of education.

§ 10. The treasurer and clerk of the city of Vandalia shall be the treasurer and clerk of the board of education, and the board shall determine their duties, compensation and the amount of security to be given.

Funds loaned.

§ 11. Said board shall cause all funds, not needed for immediate use, to be loaned at the rate of ten per cent. per annum, payable semi-annually, in advance. No loan shall be made for a longer period than five years, and, if exceeding one hundred dollars, shall be secured by unincumbered real estate of at least double the value of the loan, without estimating perishable improvements. For any sum of one hundred dollars and under, good and satisfactory personal security may be taken.

Securities.

§ 12. All notes and securities shall be to the board of education, for school purposes, and the borrower shall be to all expenses of examining titles [and] preparing and recording papers.

Preference of
school debt.

§ 13. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others, except those attending the last illness of the deceased, and his funeral expenses, including the physician's bill.

Default of pay-
ment.

§ 14. If default be made in the payment of interest, or of the principal, when due, interest at the rate of twelve per cent. per annum, on the amount due, shall be charged from the default, and may be recovered by suit. Suit may be for interest only, whether the principal be due or not; and if the interest be not paid within ten days after the same becomes due, the principal, at the option of the holder of the note, shall thereby become due, and may be recovered by suit, if necessary.

§ 15. All judgments for principal or interest, or both, shall draw interest at the rate of ten per cent. from the rendition of judgment, and said board may purchase in property sold on execution or decrees in their own favor, as in [other] cases. No judgment for costs shall be rendered against said board, to be paid out of the school funds.

When principal and interest
is doubtful, how
to proceed.

§ 16. If the security for any loan or other debt due the school district, in the judgment of the board becomes doubtful or insecure, they shall cause the debtor to be notified thereof, and if he shall not immediately secure the

same to the satisfaction of the board, the principal and interest shall thereby become due immediately, and suit may be brought against all the makers of the note, although such condition or stipulation be not inserted in the note.

§ 17. The board of education shall be appointed [?] the city superintendent of schools from any part of said city, and one in each ward of said city, by the city council, by a majority vote or ballot, and no person shall be appointed unless an actual resident of said city or ward for which he is appointed, and each shall serve and hold their office for the term of one year from the date of their appointment.

Appointment
of board.

§ 18. All officers under this act shall hold their offices until their successors are appointed and qualified. Removal from the city or his ward by any member of said board of education shall vacate his office; and whenever a vacancy shall occur in the office of any one of said board, the city council of Vandalia shall supply the same, upon notice thereof by the clerk of said city, which appointment shall be for the unexpired term only.

Term of office.

§ 19. Said board of education shall publish, annually, the statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and expenditures of each school, specifying the sources of such receipts, and the object of such expenditure.

Annual state-
ment.

§ 20. Said board shall have the power to admit persons who do not reside within said district into said schools, upon such terms as may be agreed.

Admit other
scholars.

§ 21. All free white persons, over the age of six years and under the age of twenty-one years, residing within said district, shall be admitted to said schools free; but nothing herein contained shall prevent persons being suspended, expelled or kept out of school altogether for improper conduct.

Persons who
may be admit-
ted to school.

§ 22. There shall be maintained at least one school for colored children, to be under the control of the board.

School for col-
ored children.

§ 23. In purchasing or leasing grounds or buildings for school purposes, said board of education may do so on credit, and when the price and condition of the purchase or lease is agreed upon, the board may certify the same to the city council of Vandalia, and the city council shall make or cause to be made to the property the bonds or obligations of said city for the payment of the purchase money, according to said terms, or said board may execute, in their own name, said contract, bond or obligation, and they shall be binding upon said city: *Provided*, a majority of the city council shall consent to the same; and the city council shall provide for the payment of the same, and the interest thereon, as it becomes due, as though they were executed by the city of Vandalia, and under her corporate seal.

May purchase
buildings on
credit.

CHAPTER VIII.

Style of ordinances.

SECTION 1. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the City of Vandalia,*" and all ordinances passed by the 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, and proof of said publication by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts or places.

Evidence and proof of.

§ 2. All ordinances of the city may be proven by a copy thereof, certified by the clerk, under his hand and the corporate seal of the city, if there be one, and when printed in book or pamphlet form, by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

§ 3. All ordinances, regulations or resolutions now in force in the corporation of Vandalia, shall remain in force until altered, modified or repealed by the council after this act shall take effect.

Vested property

§ 4. All property, real, personal or mixed, belonging to the corporation of Vandalia, is hereby vested in the corporation created by this act; and the officers of said corporation of Vandalia, now in office, shall respectively continue in the same, until superseded, in conformity to the provisions hereof.

City exempt from court fees and costs.

§ 5. In all prosecutions or suits, brought by the city of Vandalia for violations of any ordinances, by-laws or police regulations, the said city shall be exempt from all court fees to the same extent as the state, by the laws thereof, is in criminal prosecutions.

Prosecutions.

§ 6. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued or may accrue under the corporation of Vandalia, shall be vested in and prosecuted by the corporation hereby created.

Appeal taken.

§ 7. When, in any suit, the city of Vandalia shall pray an appeal from the judgment of any court of this state to a higher court, said city shall not be required to file an appeal bond, but such appeal shall be granted without bond.

Jurisdiction in actions for fines.

§ 8. All suits or actions for the recovery of any fine, penalty or forfeiture, arising under this act, or the ordinances of the city, when the amount sued for or in controversy does not exceed one hundred dollars, may be brought before any police magistrate of the city, or before any justice of the peace in the city designated by the council: *Provided*, that the police magistrate and city marshal and po-

lice constable, when appointed or elected under any law of this state, and all justices of the peace designated by the council, and called upon to act under any ordinance, shall, in addition to the bond now required by the laws of this state, enter into bond to the city of Vandalia in such sum as the council may direct, binding them to make their report, and pay over to the treasurer all moneys which may come into their hands, belonging to the city, and to obey and conform to such police regulations as may be established by the council.

§ 9. The mayor of said city shall receive, in full compensation for his official services, the sum of one hundred and fifty dollars per year, and no more. Salary of mayor

§ 10. The aldermen of said city shall each receive, in full compensation for their official services, such sums as they may designate. Compensation of aldermen.

§ 11. Neither the mayor nor any alderman shall, during his term of office, be appointed or competent to hold any office of which the emoluments are paid from the city treasury or paid by fees, directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract, the expenses or consideration of which are to be paid under any ordinances of the city council. Not to hold other offices.

§ 12. This act shall take effect and be in force from and after its passage, excepting as hereinbefore stated in reference to the powers of the corporation of Vandalia to be continued, and the next town meeting shall be held as heretofore. When act to take effect.

APPROVED March 9, 1869.

AN ACT to incorporate Yates City.

In force March 4, 1869.

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 Yates City, in the county of Knox and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "Yates City," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Body corporate and politic.

§ 2. The boundaries of the corporation hereby created, shall be as follows, to-wit: Beginning at the northwest corner of section number eleven (11), in township number nine (9) north, of range number four (4) east of the fourth Boundaries.

principal meridian, and running thence south one mile to the southwest corner of section eleven (11); thence east one mile to the southeast corner of said section eleven (11); thence north one-half of one mile; thence east ten rods; thence north twelve rods; thence west ten rods; thence south twelve rods, and running thence west one-fourth of one mile, and thence north one-half of one mile; thence running west to the place of beginning: *Provided, nevertheless*, that the city council of said city may, at any time, by ordinance, extend the limits of said corporation, not, however, to exceed two miles square.

Corporate powers.

§ 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the limits of said city; to purchase, receive and hold real property beyond the limits of said city, for burial grounds or other purposes, for the use of said inhabitants; to improve and protect such property, and lease, sell, convey and dispose of the same, and to do all other acts and things in relation thereto, as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

Organization.

SECTION 1. The municipal government of said city shall be vested in a city council, consisting of a president and four trustees, who shall be elected annually by the legal voters of said city, and continue in office until their successors are elected and qualified.

Qualification of members.

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

Office vacated.

§ 3. If any member of the city council shall remove from the said city, his office shall thereby be vacant.

Vacancies filled by election.

§ 4. All vacancies that may occur in the city council shall be filled by election.

Qualification of officeholders.

§ 5. The city council shall be judges of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Quorum.

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

Rules of proceedings.

§ 7. The city council shall determine the rule of its proceedings, but no member thereof shall be appointed to any office under its authority, except temporary clerk.

§ 8. The city council shall cause to be kept a journal of its proceedings, and such journal, purporting to be a record of the proceedings of the city council, shall be received in all courts and places, without further proof, as evidence of all matters contained therein. Record of proceedings.

§ 9. Every member of the city council, before entering upon the discharge of the duties of his office, shall take and subscribe an oath, or affirmation, that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

§ 10. Whenever there shall be a tie vote in the election for members of the city council, the judges of election shall certify the same to the police magistrate, who shall determine the same by lot, in the presence of said judges, who shall enter the result thereof on their returns of election. Tie, how decided.

§ 11. There shall be a stated meeting of the city council in each month, and such other meetings as may be called, to be held at such times and places as may be prescribed by ordinance. Meetings.

ARTICLE III.

ELECTIONS AND QUALIFICATIONS OF VOTERS.

SECTION 1. On the first Monday in April, A. D. 1869, and on the first Monday in April, in each year thereafter, an election shall be held in said city, for the purpose of choosing a president and four members of the city council hereby established: *Provided, however,* that if for any reason an election shall not be held on such day, in any year, the city council may order an election to be held at any other time as soon thereafter as may be, giving due notice thereof, as may be prescribed by ordinance. Annual election.

§ 2. Every person entitled to vote for state officers, and who shall have an actual residence in said city for thirty days next preceding such election, shall be entitled to vote thereat. Qualification of voters.

§ 3. John D. Huey, Jacob C. Riner, and Elias B. Rhea, shall be judges of the first election held under this act, or in case of their incapacity to act, from any cause, George N. Pierce, Bazel Bevans, and John S. Foster, shall act as such judges, who shall give ten days' notice of the time and place of holding such election, by posting up notices in three public places in said city, and they shall have authority to prescribe the manner in which said election shall be conducted. Judges of elections.

ARTICLE IV.

POWERS OF THE CITY COUNCIL.

- Levy and collection of taxes.** SECTION 1. The city council shall have power to levy and collect taxes on all property, real and personal, within the limits of said city, not exceeding one-half of one per cent. per annum, upon the assessed valuation thereof, for general purposes, and they may enforce the payment of said taxes in any manner to be prescribed by ordinance, not repugnant to the constitution and laws of the United States or of this state.
- Borrow money.** § 2. To borrow money on the credit of said city: *Provided*, that the interest payable on the aggregate of all sums borrowed and outstanding, shall never exceed, in any year, one-half of the city revenue from real estate for that year.
- Appropriations.** § 3. To appropriate money, and provide for the payment of all debts and expenses of the city.
- Appointment of officers.** § 4. To appoint a clerk, treasurer, collector, assessor, city marshal, street commissioner, and such other officers as they may deem expedient for carrying this act into full effect, and to prescribe their duties; to require all officers so appointed to take an oath for the faithful performance of such duties, and to give bonds, with such securities and penalties as may be prescribed by ordinance.
- Compensation.** § 5. To fix the compensation of city officers, regulate the fees of jurors, witnesses and others for services rendered under this act, and to remove from office any person appointed by them.
- Contagious diseases.** § 6. To make regulations to prevent the introduction of contagious diseases into the city.
- General health.** § 7. To make regulations to secure the general health of the inhabitants; to declare what shall be deemed a nuisance, and to prevent, abate and remove the same, and to punish the author thereof.
- Improve streets.** § 8. To open, alter, widen, extend, establish, vacate, abolish, grade, pave, or otherwise improve any streets, lanes, avenues, alleys, roads, squares, commons, parks, or other public grounds or places in said city, and to have exclusive control of the same.
- Repair bridges.** § 9. To build and keep in repair bridges, culverts and street crossings.
- Public grounds.** § 10. To provide for protecting, inclosing, adorning or otherwise improving, any squares, commons, parks or other public grounds in said city, or any other grounds or places belonging to said corporation.
- Public buildings.** § 11. To provide for the erection of all needful buildings for the use of said city, and to levy special taxes therefor, when authorized to do so by the legal voters of the city

at any election, and to collect the same as other taxes are collected.

§ 12. To cause the owners of lots or parts of lots or lands on any street, alley or square, to improve the sidewalk in front of their respective lands by grading, paving, planking or otherwise, as may be directed by ordinance, and keep the same in repair; and if any owner, or his agent, shall refuse or neglect to make such improvement within the time specified in such ordinance, or to repair the same at any time, when notified by the street commissioner to do so, the city council shall have power to cause such improvement or repairs to be made at the expense of the city, and to assess a special tax upon the owner of such lots or lands, sufficient to cover all costs and charges therefor, which tax shall constitute a lien upon such lots or lands, and be collected in all respects as other taxes: *Provided*, that the costs of any such improvements or repairs, with all expenses attending the same, may be recovered by suit brought in the corporate name against the owner of such lots or lands as for money paid and laid out for his use and benefit, and at his request.

Sidewalks, etc.

§ 13. To cause all the streets, alleys, lanes, avenues and public grounds in the city, to be kept in good repair; and to this end they may require every able bodied male inhabitant thereof, over the age of twenty-one years and under fifty, to labor on such streets, alleys, lanes, avenues or public grounds, not exceeding three days in every year, or pay commutation in lieu thereof at the rate of one dollar for each day they may be so required to labor; and the inhabitants of said city are hereby exempted from working on any road beyond the limits of said city, and from paying any tax to procure labor to be done thereon.

Streets, alleys, lanes, etc.

§ 14. To provide for surveying, platting, numbering and recording the plat of any or all out-lots or lands within the limits of said corporation, not now laid out into town lots in said city and the additions thereto, and to cause such out-lots and lands to be designated by such numbers in the assessment lists, and to sell the same for non-payment of taxes by such designation.

Survey and plat.

§ 15. To provide the city with water, and to dig wells and cisterns for the use of the inhabitants.

Wells, cisterns.

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

Prevention and extinguishment of fires.

§ 17. To provide for the inspection and weighing of hay and coal, and the measurement of wood sold for fuel in said city.

Hay, coal, etc.

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

Combustibles.

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

Running at large of animals

same, when found running at large contrary to any ordinance; and to prevent any indecent exhibition of horses or other animals.

Pounds. § 20. To establish and maintain a public pound, appoint a pound-master, and prescribe his duties.

Dogs at large. § 21. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same, when running at large contrary to any ordinance.

Fast driving. § 22. To prevent horse racing, or any immoderate riding or driving within the limits of said city, of horses or other animals; to prevent the abuse of animals, and to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, square, vacant lot or other open place in the city.

Indecencies. § 23. To prohibit and prevent any indecent exposure of the person, or other lewd or shameful practice, and punish persons guilty thereof.

Prevent riotous conduct. § 24. To prevent, suppress and prohibit any riot, affray, tumult or disturbance of the peace by loud or unusual cries, noises, or any other disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns, or other combustibles or firearms within the limits of said city.

Willful destruction of property. § 25. To prohibit, prevent and punish any wanton injury to private property, disorderly intrusion upon any private premises, petty pilfering, destruction or injury of shade trees, or any other disorderly proceedings endangering or trespassing upon the rights of private persons or property.

Exhibitions. § 26. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Auctioneers, peddlers, etc. § 27. To license, tax and regulate auctioneers, hawkers, ordinaries, and gift enterprises.

Tippling houses § 28. To restrain, prohibit and suppress tippling houses, dram-shops, gambling houses, bawdy houses, and other disorderly establishments.

Gaming. § 29. To restrain, prohibit and suppress all descriptions of gambling, swindling and fraudulent abuses, and to punish all persons in any manner engaged therein.

Prohibit sale of liquors. § 30. To license and regulate, or suppress and prohibit the selling, bartering, exchanging, giving away, trafficking in, or in any manner disposing of, any wines, gin, rum, brandy, whisky, beer, ale, or any other vinous, spirituous, malt, mixed or intoxicating beverages, within the limits of said city.

Census. § 31. To provide for taking enumerations of the inhabitants of said city.

Powers of the city council. § 32. To pass all ordinances which they may deem necessary and proper for carrying into full effect the provisions of this act, and for the regulation of the municipal government of said city, and to execute the same, and to impose fines, forfeitures and penalties for the violation of

any ordinance or any of the provisions of this act, and to provide for the enforcement of such ordinances and the recovery of such fines, forfeitures and penalties, in any manner not repugnant to the constitution of the United States or of this state: *Provided*, that in no case shall any such fine or forfeiture exceed the sum of one hundred dollars for any one offense; and any such fine or forfeiture may be recovered before the police magistrate herein provided for, or any justice of the peace in said county of Knox in the corporate name; and such police magistrate or justice of the peace may, unless the amount of the judgment be paid forthwith, or satisfactory security given, issue execution against the goods and chattels of any offender, immediately upon rendition of judgment; or he may direct that such offender be held in custody and compelled to work out the amount of such fine and costs on the public streets.

§ 33. To provide for the punishment of offenders against any ordinance, or provision of this act, by imprisonment, not to exceed three months for any one offense, in the county jail or city prison, or other secure place, to be provided by them for that purpose. Punishment of offenders.

§ 34. The style of the ordinances of said city shall be, *"Be it ordained by the City Council of Yates City."* Style of ordinances.

§ 35. All ordinances passed by the city council shall be recorded in a book to be kept for that purpose; which book, purporting to be a record of the ordinances of said city, shall be received in evidence in all courts and places, without further authentication or proof. Record of.

§ 36. Printed or written copies of all ordinances passed by the city council shall be posted up in at least three of the most public places in said city, within thirty days after their passage; and all ordinances shall take effect at the expiration of ten days after such posting. Posting notices.

§ 37. 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 or published by authority of the city council, shall be received in evidence in all courts and places, without further authentication or proof; and any ordinance of said city, printed and published in any newspaper in Knox county, and purporting to be printed or published by authority of the city council, shall in like manner be received in evidence in all courts or places, without further authentication or proof. Evidence of.

ARTICLE V.

OF THE PRESIDENT.

SECTION 1. The president shall be the chief executive officer of the corporation, and, as such, shall be a conservator of the peace, and have power to arrest, without warrant, and bring to trial, any person guilty of a violation of any ordinance, or provision of this act; and he may appoint, Presiding officer

from time to time, as the same may appear to him necessary, such watchmen, by day or night, as may be requisite to preserve the peace in any emergency or apprehended disturbance; and such watchmen, so appointed, are hereby authorized to arrest, without warrant, and confine, any person found engaged in any violation of any ordinance of said city, precisely as the city marshal of said city is by this act authorized to do; and the said president is hereby authorized to call upon any white male resident of said city, over the age of twenty-one years, to aid in the enforcement of the ordinances of said city, and to preserve the peace; and any person who shall fail or refuse to obey such call shall forfeit and pay to said city a fine not exceeding ten dollars.

Arrests, with
or without war-
rant.

Duty of mayor.

§ 2. He shall 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 the city, and cause negligence and positive violations of duty to be prosecuted and punished, and shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibition of his books and papers.

Preside at
meetings and
give the casting
vote.

§ 3. He shall preside at all meetings of the city council, preserve order, and have a casting vote in case of a tie, but no other. In case of his non-attendance at any meeting, the council shall appoint one of their number to preside at such meeting.

Special meeting

§ 4. The president or any two members may call a special meeting of the city council.

Signature of
the corporation.

§ 5. His signature to any paper or document, as president of Yates City, with that of the clerk, attested by the seal of the city, or their own private seals, shall constitute the signature of said corporation.

Other duties.

§ 6. He shall perform such other additional acts and duties as may be required of him by ordinance.

ARTICLE VI.

OF THE POLICE MAGISTRATE.

Police magis-
trates.

SECTION 1. At the election to be held in said city on the first Monday in April next, and at such election in every fourth year thereafter, a police magistrate of Yates City shall be elected, who shall continue in office until his successor is elected and qualified.

Eligibility to
office.

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

Commissioned
by the governor.

§ 3. Said police magistrate shall be commissioned and qualified in the same manner provided by law for justices of the peace of this state, and whose jurisdiction shall extend, in Knox county, to all causes of action at common

law, or by statute, where the plaintiff's demand shall not exceed five hundred dollars, and to all cases of misdemeanor committed within the limits of said city, where indictment is not necessary to a conviction. He shall be a conservator of the peace for said city, and shall have jurisdiction in all cases arising under the charter and ordinances of said city, in preference to other justices of the peace, and shall be entitled to the same fees and emoluments for his services as are allowed to justices of the peace in similar cases under the laws of this state. Changes of venue may be taken from said police magistrate in all cases coming before him, except in cases beyond the jurisdiction of a justice of the peace, in the same manner as from other justices of the peace, to the next nearest justice. In case of the death, sickness, or absence from the city of said police magistrate, any justice of the peace residing within the limits of said city shall have jurisdiction in all cases arising under the charter and ordinances thereof.

§ 4. It is hereby made the duty of the city marshal of said city, and of all constables of Knox county, to execute any process or order issued or made by said police magistrate, in the county of Knox, in the same manner as processes are executed from other justices of the peace.

Jurisdiction of marshal.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall cause to be published, at the close of each year, a complete statement of the receipts and expenditures of the city during the year.

Exhibit of receipts and expenditures.

§ 2. The members of the city council, or any two of them, shall be judges of the annual elections held in pursuance of this act, and such special elections as may be ordered by them, and shall conduct the same in such manner as may be prescribed by ordinance.

Judges of election.

§ 3. All fines imposed and collected for violations of any of the ordinances of said city, and all license fees and other moneys collected by virtue of this act, or any ordinance passed in pursuance of this act, shall be paid into the treasury of said city by the officer receiving the same, and shall constitute a part of the general fund thereof.

Fines and penalties to go into city treasury.

§ 4. 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 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.

Appeals, how taken.

§ 5. The right of trial by jury shall be allowed to any person charged with a violation of any of the provisions of this act, or a breach of any ordinance of said city.

Right of trial by jury.

Powers of the
city marshal.

§ 6. The city marshal, to be appointed by the city council, as hereinbefore provided, shall have the same power and authority, in all cases arising under the laws of this state, as other constables in Knox county, and shall have the same right, throughout the county of Knox, to serve any process issued by any court, as other constables; and he shall have authority to arrest, without warrant, any person found engaged in a violation of any ordinance of said city, or any person liable to escape before warrant can be procured, and confine such person in the city prison, or other secure place, or hold him in custody until he may be brought to trial; and any person who shall forcibly resist said city marshal in the discharge of his duty, shall, upon conviction thereof, forfeit and pay a fine not exceeding one hundred dollars, nor less than ten dollars.

Competent wit-
nesses.

§ 7. Any member of the city council, or other officer of said city, shall be a competent witness in any suit, action or prosecution wherein Yates City may be a party.

All actions and
suits vested in
corporation.

§ 8. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of Yates City.

City not to give
security for
costs.

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

May take stock
in railroads.

§ 10. The city council shall have power to take stock in any railroad company now organized, or hereafter to be organized, or in any other company that is or may be organized, to any amount not exceeding twenty-five thousand dollars in any one company, after having submitted the question to the legal voters of said city.

Act evidence.

§ 11. 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.

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

APPROVED March 4, 1869.

CITIES—NEW PRIVILEGES.

In force March
13, 1869.

AN ACT to amend the charter of the city of Alton.

Reduce taxation

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That after the taxable property, both real and personal, in the city of Alton, shall have been for each and every year listed and*

assessed by the assessor or assessors of said city, in the manner prescribed by law or ordinance, and after said list and assessment shall have been returned to the common council, and corrected by said council sitting as a court of appeals, the said common council shall have power to reduce the assessed value of all the property so assessed and liable to taxation, within the limits of said city, to one-half the amount assessed and placed thereon by the said assessor or assessors; but such reduction shall be equal as to each and every lot, block, tract or parcel of land, and as to all personal property liable to taxation within said city, and all the rates of taxation to be levied under the charter and ordinances of said city shall be levied and collected upon such reduced valuation; and in addition to the taxes now authorized by the charter of said city, the common council of said city are hereby authorized, upon the reduced assessment as aforesaid, to levy and collect a tax not to exceed one and one-half of one per centum upon all the property in said city liable to taxation, both real and personal. In no event, however, shall said council have power to levy and collect said additional tax of one and one-half of one per cent., or any part thereof, except upon the basis of a reduction of fifty per cent. on the valuation of all the taxable property in said city as aforesaid, nor except the other rates of taxation now allowed by law, and to be levied, shall be levied and collected upon such reduced assessment.

Additional tax
may be levied.

§ 2. That the said common council shall estimate the amount becoming due and payable each and every year, of the principal and interest upon the debt of said city, funded or bonded by virtue of an ordinance passed by said council, December 7, 1868, and out of the fund arising from said additional tax of not to exceed one and one-half of one per cent., to be levied and collected as aforesaid, the said city council shall, each and every year, set apart and appropriate a sufficient amount to meet and pay such estimate; which appropriation, when made, shall be and remain in the hands of the city treasurer a separate and distinct fund, for that purpose and for no other.

Estimate funds
needed.

§ 3. That in the event that by reason of such reduced assessment or valuation, as aforesaid, of the taxable property in said city, there shall in any year arise a deficiency in the amount required to support and carry on the public schools of said city, then the said common council shall, each and every year, set apart and appropriate, out of the revenue arising from the said additional tax of one and one-half of one per cent., as much as will make up such deficiency, which amount said council shall require to be collected, in money, and paid to the school treasurer of said city: *Provided*, that the board of control shall, at or near the close of each fiscal year, and before the revenue ordinances are passed, make an exact estimate of the amount

When deficiency
occurs.

Amount paid
to school treasurer.

When revenue
less than requi-
red.

required for the next fiscal year for the payment of bonds and interest falling due in said succeeding year, as the same has been arranged with the creditors of the city under an act of the general assembly, approved February 16, 1865. That said board shall, at the same time, make a careful estimate of the revenue coming into their hands during the said next fiscal year, from the special tax of one (1) per cent., provided under said act, approved February 16, 1865; and if the revenue so estimated shall be less than the amount required as above or below ascertained, then and in that case the common council shall levy and collect an additional special tax upon all the real and personal property of said city sufficient to make up the deficiency, as shown by said estimates and reports. That if the said board of control shall, at any time, fail or refuse to make the estimates and report, as above required, it shall be the duty of the finance committee of said council to make and report the same to the common council. That the said additional special tax shall be collected in May, and paid over by the collector to the board of control, as now required by said act, approved February 16, 1865.

Improvement
of streets, lanes
and alleys.

§ 4. The common council of said city are hereby authorized and empowered to cause the public streets, lanes and highways of said city to be graded and paved, macadamized or planked, as also the side-walks, in and upon said streets, lands and highways, to be graded and paved, or planked or curbed.

Petition for
opening streets
and alleys.

§ 5. Whenever a majority of the owners of the real estate fronting on any street, lane or highway, shall petition the common council of said city to have such street, lane or highway graded and paved, macadamized or planked, or any side-walk therein graded, curbed, paved or planked, said council shall determine, by resolution, the amount and character of the contemplated improvement, and the streets, lanes or highways upon which the improvements are proposed to be made; and, thereupon, said city council shall authorize the city engineer of said city, to make a plat of the streets, lanes or highways upon which said improvements are to be made, together with a plat of the lots, blocks and lands adjacent to and fronting upon said streets, lanes or highways, as, also, an estimate of the cost of the proposed improvements, which plat and estimate the said engineer shall return to the city council; and the said council shall, thereupon, appoint three commissioners, whose duty it shall be to assess the benefits, if any, which would accrue by reason of such improvement to the various lots, blocks or parcels of land adjacent to and fronting upon said streets, lanes or highways where said improvements are proposed to be made; but no benefit shall be assessed to any lot, block or parcel of land, except such benefits as are special to such lots, blocks or parcels of land, and additional to

Commissioners
appointed.

the general benefit which would arise to all the property of said city, by reason of such improvement, said commissioners shall, before they proceed to make such assessment, take an oath to faithfully and impartially discharge their duties; and upon making such assessment, they shall, within thirty days after their appointment, return the same to the common council.

§ 6. After said assessment shall have been returned to the common council, said council, by resolution, may either reject or confirm the same; and if confirmed, the clerk of said council shall, thereupon, certify the same to the city collector, and upon receiving the same the city collector shall give notice in some newspaper published in said city, that said assessments have been returned into his hands for collection, and if the same are not paid within ninety days from the date of such notice, that he will apply, on behalf of the city, to the county court of Madison county, (setting forth when such application will be made,) for a judgment against such lots, blocks or parcels of land, for the amount, respectively, assessed against each, and costs; and said county court shall, provided no legal objections be made, render its judgment in accordance with said application, (saving and reserving, however, to all persons aggrieved, the right to appeal to the circuit court, provided the same be taken within five days from the rendition of said judgment.)

Return of assessment.

Judgment.

§ 7. The said county court, upon rendering its judgment as aforesaid, shall thereon, after the expiration of five days, issue its precept or special execution, directed to the sheriff of Madison county, and returnable within ninety days from date, ordering and directing him to make sale of said lots, blocks or parcels of land, or so much thereof as may be necessary to pay the judgments and costs, respectively, entered as aforesaid; and upon such sale or sales being made, said sheriff shall, thereupon, deliver to the purchaser a certificate of purchase, reciting the judgment and execution under which the sale was made, what lot or part thereof sold, and the amount for which sold, and providing that if the same is not redeemed within two years from the date of such sale, with ten per cent. interest thereon, that the purchaser will be entitled to a deed for the same, which deed the said sheriff shall execute as other sheriff deeds are executed; and the said city of Alton is hereby declared competent and authorized to become a purchaser at such sale, to perfect its title in the lands sold, and thereafter to dispose of the same in any manner deemed for the best interest of said city by its common council.

Special execution, may issue.

§ 8. If it shall appear that the assessment made for any contemplated improvement, as provided for in the foregoing sections, is not sufficient to defray the entire cost of such improvements, then the common council of said city shall

When assessment insufficient.

make up and pay the residue of such cost out of the fund of said city.

Appointment
of assessor.

§ 9. The common council of said city shall, each and every year, at its first meeting after the annual charter election, appoint one assessor, whose duty it shall be to assess all the property, real and personal, in said city, liable to taxation, in such manner as may be provided by the ordinances of said city.

Marshal
give bond
security.

§ 10. The marshal of said city, whose election is now provided for by law, shall, before he enters upon the discharge of the duties of his office, enter into a bond in the sum of two thousand dollars, payable to said city, and with security to be approved by the common council of said city, for the faithful discharge of his duties as city marshal; and he shall, at all times, be directly and without appeal responsible to the said common council for the manner in which he discharges the duties of his office. And upon a failure, upon his part, to faithfully perform the duties imposed on him by law and the ordinances of said city, the said council shall have power, a majority of the councilmen voting therefor, to remove said marshal from office, and appoint a city marshal in his stead, who shall qualify as though elected by the people, and hold his office until the next, thereafter, regular annual charter election, unless otherwise removed: *Provided, however,* that no person shall hold the said office of marshal unless he, at the time of his election or appointment, shall be a voter in said city, and have resided there six months previous to such election or appointment. Said marshal shall have all the power and authority now conferred by law on constables, to execute writs, both in civil and criminal proceedings within said county of Madison, and receive the same fees that are now allowed to constables therefor.

Division
wards.

§ 11. At the first meeting of the common council of said city after the next charter election, the members of said council, by wards, shall be divided into three classes, to be determined by lot, so that those comprising the first class shall hold their office for three years; those composing the second class, two years; and those composing the third class, one year; and that, thereafter, there shall be elected in each ward, at the annual charter election, one alderman instead of three, as now provided by law, who shall hold his office for the term of three years.

License slaugh-
ter houses and
retailers of fresh
meats.

§ 12. The common council of said city shall have power to license and regulate slaughtering houses and retailers of fresh meat within the limits of said city; as, also, to establish and regulate markets therein, to appoint and prescribe a time for holding and keeping open the same, and to restrain and prohibit the sale of marketable commodities except at the markets during market hours.

May take stock
in railroads.

§ 13. The city of Alton, through its common council, is hereby authorized to subscribe the sum of twenty-five thou-

sand dollars to the capital stock of the St. Charles and Alton Railroad Company of the state of Missouri; and for the purpose of paying such subscription, said city of Alton, through its common council, is hereby authorized to make and issue the bonds of said city, bearing interest at a rate not exceeding six per cent. per annum, payable to said company in five, six, seven, eight, nine, ten, eleven and twelve years from the date thereof: *Provided, however*, that such subscription shall not be made unless a majority of all the legal voters of said city, voting at said election, shall vote in favor of such subscription at the next annual charter election of said city, after the passage of this act: *And, provided, further*, that in the event of said subscription being made, no bond, in payment thereof, shall issue until the grading of said road is completed and the ties and rails laid thereon, when bonds to the amount of one-half of said subscription may be issued, and the remaining half of said bonds to be issued when the said railroad is completed, and the rolling stock placed thereon: *And, provided, further*, that in no event shall said subscription be made, or bonds issue therefor, unless said railroad shall terminate on the Mississippi river, at a point in the county of St. Charles, state of Missouri, opposite to the said city of Alton: *And, provided, further*, that in case said subscription shall be made, and the bonds of the said city issued in payment thereof, said city is hereby empowered to levy a tax upon all the taxable property in said city, not to exceed one mill on the dollar, to pay said bonds and interest thereon.

Subscriptions
of stock submit-
ted to legal vot-
ers.

§ 14. All acts or parts of act of the legislature heretofore passed, inconsistent with the provisions of this act, are hereby repealed, and this act to be in force from and after its passage, and shall be deemed and taken as a public act.

Conflicting acts
repealed.

When act to
take effect.

APPROVED March 13, 1869.

AN ACT to amend an act entitled "An act to amend the twelfth (12) section of the charter of the city of Alton, establishing and regulating the public schools in said city."

In force March
29, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of education of the city of Alton shall, at the close of each school year, make a careful estimate of the amount necessary to pay the expense of maintaining the public schools of said city for the next succeeding school year, and for the payment of any school bonds maturing in such year, that have been or may be issued by order of the common council for school purposes; and the interest on any and all school bonds that have been or may be issued in like man-

Expense of the
public schools.

Shall estimate amount required for school.

ner for school purposes; as, also, any arrearages or deficiencies in appropriations of former years, and showing, generally, the amount required for all legitimate expenditures for school purposes. That the said board of education shall likewise carefully estimate, at the same time, the resources of the board for such school year, from state school fund, from interest on local school fund, from school tickets, and from all other sources. The said board shall deduct the amount of estimated resources from the amount of estimated expenditures, and report to the common council the amount deficient, if any, in the estimate for the next school year.

Neglect of duty of board of education.

§ 2. Should the said board of education at any time neglect or refuse to make the said estimates and report, it shall be the duty of the school committee of said council to make and submit the same in the manner required in section one of this act.

Levy and collect tax.

§ 3. The common council shall levy and collect, upon all the real and personal property in said city, an amount of school tax, each and every year, sufficient to make up the deficiency in the amount required for school purposes, if any, as shall be ascertained under the first or second sections of this act; which tax, together with all other school taxes now authorized, or that may be authorized, shall be collected, in money, and be paid over to the school treasurer for school purposes, as now required by the ordinances of the city of Alton.

When act to take effect.

§ 4 This act to take effect from and after its passage, and be deemed a public act; and any acts or parts of acts with which this may conflict, are hereby repealed.

APPROVED March 29, 1869.

In force April 19, 1869. AN ACT supplemental to an act entitled "An act to amend the charter of the city of Alton," approved March 13, 1869.

Appointment of assessor legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the appointment, by the common council of the city of Alton, of an assessor in and for said city, for the year 1869, be and the same is hereby legalized; and that hereafter whenever a vacancy shall occur in the office of assessor in and for said city, the common council of said city is hereby authorized and empowered to fill such vacancy by appointment.

§ 2. This act is hereby declared to be a public act, and to be in force from and after its passage.

APPROVED April 19, 1869.

AN ACT to amend an act entitled "An act to incorporate the city of Amboy," In force Feb. 24, 1869.
approved February 16, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council shall have exclusive control of all streets, alleys, roads, lanes and bridges within the limits of the city of Amboy; and to enable them to construct and keep the same in repair, and to construct and repair roads and bridges on roads leading to and from the said city, it shall be the duty, and the township collector of the town of Amboy, and the treasurer of Lee county, are hereby required to pay over all the road tax and road and bridge tax assessed or voted by the electors of the said town of Amboy, or the commissioners of highways of said town, and collected on real and personal property within the limits of the city of Amboy, to the treasurer of said city, at the same time he or they are required to pay over the other taxes collected, as a road or street fund, to be expended in the construction and repair of streets, alleys, roads and bridges in said city and town of Amboy, in such manner as the city council shall determine and direct; and the several wards of said city shall be deemed and constituted a road district, under the township organization laws; and the street commissioner shall be, *ex officio*, overseer of highways in said wards or road districts.

§ 2. The city council shall have power to license, regulate and tax the selling of intoxicating and malt liquors, within the city, for one year: *Provided, always*, that no such license shall be granted by said council, in any year, unless, at the annual meeting for the election of officers for that year, a majority of the legal voters, voting at such election, shall decide to have licenses granted, which decision shall be determined as follows: A ballot box shall be provided in each ward, and the voters shall express their desire by depositing in such ballot box their ballots, with the words "license" or "no license" written or printed thereon, the returns of which shall be made by the judges of election to the city council at the same time as the returns of the election of officers of said city; and if a majority of the votes cast on the question shall be for license, then the council shall have power to grant licenses as provided in this section; but if a majority of the votes are against license, then the city council shall grant no license during that year for the sale of intoxicating or malt liquors, and shall declare all unlicensed vending of said liquors a nuisance, and shall suppress the same.

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

Corporate powers.

Repair streets.

License sale of liquors.

Submitted to legal voters.

When this act shall take effect.

APPROVED February 24, 1869.

In force Feb. 25,
1869.

AN ACT to amend the charter of the city of Aurora.

- SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no person shall be elected or appointed to any office in said city unless he is able to read and write the English language; and if any such person be elected or appointed, the common council shall declare such election or appointment void.*
- § 2. The common council may, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds, in the same or such further sums, with new and such further sureties as said common council may deem requisite for the interest of the corporation.*
- § 3. The common council shall have power to levy and collect a special tax on lots and appurtenances, on any street, lane, avenue or alley, for the purpose of paving, grading or planking any sidewalk or street, or lighting such sidewalk, street, lane, avenue or alley in said city.*
- § 4. The following named officers of the city of Aurora shall be elected, by the legal voters of said city, at each annual city election, to-wit: City clerk, city attorney, city marshal, city surveyor, one street commissioner for the east division of said city, one street commissioner for the west division of said city, and city physician. Said officers, so elected, shall hold their offices one year, and until their successors are elected and qualified.*
- § 5. The election of officers, provided for by this act, shall be conducted in the same manner, subject to the same terms and restrictions, as is now provided by law for the election of other city officers by the legal voters of said city, and their qualifications shall be as now provided by law.*
- § 6. No person in said city shall hold more than one town or city office in said city at the same time.*
- § 7. All acts and parts of acts, inconsistent or in conflict with this act, are hereby repealed.*
- § 8. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.*
- APPROVED February 25, 1869.

In force Feb. 25, 1869. AN ACT supplemental to an act to amend the charter of the city of Aurora, passed at the present session of the General Assembly.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one (1) of the act to which this is supplemental, be and the same is hereby repealed.

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

APPROVED February 25, 1869.

AN ACT to amend the charter of the city of Bloomington.

In force March 8, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred upon the city council of the city of Bloomington by the charter of said city, said city council shall have power, by ordinance, to license, tax and regulate butchers and dealers in fresh meats, insurance companies and insurance agents: *Provided*, that when any insurance company shall be required to pay a license for doing business in said city, such company, and the agent thereof, shall be exempt, by reason of the payment of such license, from the tax imposed by section two (2), chapter five (5), of the charter of said city. Said city council shall also have power to levy and collect, annually, a tax, not to exceed two (2) mills on the dollar, on all taxable real and personal property in said city, to defray the expense of lighting the streets of said city, in addition to the amount now authorized by the charter of said city to be levied and collected for that purpose.

§ 2. Whenever any appeal shall be taken from the judgment of any justice of the peace, or police magistrate, of said city, as provided for in section two (2), of chapter six (6), of the charter of said city, either party shall have the right to introduce additional evidence on the trial of such appeal in the appellate court; but if no additional evidence shall be produced, then such appeal shall be heard on the bill of exceptions as provided in said charter: *Provided*, that the party offering the testimony so preserved in such bill of exceptions, shall have had issued in apt time a subpoena from the appellate court to the sheriff of the county where such cause is pending, for such witness or witnesses.

§ 3. All ordinances of said city may be proved by a copy thereof, certified by the clerk of said city and the corporate seal thereof, if there be one, or by the record of such ordinance. The publication of any and all ordinances may be proved by the certificate of the publishers, or one of them, or by the oral testimony of any competent witness, and when the ordinances of said city shall be printed and published in book or pamphlet form by authority of said city council, the same shall be received in evidence in all courts and places without further proof.

Salary of mayor.

§ 4. The mayor of said city shall receive for his services such sum as may be fixed by the city council of said city, not exceeding the rate of five hundred dollars per annum. Each alderman of said city shall receive for his services such sum as may be fixed by ordinance, not exceeding three dollars for each meeting of the city council of said city, actually attended by him.

Sections of act repealed.

§ 5. Paragraph seven (7) of chapter five (5), section two (2) of chapter seven (7), and section ten (10) of chapter seven (7), of the charter of said city of Bloomington, are hereby repealed.

Registry law not applicable.

§ 6. No registration of voters shall be necessary prior to an election for members of the board of education of said city: *Provided*, no other officer, than members of said board of education, is to be elected at such election.

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

APPROVED March 8, 1869.

In force April 19, 1869. AN ACT to amend an act entitled "An act to incorporate the city of Bushnell, in the county of McDonough, state of Illinois," approved March 11, 1869.

Act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 1, of the act to incorporate the city of Bushnell, be so amended as to include within the corporate limits all of the south half of section twenty-eight (28), and the southwest quarter of section twenty-seven (27), in township No. seven (7) north, of the base line of range No. one (1) west of the fourth principal meridian, being known as the township of Bushnell, in McDonough county, state of Illinois.

Election of supervisor.

§ 2. On the first Monday in May, 1869, (which election shall be conducted by the city council) and at the regular city elections thereafter, there shall be elected by the legal voters of the city of Bushnell, a supervisor, who shall be qualified the same, and possess and enjoy all the rights, powers and privileges as are granted, or may hereafter be granted, by the laws of the state of Illinois, to assistant supervisors.

Jurisdiction of justices of peace

§ 3. Change of venue may be taken from police magistrates as in other cases provided by law, and the jurisdiction of the justices of the peace, in and for the township of Bushnell, is hereby extended to all cases brought before them by such change of venue, to the same extent as is given to police magistrates by the act incorporating the city Bushnell.

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

APPROVED March 19, 1869.

AN AOT supplemental to an act entitled "An act to incorporate the city of Carbondale, in the county of Jackson," passed during the session of the twenty-sixth general assembly. In force April 13, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one, of article six, of said act, be so amended that in no contingency shall the mayor of said city be authorized to hear and determine any suits or prosecutions arising under the ordinances of said city of Carbondale, and that the words "first Tuesday in April," in the first line of section one, of article five, be stricken out, and in lieu thereof the words "fourth Tuesday in May" inserted, and that "the first Tuesday in April," in the fourth line of section four, article five, be stricken out, and in lieu thereof the words "fourth Tuesday in May" inserted. Act amended.

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

APPROVED April 19, 1869.

AN AOT to amend an act entitled "An act to reduce the charter of the city of Cairo, and the several acts amendatory thereof, into one, and revise the same," approved February 18th, 1867. In force June 19, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The legislative authority of said city of Cairo shall be exercised by a body, to be styled the "City Council," which shall be composed of two branches, one of which shall be called the "Select Council" and the other the "Board of Aldermen;" and all the powers conferred and restrictions imposed upon the city council, by the charter to which this act is an amendment, shall be and are hereby conferred and imposed upon the city council hereby created. City council.

§ 2. The select council shall consist of the mayor, to be elected as now provided for and six other members to be elected at the next general election under the city charter, one of whom shall be elected from each ward by the qualified voters of the ward, and two shall be elected for the city at large by the qualified voters of the city. The board of aldermen shall consist of twelve aldermen, now Election of officers.

Aldermen.

in office, or to be hereafter elected as now provided for. The members of said select council, except the mayor, shall be elected and hold their offices for two years and until the election and qualification of their successors: *Provided*, that half of the said select council to be elected at the first election under this act shall hold their offices for one year, those to serve for one year to be selected at their first meeting, by lot, or as the select council may then determine.

Eligibility to office.

§ 3. A member of the select council shall, at the time of his election, be not less than thirty years of age, a white citizen of the United States, and an owner, in fee, of real property in said city to the value, over and above all incumbrances, of not less than one thousand five hundred dollars; said value to be determined by the state and county assessor's books of the previous year.

Oath of office.

§ 4. Before any member of the select council shall take his seat, he shall take and subscribe an oath that he will support the constitution of the United States and of this state and the provisions of the city charter, that he will faithfully discharge the duties of his office, and that he possesses all the qualifications required by this act, and is not subject to any of the disqualifications thereby imposed.

Office declared vacant.

§ 5. Any member of the select council who ceases to possess the qualifications presented by this act, or any of them, or becomes subject to any of the disqualifications specified therein, shall be deemed thereby to have vacated his office.

Presiding officer of council.

§ 6. The mayor, when present, shall preside at all meetings of the select council, and the board of aldermen shall elect one of their number to be chairman thereof; but in the absence of the mayor or chairman of the board of aldermen, either branch of the city council may elect a temporary chairman.

Duties of clerk.

§ 7. The city clerk, elected as provided for by the charter to which this is an amendment, shall make and keep a record of the minutes of each branch of the city council and shall attend their meetings for that purpose, except when said boards meet at the same time, when the board of aldermen shall appoint a temporary clerk. In case of absence of the city clerk either board may appoint a clerk, *pro tem*.

First election.

§ 8. The first election under this act shall be held in the several wards at the next general election, at the same time and in the same manner as is now provided for by the charter and ordinances for other city officers, and it shall be the duty of the city clerk to give at least five days' notice of said first election. The members of said select council shall enter upon their duties at the same time as other city officers, to be elected at the next general election; and the registry of voters to be made in the present

wards of said city for said election shall be a valid registry, for all the intents and purposes of said first election.

§ 8. The returns of said first election shall be made to the city council of said city as now provided by ordinance, and the city clerk shall notify the members of said select council to meet at some suitable place, within three days after the tenth day of March, A. D. 1869, for the purpose of organizing their board. Election returns

§ 10. Bills for ordinances may be original in either branch of the city council, but the concurrent action of the two bodies shall be required for the passage of all ordinances, and after their passage by one branch they shall be sent by the city clerk to the other body for their consideration and action. Upon the passage of such bills by both branches of the city council, the city clerk shall present the same to the mayor for his approval and signature, as now provided for by the city charter and with like effect. If he approve he shall sign them, if not he shall return them, with his objections, to the board in which they originated. The objections shall be entered, at large, on the journal and the bills be reconsidered, and if, after such reconsideration, a majority of all the members elected to each board shall agree to pass the same, they shall become laws. Concurrent action to pass measures.

§ 11. All elections of officers to be appointed by the city council, shall be by ballot, in joint meeting of the two branches, which meeting may be convened by joint resolution of the two boards, or may be called by the mayor, city clerk or any two members of either board, by personal notice to each member or by leaving written notices at their usual places of abode, twenty-four hours before each meeting, or in such other way as may be provided by the city council. A majority of all the members elected to both boards shall be necessary to the election of all such officers. Mayor approve.

§ 12. The provisions of the 6th, 7th, 8th, 9th, 10th, 12th, 13th and 14th sections of article 2 of the city charter, to which this act is an amendment, are hereby made applicable to the select council hereby created; and the powers thereby conferred on the city council, and the regulations and restrictions thereby imposed, are also hereby conferred and imposed upon the said select council. Manner of voting.

§ 13. Whenever the city council of the city of Cairo shall determine, in the manner provided in the charter of said city, to which this act is an amendment, and the ordinances passed in pursuance thereof, to make any public improvement in said city, and the cost or estimated cost of such improvement has been duly ascertained by the city, a petition shall be presented by the mayor of said city, or on his neglect to do so, by any one of the select council of said city to the circuit court of Alexander county, or to the judge thereof, in vacation; which petition shall set forth Another act to constitute part of this act.

the character and extent and location of such improvement and the cost or estimated cost thereof, and shall, particularly, describe the real estate to be benefited or injured by such improvement, and shall give the name or names of the owners of such real property, or if the owner thereof is unknown, the petition shall so state; and said petition shall request said court or judge to appoint commissioners to ascertain the proportionate benefits over injuries to accrue to all such real estate described in said petition, or which may be added to said list by the commissioners as hereinafter mentioned.

Notice to owners of real estate

Appointment of commissioners.

§ 14. When said petition has been filed in said court or with the judge thereof, notice shall be given by the city clerk to all owners of any such real estate, by publication for fourteen days in a newspaper published in the city of Cairo, that on a day in said notice to be named, the said city, by its attorney, will appear before said circuit court or its judge and apply for the appointment of five commissioners, to determine the injuries and the proportionate benefits which may accrue by reason of such improvement to each separate parcel of the real estate mentioned in said petition, and to such other real estate as said commissioners may decide to be injured or benefited as hereinafter provided, and for the purpose of making an assessment to cover the costs and expenses of such improvement; which said notice shall, particularly, describe the nature, location and character of such improvement, the cost or estimated cost thereof, as also the real estate and owner or owners thereof, so far as known, as the same are stated and described in said petition. The notices provided for in this section shall be filed with the commissioners, together with the publisher's certificate of publication, and shall be returned by them with their assessment.

Proceedings in circuit court in appointment of commissioners.

§ 15. On the day named in said notice the said court or judge, if no sufficient objection be made, shall appoint five discreet residents and freeholders of said city, as the commissioners provided for in the preceding section of this act, and shall name one of said commissioners to act as chairman and another to act as clerk of the commission. If said petition is filed in term time it shall be placed on the docket, and the judge shall cause the appointment of commissioners to be placed on record. If said petition is presented in vacation the judge shall file it, together with his appointment of commissioners, with the clerk of said court. Said commissioners shall be sworn before the clerk of the circuit court, before entering upon their duties, to faithfully and impartially perform the duties required of them by this act, and the ordinances of the city made in pursuance thereof, and to make all their assessments and estimates according to law and to the best of their judgment and understanding: *Provided*, if the owners of two-

thirds of the lots described in said petition shall nominate two of said commissioners to said judge, he shall appoint said nominees as two of said commissioners, and shall, also, appoint two other commissioners, and the four thus appointed shall appoint a fifth. A majority of said commissioners shall be a quorum to do business, and the decision and report of such majority shall be as valid and binding as if the whole number of commissioners appointed had united in the same. Quorum.

§ 16. After being sworn, said commissioners shall give at least fourteen days' public notice, in a newspaper published in said city of Cairo, of the day on which they will make personal examination of the real estate to be injured or benefited by the improvement described in said petition, and will hear evidence touching the estimates and assessments to be made by them, and they may adjourn from day to day until all parties interested shall have had reasonable time to be fully heard. Notice by publication.

§ 17. After the said commissioners have examined all the real estate named in said petition, they may report, in writing, to the said court or judge, any other real estate not named in said petition, but directly benefited by the improvement described in said petition, and thereupon the owner or owners of said real estate shall be notified in the manner provided in section fourteen of this act, and commissioners shall be appointed in the manner provided in section fifteen of this act, who shall qualify and act in the same manner as the commissioners provided for in said section fifteen, and the persons appointed to act under said section fifteen may also be appointed to act under this section. Commissioners to report.

§ 18. After the examination and hearing, provided for in sections sixteen and seventeen, has been concluded, and all parties interested in the real estate to be assessed, under and by virtue of the several sections aforesaid, shall have had full opportunity for a hearing, the said commissioners, appointed under said sections sixteen and seventeen, shall together proceed to make an assessment, assessing the costs and expenses of the improvements specified in said petition and commissioners' report, together with the expense and cost of collection, in the manner following, to-wit: To each lot or parcel of land described in said petition or in said commissioners' report, shall be assessed in the ratio of benefits its proportionate amount of special benefit by reason of such improvement, over and above the injury thereto, if any, (having a due regard, in making such assessments, to the location and value of each lot and parcel of land so assessed, as nearly as may be,) and the residue of the costs of such improvement to be paid by equal and uniform taxation, or out of the improvement fund of said city. As soon as said assessment shall have been made and agreed upon Assessments.

by said commissioners, they shall forthwith make out and prepare an assessment roll, in writing, which said assessment roll shall contain a particular description of each lot or parcelaforesaid, and opposite the same, in appropriate columns, in \$ and cts., the value of each lot or parcel aforesaid, and the amount assessed against each respectively. Said assessment roll shall be addressed to the judge of said court, and shall, when completed, be signed by said commissioners, and so soon as completed shall be filed with the clerk of said court, accompanied by a report signed and sworn to by said commissioners, and showing that, as such commissioners, they have made such assessment according to law and to the best of their ability, without fear, favor or partiality. Said clerk shall thereupon file said assessment roll and report, and record the same in his order book. Every person dissatisfied with said assessment may, within twenty days after the filing thereof, appeal therefrom to the circuit court of Alexander county, and may cause a bond in the sum of fifty dollars (conditioned to prosecute his said appeal with effect and pay all costs of said appeal, in case judgment is rendered against said lot, for each separate parcel of real estate) to be filed with said clerk, who shall thereupon place upon the docket of said court a separate appeal for each lot, entitling the same "The city of Cairo vs. lot No. —, in block No. —," or otherwise describing the real estate named in the appeal bond. If more than five appeals are perfected, the said judge shall, on notice from the mayor, by direction of the city council, hold a special term of said court for the trial of said appeals, and he shall hear evidence concerning said assessments so appealed from, and may confirm, amend or modify the same.

Duties of city clerk.

Appeals, etc.

Publication of notice.

§ 19. As soon as the assessment is filed with the clerk, as aforesaid, the commissioners shall give public notice for ten days, in a newspaper published in the city of Cairo, that the assessment roll has been filed with the circuit clerk, and is open to inspection and examination, and that all persons are required to pay the amounts assessed against the respective lots, within one hundred days thereafter, or in such time and manner as the city council may, by ordinance, direct, and that in default of such payment, judgment will be entered against the defendants. All payments of such assessments shall be made to the city treasurer, who shall report each separate payment to said circuit clerk.

Jurisdiction of court.

§ 20. At the expiration of the said hundred days, or other time as above provided for, in the case of each lot or other parcel of real estate, in which no appeal has been taken, as hereinbefore provided for, when the assessment has not been paid, the said clerk shall enter upon the judge's docket a separate cause, entitled "The City of Cairo vs. lot No. —, in block No. —," or describing the real estate as described in the assessment; and at the next regular term of said court,

or at a special term to be called at the request of the mayor, by direction of the city council, judgment shall be entered in each cause for the amount of the assessment, or any unpaid balance thereof, upon the lot named, and costs. There shall be no defense to the entering of said judgment, except payment in full or in part of said assessment, unless it be shown that the lot against which judgment is about to be entered, is not on the assessment roll filed by said commissioners, or that the owner was not notified of the appointment of commissioners as provided for in this act. Each judgment, so entered, shall include an order for the sale of the real estate, and the clerk, on request of the mayor and city council, shall issue a special execution, directed to the sheriff of Alexander county, who shall advertise and sell in the same manner as real estate is sold under ordinary judgments and executions.

§ 21. The real estate sold by virtue of the judgments provided in this act, may be redeemed at any time within twelve months after the sale thereof, by paying to the purchaser, or in his absence to the said circuit clerk, the full amount for which the same [was] sold, with the addition of twenty-five per cent. The sheriff shall execute to each purchaser a certificate of his purchase, describing the real estate and the amount paid therefor, which shall be assignable; and at the expiration of twelve months from the date of said certificate, if such real estate is not redeemed, he shall execute a deed to the said purchaser, or his assignee, which shall convey absolutely all the right, title and interest of the owner thereof at the date of the filing of said assessment.

Lands sold for taxes may be redeemed.

§ 22. When no appeal is taken, and when the assessment is paid before final judgment, all costs shall be paid by the city. The commissioners shall be paid by the city council such reasonable compensation per day, while actively engaged in making the assessment, as the city council may determine.

Costs to be paid by the city.

§ 23. Appeals, by any party interested, and writs of error shall be, in all cases, to the supreme court, from any final judgment of the circuit court under this act, as in other cases.

Writs of error certified to the supreme court.

§ 24. For all improvements within said city, heretofore made by the authority of the city of Cairo, and for the payment of which the said city has been unable to collect from former assessments the amount required to complete payment therefor, by reason of defective power in the city charter, or informality in making any assessment heretofore, or by reason of any other cause whatsoever, the city of Cairo is hereby authorized and fully empowered to collect so much money as shall be necessary to complete payment for such improvement so made, by a new assessment of the property benefited by such improvement within said city,

Completion of improvements.

upon the like principle of the proportion of benefits, and in like manner as hereinbefore provided for, as nearly as may be, so far as the same proceedings shall be required: *Provided, however*, that such persons as may have paid to said city the whole or any part of any former assessment made on account of such improvement, shall be credited with the amount so paid upon any assessment under this section, and only the balance, if any shall remain, shall be collected from such persons, their heirs or assigns; and if the new assessment, herein provided for, shall not amount to the sum so paid upon the property under such former assessment, then the said city shall refund to such person or persons, his heirs or assigns, the difference between the amount paid and the amount last assessed upon their property: *And, provided, further*, that it shall be no defense to the payment of the assessment herein provided for, that the improvement has been heretofore made, or that any former assessment has been made for payment of the same, or that no notice under the new assessment, herein provided for, is given to persons to make the improvement in front of or adjacent to their property—anything in any part of the charter, or former ordinances of the city or law, to the contrary notwithstanding.

Sections re-
pealed.

§ 25. Sections numbered sixteen, seventeen and eighteen of article numbered three, of the act to which this is an amendment, and so much of section numbered nine, of said article numbered three, as provides for the appointment of three commissioners, to constitute a board of public works, be and the same are hereby repealed, and the said board of public works is hereby abolished, and their offices hereby vacated.

Sections 1 and
2 amended.

§ 26. Section numbered one, of article numbered five, of the act to which this is an amendment, is hereby amended by striking out from the second paragraph of said section the words following, viz: "Amount of one third of the assessed valuation of all the taxable property, real and personal, of said city," and inserting in lieu thereof the words following, viz: "The sum of two hundred thousand dollars: *Provided*, this restriction shall not apply to, nor invalidate the issue of bonds to railroad companies, under any general or special law of this state."

City may issue
bonds.

§ 27. That the city council of said city shall, in addition to the authority now conferred upon them to issue bonds for general purposes, have an authority to issue bonds to an amount not exceeding one hundred and fifty thousand dollars, in settlement of any judgment or other indebtedness now existing against said city; said bonds to be issued in such sums as may be deemed expedient, to be made payable twenty-five years after date, to bear a rate of interest not exceeding ten per cent. per annum, and which interest may be made payable semi-annually, in the city of New

York: *Provided*, said city shall reserve the right to pay off any portion of said bonds out of county funds on hand, not otherwise appropriated, at any time after two years from the date of the said bonds.

§ 28. Said city council shall, in addition to the authority now existing to levy general and special taxes, have authority to levy and assess upon all the property, real and personal, in said city, now taxable for general purposes, a special tax sufficient to pay the interest on the bonds authorized by the previous section of this act to be issued, which said tax shall be set aside and be specially appropriated to the payment of said interest, and used for no other purpose whatever.

APPROVED February 10, 1869.

AN ACT to amend an act entitled "An act to amend an act entitled 'an act to reduce the charter of the city of Cairo, and the several acts amendatory thereof, into one, and revise the same,' approved February 18, 1867," approved February 10, 1869. In force Feb. 11, 1869.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the act to which this is an amendment shall be deemed a public act, and be in force from and after the passage of this act.

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

APPROVED February 11, 1869.

AN ACT to amend an act entitled "An act to charter the city of Champaign," approved February 21, 1861. In force March 30, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the boundaries of the city of Champaign is hereby enlarged, so as to include all that territory included within the following limits, viz: Beginning at the center of section eighteen (18), town nineteen (19) north, range nine (9) east of the third principal meridian, in the county of Champaign, and from thence one mile and three-fourths of a mile due north; and from thence, due west, two miles; and from thence, south, to the center of section fourteen (14), township number nineteen (19) north, range number eight (8) east of the third principal meridian, in the county of Champaign, and from thence

east to the center of section eighteen aforesaid, to the place of beginning.

§ 2. This act shall be deemed a public act; and take effect from and after its passage.

APPROVED March 30, 1869.

In force March 26, 1869. AN ACT to amend an act entitled "An act to incorporate the city of Charleston, in Coles county."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections seven, eight, nine and ten, of article three, of an act to incorporate the city of Charleston, in Coles county, approved February 9, 1865, be and the same are hereby repealed.

Acts repealed. § 2. That section one of article four, of said act, be and the same is hereby amended so as to read as follows: "The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one per centum upon the value thereof, and may enforce the payment thereof by ordinance, not inconsistent with the laws and constitution of this state; and the term 'property,' as used in this act, shall be construed to mean the same as the word property, as used in the general revenue laws of this state."

Act amended. § 3. In all actions brought by or against said city, the inhabitants thereof may be jurors, if otherwise competent or qualified according to law.

Levy and collect taxes. § 4. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 26, 1869.

In force March 22, 1869. AN ACT to amend an act entitled "An act to incorporate the city of Clinton," approved March 8th, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of article four of an act entitled "An act to incorporate the city of Clinton, approved March 8th, 1867," be so amended that the same shall read as follows:

Act amended. SECTION 1. On the first Monday of April next an election shall be held in each ward of said city for one mayor, one city surveyor, one treasurer, one police magistrate for the city, two aldermen for each ward, and forever thereafter, on the first Monday of April, in each year, there shall be an election for one mayor, one city surveyor, one treasurer for the city, and for two aldermen for each ward.

Election of city officers.

§ 2. That section three of article five of said act shall be so amended that the same shall read as follows: Sec. 3 and art. 5 amended.

§ 3. The city council shall have power to appoint a clerk, city attorney, city marshal and street commissioner, and all such other inferior officers as may be necessary. Appointment of officers.

§ 3. That section nine of article eight shall be so amended that the words "and shall hold his office for one year" shall be stricken out. Sec. 9 and art. 8 amended.

§ 4. The city council of said city of Clinton shall have power, from time to time, upon petition of the owners of two-thirds of the property fronting thereon, to assess and collect of the owners of lots or real estate on any street or other highway, all expenses and damages for the purpose of grading, sidewalking, paving, planking or sewerage such street or other highway or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance. All owners or occupants of lots or lands in front of, or adjoining, or upon whose premises the city council shall order and direct sidewalks or private drains, or gutters or sewers communicating with any main drain or sewer, to be constructed, graded, paved, planked, repaired, relaid, cleansed, or shall declare any such lands or lots to be nuisances, and order the same to be graded, filled up, or drained, or otherwise improved, as aforesaid, shall make, grade, pave, plank, repair or relay such sidewalk, or make or cleanse such private drains, or grade, fill up or drain, or otherwise improve such lot or lands as aforesaid at their own cost and charges, within the time and in the manner prescribed by ordinance, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses and damages thereof, by an order to be entered in their proceedings, upon the lots and lands, respectively, and collect the same by warrant and sale as in other cases, or in such manner as may be prescribed by ordinance. A suit may be maintained against the owner of such premises for the recovery of such expenses as for money paid and laid out for his use: *Provided*, that no assessment shall be made upon any lot or lands that shall exceed the benefits which the owners thereof shall derive from such improvements. Opening streets and highways.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such Expenses for the removal of nuisances.

nuisance, if known, or any person whose duty it may be to remove or abate the same.

Sale of liquors,
to prohibit, etc.

§ 6. The city council shall have power to prohibit, suppress, license, regulate or tax saloons, tippling houses, dram shops, joint stock drinking companies, associations or any other house or place where intoxicating, spirituous, vinous, mixed, fermented or malt liquors shall be sold, given away or otherwise disposed of, and to provide for the punishment of the offender by fine.

Plat and survey
declared legal.

§ 7. That the survey of the city of Clinton made by John S. Brown, in the year 1867, and reported to the city council of said city on the 30th day of January, 1868—the plat and notes of which are now on file in the office of the city clerk of said city—upon being spread upon the real estate records of DeWitt county, Illinois, shall be and the same is hereby declared to be the only legal and correct survey of the city of Clinton.

Section 11, art.
8 amended.

§ 8. That section eleven of article eight of the act of which this act is amendatory, shall be so amended as to read as follows: "There shall be elected at the first election for city officers, and every four years thereafter, one police magistrate, who shall hold his office for the term of four years and until his successor shall be elected and qualified. The said police magistrate shall have, in his county, the same jurisdiction, powers and emoluments as justice of the peace in this state. The governor shall commission said police magistrate and said police magistrate shall execute and deliver to the city clerk, within twenty days after his election, a bond, to be approved by said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars conditioned that he will justly and fairly account for and pay over all moneys that may come into his hands under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined on him by this charter or by the laws of this state, to the best of his skill and ability. Said bond shall be made payable to the city council of the city of Clinton, for the use of the people of the state of Illinois, and to be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate. All justices of the peace of DeWitt county residing within said city of Clinton, shall have concurrent jurisdiction with said police magistrate in any action or proceeding for the recovery of any fine or penalty accruing under this act or the acts to which this is amendatory, or under any ordinance, by-law or police regulation made in pursuance thereof; and nothing in this act shall be so construed as to prevent the present police magistrate of said city from holding his office and serving out the full time therein for which he was elected.

Police magis-
trate commis-
sioned by gover-
nor.

Bond, security.

§ 9. That section six of article seven and section twelve of article eight of the act to which this act is amendatory, be and the same are hereby repealed. Sections re-
pealed.

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

APPROVED March 29, 1869.

AN ACT to reduce and amend the charter of the city of Danville, in the county of Vermilion and state of Illinois. In force April
1, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the city of Danville, in the county of Vermilion, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Danville," and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at their pleasure. Corporate pow-
ers.

Name and style.

§ 2. The boundaries of said city shall embrace all the following territory, to-wit: Beginning at the middle of section 4, T. 19, R. 11 W; thence west to the north fork; thence down the meanderings thereof to the Vermilion river; thence down the meanderings of the latter stream to the middle of section 16; thence north to the place of beginning. Boundaries.

§ 3. 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 whatsoever; to purchase, secure and hold property, real and personal, in said city; and to purchase, receive and hold property, real, beyond the limits of said city, for burial grounds, for the use of the inhabitants of said city, and to sell, lease, convey, and improve property, real and personal, for the benefit of said city, and to do all other things in relation thereto as natural persons. Powers.

§ 4. The city of Danville shall be divided into two (2) wards, the boundaries of which shall be fixed by the city council, from time to time, as they shall see fit, having regard to the number of voting inhabitants. The city council may create additional wards as occasion may require, and fix the boundaries thereof. Division of city
into wards.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The municipal government of the city shall consist of the city council, to be composed of the mayor, Mayor and
board of alder-
men.

- City officers. and two (2) aldermen from each ward. The officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, city assessor and collector, and police magistrate, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be prescribed by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.
- Term of office. § 2. All officers elected or appointed under this act, except aldermen and the police magistrate, shall hold their office for one year and until the election or appointment and qualification of their successors, respectively. All other officers mentioned in this act and not otherwise especially provided for, shall be appointed by the city council, by ballot, on the third (3d) Monday of May, in each year, or as soon thereafter as may be; but the city council may specially authorize the appointment of watchmen and policemen, by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.
- Removal from office. Representation of wards. § 3. The several wards of the city shall be represented in the city council by two (2) aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years from and after their election and until the election and qualification of their successors. At the first meeting of the city council after the first annual election under this charter, the aldermen shall be divided, by lot, into two classes, consisting of two aldermen each. The seats of those of the first class shall be vacated at the expiration of the second year, so that one-half of the board shall be elected annually.
- Aldermen. Two classes. § 4. If from any cause there should not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If from any cause the officers herein named shall not be appointed on the second Monday of May, in each year, the city council shall adjourn, from time to time, until such appointments are made. If there should be a failure of the people to elect any of the officers herein required to be elected, the city council may forthwith order a new election.
- Quorum. Office vacated. Failure to elect. Removal from office. § 5. Any officer elected or appointed to any office may be removed from such office by the vote of three-fourths of the aldermen authorized by law to be elected, but no officer shall be removed, except for good cause, nor unless

first furnished with the charges against him, and heard in his defense; and the city council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer such charges, then the city council may declare the office vacated: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time by a vote of three-fourths as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges when preferred.

§ 6. When any vacancy shall occur in the office of mayor, alderman, or police magistrate, such vacancy shall be filled by a new election; and the city council shall order such new election within ten days after the happening of such vacancy. Any vacancy occurring in any other office, may be filled by appointment of the city council, but no special election shall be held to fill vacancies if more than nine months of the time has expired. Vacancy in office of mayor.

§ 7. All citizens of the United States qualified to vote under this act, shall be qualified to hold any office created by this act; but no person shall be eligible to office under this act or any act in relation to said city, who is now, or may hereafter become defaulter to said city, or the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public moneys which may have come to his possession; and if any person holding any such office or place, within the city, shall become a defaulter whilst holding such office or place, the same shall thereupon become and be declared vacant. Qualification for office.

§ 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council. Tie vote, how determined.

ARTICLE III.

ELECTIONS.

SECTION 1. A general election of all the officers of the corporation requiring to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Monday of May, in each year, at such places as the council may appoint, and of which six (6) days' previous notice shall be given, by written or printed notices, in three public places in each ward, or by publica- Election, time and place of.

tion in the newspaper publishing the ordinances of the city, by the city clerk.

Manner of voting and conducting elections.

§ 2. The manner of voting and conducting the elections held under this act, and contesting the same, the keeping poll lists, canvassing the votes, and certifying the returns, shall be the same, as near as may be, as is now, or may be hereafter be provided by law at general state elections, and the appointment of the judges thereof. The voting shall be by ballot, and judges of the election shall take the same oath, and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law. The returns shall be returned, sealed, to the city clerk, within three days after the election, and thereupon the city council shall meet and canvass the same, and declare the result of the election. The person having the highest number of votes, for any office, shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such person shall qualify within twenty days thereafter, the office shall become vacant.

Notice of election to persons elected.

Qualifications of voters.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and has not been a resident of the city at least six months next preceding said election. He shall have been moreover an actual resident of the ward in which he proposes to vote for ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States or was a resident of the state at the time of the adoption of the constitution, and have been a resident of this state one year and a resident of this city six months, and have been for ten days, and am still, a resident of this ward, and have not voted at this election:" *Provided*, the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Oath.

No election in bar-rooms, etc.

§ 4. No election shall be held in any grog-shop or other place where intoxicating liquors are sold by retail or wholesale.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

Oath of office.

SECTION 1. Every person chosen or appointed to any executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom the same was taken, with the city clerk.

§ 2. The mayor, before he enters upon the duties of his office, shall, in addition to the usual oath, swear or affirm, that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city and that all the officers of the city discharge their respective duties. He shall cause negligence and positive violations of duty to be prosecuted and punished. He shall, from time to time, give the city council such information, and recommend such measures as he may deem advantageous to the city.

Oath of mayor.

Duty of mayor.

§ 3. He is hereby authorized to call upon any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine of not less than five dollars.

Inhabitants to aid in enforcing all ordinances.

§ 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of his books and papers; and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

Powers of the mayor.

§ 5. He shall be liable to indictment in the circuit court of Vermilion county, for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add, as a part of the judgment, that he be removed from office.

Malconduct of mayor.

§ 6. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred dollars per annum.

Salary of mayor

§ 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council, with his objections to the same. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered; and if after such reconsideration the majority of all the members of the council shall agree, by ayes and noes, which shall be entered upon the journal, to pass the same, it shall go into effect, and if the mayor shall neglect to approve or object to any such proceedings for a longer period than ten days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall be, *ex-officio*, police magistrate, and shall have concurrent jurisdiction in the hearing and punishment of all offenses in violation of the city ordinances; and in the absence, sickness or other disa-

Approval of ordinances by the mayor.

Reconsideration of vote.

Ex officio police magistrate.

bility of the police magistrate, proper, it shall be and is hereby made his express duty to try and punish such persons as may be found in violation of any of the ordinances aforesaid. He shall, also, *ex officio*, have power to administer any oath, required to be taken by this or any law of the state; to take depositions, the acknowledgement 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.

Acting mayor. § 8. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its own members, by ballot, to preside over its meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of the mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election.

Conservator of the peace. § 9. The members of the city council, together with the mayor, shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty or street labor during their term of office.

Clerk's duties. § 10. The clerk shall keep the corporate seal, and the papers and books belonging to the city. He shall attend all the meetings of the city council, and keep a full record of their proceedings upon the journal; and copies of all the papers, duly filed in his office, and transcripts of the proceedings of the city council, duly certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

City attorney. § 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the city council or mayor, or any of its committees: *Provided, however*, the offices of city attorney and city clerk may be vested in the same person.

Treasurer. § 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or presiding officer of the city council, and countersigned by the city clerk. Such warrant shall specify for what purpose the amount named

therein shall be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election in each year, and [oftener] if required, a full and detailed account of all the receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the city clerk.

§ 13. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license money, fines or otherwise. He shall possess the power and authority of a constable at common law and under the statutes of this state, and shall receive like fees, but shall not serve process without first entering into bonds as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof. City marshal.

§ 14. The city surveyor and engineer, to be appointed by the city council, shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and shall receive such fees and emoluments for his services, as the city council shall direct and prescribe. He shall possess the same power, in making plats and surveys in the city, as is given by the law to the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of the streets and alleys; but such plans, estimates, grades and boundaries shall be first reported to the city council, and approved by them, or they shall not be valid. Engineer and surveyor.
Duties of.

§ 15. The assessor and collector shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties, he shall have the same powers as are or may be given by law to town or county assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed, or ordained by the city council. Assessor and collector.

§ 16. The supervisor to be appointed by the city council shall oversee all local improvements in the city within their respective wards, and carry into effect the orders of the city council in relation thereto. They shall oversee the opening of streets and alleys, the grading, improving and repairing thereof, the construction and repairing of Supervisor.

Sidewalks. bridges, culverts and sidewalks, pursuant to and under the direction of the city engineer, or under such other person as the city council should appoint to direct and superintend the same; to remove obstructions, filth or rubbish from the streets, alleys, ditches, drains and sidewalks; to notify all persons who may place or leave rubbish, garbage or obstructions in or on any street or alley, ditch, drain or sidewalk, to remove the same; to sue and recover all fines and penalties imposed for such offenses; to notify the city council, from time to time, of such improvements and repairs as they deem expedient in their several wards; to keep full and accurate accounts of all work done under their care, and all moneys collected or used by them, in books prepared for them—rendering quarterly accounts, under oath, to the city council. Before entering upon the duties of their office, they shall give bond, in such sum as the city council shall fix, for the faithful discharge of their duties.

Police magistrate.

§ 17. The police magistrate, under the charter of the city of Danville, shall do and perform all the duties now required by the law creating the office of police magistrate, entitled "An act for the better government of towns and cities, and to amend the charter thereof," approved 27th of February, 1854; and, in addition thereto, shall have full power and authority to hear, try and punish, in such manner as may be prescribed by the ordinances of the city, all persons guilty of violating any of the provisions of the same: *Provided*, that the present incumbent shall hold over until the term for which he was elected shall expire, and that his successor be elected at the annual city election of the year in which his term expires, and every four years thereafter.

Requirements of officers.

§ 18. The city council shall have power, from time to time, to require further and other duties from all the officers whose duties are herein specified and prescribed, the powers and duties of all officers, elected or appointed to any office under this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Danville, in such sum and with such securities as they shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office.

Bonds, securities, etc.

Surrender of property, etc. to successor.

§ 19. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all books, property, papers and effects, of every description, in his possession, belong-

ing to said city, or appertaining to said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office, in the manner now provided by law.

§ 20. All officers elected or appointed under this act shall be commissioned by warrant, under the corporate seal of this city, signed by the mayor or presiding officer of the city council and clerk, and they shall severally receive such compensation as may be fixed by the ordinances of said city; and those of them not heretofore exempted are by this section exempted from serving upon juries and road or street labor.

Commission of officers.

CHAPTER V.

POWER OF THE CITY COUNCIL AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the city council. The council shall meet at such time and place as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only the casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

City council.

Duty of mayor.

Preside at meetings and give the casting vote.

§ 2. The members of the city council shall receive such compensation for their services as the city council shall direct: *Provided*, that no member of the city council shall receive more than two dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same; and if any member shall be absent from any meeting of the city council, he shall not receive pay for that meeting. No member of the city council shall be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the city council, or to be directly or indirectly interested in any contract, the expense and consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Compensation.

Not to be interested in contracts.

§ 3. The city council shall hold twelve stated meetings, one in each month, during the year; and the mayor or any two aldermen may call special meetings by notice to each of the members of the city council, served personally or left at their usual place of abode; that said council of the city of Danville shall not, at any time, issue city bonds for a greater amount than ten thousand dollars, except to the Danville Gas-light Company, without submitting the question of issuing such bonds to a vote of the legal voters of

Meeting of the council.

City bonds. said city; which vote or election shall be held as elections are now held under this charter for the election of such officers of the corporation as by this act are required to be elected by a vote of the people. If there is a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officers, to issue said bonds. Petition and remonstrance may be presented to the city council; and they may determine the rules of their own proceedings, and be the judges of the qualification and election of their own members; and shall have power to compel the attendance of absent members.

Petitions, etc. §. 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the city, by ordinance—

Borrow money. *First.*—To borrow money on the credit of the city, and issue the bonds of the city therefor, as provided in the preceding section; but no sum of money shall be borrowed at a higher rate of interest than the rate of ten per cent. No bonds shall be negotiated at more than two per cent. below par, and the interest thereon shall not exceed ten per cent. per annum, and the appropriations of the city council for the payment of the interest, for city improvements and city expenses, during any one year, shall not exceed one per cent. upon the assessed value of the real and personal estate within the corporate limits of the city; but the council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent fund of the city.

Appropriations. *Second.*—To appropriate money and provide for the payment of the debts and expenses of the city.

Contagious diseases. *Third.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce them within the city, and within five miles thereof.

General health. *Fourth.*—To make regulations to secure the general health of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Wells, cisterns, etc. *Fifth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets, within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets, alleys, etc. *Sixth.*—To have the exclusive power and control over the streets, alleys and highways of the city, and to abate or

remove any encroachments or obstructions thereon ; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same ; to put drains or sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and crossings, and regulate the construction and use of the same, and abate any obstructions or encroachments thereof ; to establish, alter, change and straighten the channels of water courses and natural drains ; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons : *Provided*, nothing in this charter shall render it imperative upon the city of Danville to build a bridge or bridges, or pay or contribute to the payment for the building or repairing any bridge or bridges across the north fork, on the Big Vermilion river. Repair bridges.

Eighth.—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter and extend lamp districts ; to regulate and direct the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks. Lighting streets

Ninth.—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and authorize their erection in the streets and avenues of the city, and the continuation of such as are already within the same. Markets and market houses.

Tenth.—To provide for the inclosing, regulating and improving of all public grounds and cemeteries belonging to and used by the city, either within or without the same, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds. Public grounds and cemeteries.

Eleventh.—To erect or establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals, etc.

Twelfth.—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the streets and sidewalks and gutters, in front of the premises occupied by them. Incumbering streets.

Thirteenth.—To license, tax and regulate merchants, commission merchants, innkeepers, brokers, money brokers, insurance brokers, and auctioneers ; to impose duties on the sale of goods at auction ; to license, tax, regulate and prohibit and suppress hawkers, peddlers, pawn-brokers, Merchants, peddlers, etc.

grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Porters.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; to regulate and restrain runners for stages, cars and public houses.

Tippling houses

Fifteenth.—To license, tax, regulate, prohibit and suppress billiard tables, bagatelle or Jenny Lind tables, or similar tables, pin alleys and ball alleys, disorderly houses, bawdy houses, tippling shops, groceries, lotteries, gift enterprises, and all fraudulent devices and practices, and all playing of cards, dice or games of chance of any kind, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming. And this division (the fifteenth) shall extend one mile beyond the city limits.

Issue licenses.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not more than one thousand dollars shall be charged for one license under this act; and the fees for issuing the same shall not exceed five dollars; but no license for the sale of wines or other ardent or vinous, fermented or malt liquors, at wholesale or retail, by grocery keepers, inn-keepers or others, shall be issued for less than at the rate of two hundred dollars per year, except ale and beer, which shall not be less than fifty dollars; and all licenses for the sale of liquors of any kind shall expire on the last day of June, in each year.

Liquors.

Seventeenth.—To regulate and prohibit the selling or giving away of any intoxicating, malt or mixed liquors by any person within one mile of the city limits, except by persons duly licensed; and to provide for the searching, seizing and destruction of all such intoxicating, fermented, malt or mixed liquors within such distance; and to forbid and punish the selling or giving away of any such liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Forestalling and regrating.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, butter, lard and other provisions, and the place and manner of selling fish and the inspection of the same.

Butchers.

Nineteenth.—To regulate, license and prohibit butchers, and revoke their license for malconduct in the course of trade.

Weights and measures.

Twentieth.—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law; to require all traders and dealers in merchandise, or property

of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city clerk, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts and staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and appoint one or more inspectors or measurers. Inspection and measuring of lumber.

Twenty-second.—To provide for the inspecting and weighing of hay, lime, stonecoal, corn and other articles sold by weight, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same. Hay and fuel.

Twenty-third.—To regulate the inspecting of beef, pork, flour, meal and other provisions, salt, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any article enumerated herein which is to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent. Pork, beef and flour.

Twenty-fourth.—To regulate the quality and weight of the bread to be sold within the city, or used within the same. Bread.

Twenty-fifth.—To regulate the size and quality of brick to be sold or used within the city, and the inspection thereof. Bricks.

Twenty-sixth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers. Police, etc.

Twenty-seventh.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city. Riots, etc.

Twenty-eighth.—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to any vehicle or otherwise, while standing or remaining in the streets. Fast driving.

Twenty-ninth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants, prostitutes, etc.

Thirtieth.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties upon the owners thereof, for a violation of any ordinance in relation thereto; to regulate, re-

strain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners and keepers thereof.

Annoying practices, etc.

Thirty-first.—To prohibit and restrain the rolling of hoops, flying of kites, discharge of fire arms, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, or any other noises, performances or practices tending to the collection of persons upon the streets or sidewalks, by auctioneers and others, for the purpose of business, amusements, or otherwise.

Abate nuisances

Thirty-second.—To abate all nuisances, which may affect the public health or comfort, in any manner they may deem expedient.

Health and diseases.

Thirty-third.—To do all acts and make all resolutions [regulations] which may be necessary or expedient for the promotion of health and the suppression of disease.

Offensive establishments.

Thirty-fourth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shops, tannery, stable, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort or convenience of its inhabitants.

Breweries, tanneries, stables.

Thirty-fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, [establishments] for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Cemeteries.

Thirty-sixth.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons, or others, for any default in the premises.

Census.

Thirty-seventh.—To provide for the taking of an enumeration of the inhabitants of said city.

Work house.

Thirty-eighth.—To erect and establish a work house, or house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such work house, or house of correction, may be confined all strangers, vagrants, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate, in and for

the city or for the county of Vermilion, for any assault or battery, petit larceny or other misdemeanor, punishable by imprisonment in the county jail; and any person who shall fail or neglect to pay any fine, penalty or costs, imposed by any ordinance of the city for any misdemeanor [or] breach of any ordinance of the city, may, instead of being committed to the county jail of Vermilion county, be kept therein and be subject to hard labor and confinement.

Thirty-ninth.—To authorize the taking up and provide for the safe keeping and education, and for such period of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice. Destitute children.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments. Drains, sinks, etc.

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, turnouts, bridges and switches interfere as little as possible with the ordinary travel and use of the streets and alleys of the city, and that a sufficient space shall be left on either side of the tracks for the safe and convenient passage of teams and persons; to require the railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets, and alleys, and ditches, and sewers, and culverts, when the city council may deem necessary; to direct and regulate the making up of trains, and prevent railroad companies, through their servants or otherwise, from obstructing streets, sidewalks or crossings, with cars or engines, and to prohibit the use, and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage. Railroad tracks and bridges, etc.

Forty-second.—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such ordinances, rules or police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house, or both, in the discretion of the magistrate or Further powers of city council,

Enforcement of ordinances.

Fines and imprisonment.

court before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offense, and such fine or penalty may be recovered, with costs, in an action for debt in the name and for the use of the city, before any court having jurisdiction, and punishment inflicted, and any person upon whom any fine is imposed, shall stand committed until the payment of the same and costs; and in default thereof may be imprisoned in the county jail, city prison or work house, or be required to labor on the streets, or other public works or private works, within one mile of the city limits, for such time and in such manner as may be provided for by ordinance.

ARTICLE VI.

TAXATION.

SECTION 1. The city council shall have power, within the city, by ordinance—

Issue of bonds and payment of interest.

First.—To annually levy and collect taxes on all property taxable for state purposes, sufficient to pay the accruing interest upon all bonds issued, or other indebtedness created by the city.

Power to levy taxes for general purposes.

Second.—To levy and collect, annually, taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for; which taxes shall constitute the general fund.

Annual tax to be levied.

Third.—To annually levy and collect taxes, not exceeding five mills to the dollar, per annum, on all property taxable for state purposes, and to issue bonds as heretofore provided.

Indebtedness.

Fourth.—To levy and collect taxes, not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city; and the city council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provisions for the levying a tax sufficient to pay the interest accruing thereon, when payable.

Public buildings

Fifth.—To annually levy and collect taxes on all property subject to taxation, when required, for the erection of a city hall, markets, city prisons or work-house or hospitals, the purchase of markets, grounds, public squares, parks, or any other improvements: *Provided*, the estimated cost of a city hall, hospital, market house or work-house, may be apportioned by the city council and collected by a series of annual assessments; but the cost of the market grounds, markets, public squares or other improvements, may be

levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvement, under this section, shall be ordered in any division or ward, unless the alderman from such ward shall vote for the same; but no tax or taxes shall be levied in any one year, under this section, which shall exceed five mills to the dollar on the property assessed, for any or all the purposes herein specified. The revenues arising from such market or other improvements shall be applied to the liquidation of the costs thereof, and taxes shall be levied and collected to make up the deficiency.

Sixth.—To levy and collect, upon all property, in such districts as they shall, from time to time, create, a tax sufficient to defray one-half of the expenses of erecting lamp posts, lamps and lighting the streets in such district or wards; and the tax thus collected shall be exclusively expended for such purposes in the district or ward paying the same. Lighting streets

Seventh.—To require it, and it is hereby made the duty of every male resident of the city, over the age of twenty-one years and under the age of fifty years, to labor, not more than six nor less than three days, upon the streets and alleys of the city; but any person may, at his option, in lieu thereof, pay such sum as may be prescribed by ordinance, not exceeding five dollars: *Provided*, the same shall be paid within ten days after the notification, by the supervisor. In default of payment as aforesaid, the sum of five dollars and costs shall be allowed in any suit brought to collect the same. Inhabitants required to labor on streets and alleys, or pay a fine.

ARTICLE VII.

OF ASSESSMENTS FOR STREETS AND ALLEYS.

SECTION 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same; and to enable the city council so to do, they are hereby vested with power to take and apply private property for the purposes aforesaid; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said streets, alleys or highways. They shall cause all streets, alleys and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded, in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares. Opening streets and alleys.

§ 2. Whenever any street, alley, highway, public square or pound is proposed to be laid out, opened, altered, Petition for.

Commissioners
appointed.

When dama-
ges are paid city
may possess.

Benefits and
advantages as-
sessed.

Notice to owner.

widened, straightened or extended, and the amount of compensation cannot be amicably agreed upon, the city council shall file a petition in the office of the county clerk of Vermilion county, describing, by its numbers or other appropriate description, each lot or parcel of land, and what part or portion of the same is proposed to be taken for the purposes aforesaid, giving the names of the owner or owners of each lot or parcel, respectively, setting up their interest, whether in fee simple or otherwise, if known—and if unknown, so stating the fact—requesting the county judge (to whom such petition shall be addressed) to appoint three householders, residents of the city, as commissioners, who, after being sworn to faithfully and impartially examine the lots, parcels or parts thereof, described in the petition, shall assess the damages which they shall believe such owner or owners will derive from the opening or laying out of such public grounds or squares, or the opening, extending, widening or straightening such streets, alleys or highways, over and above the additional [benefits] which such lot or parcel of land will derive from? by reason of appropriating the same for the uses and purposes set forth in such petition, making out, under their hands, or a majority of them, two written reports of their doings, one of which shall be filed in the office of the county clerk and the other delivered to the city council; and on payment of the damages, so assessed, the city shall take and appropriate such lots or parcels, or parts of such lots or parcels of land, for the purposes set forth in such petition.

§ 3. When any lots or tracts of land, adjacent to and that are especially benefited by the opening or laying out of any public ground or square, or by the opening, extending, straightening or widening of any street, alley or highway, under the provisions of this article, such commissioners shall assess the amount of such benefit to and against the lot or tract of land so benefited, embodying the same in their report; which assessment shall stand and operate as a special tax against the lot or tracts against which the same is charged, and be extended on the assessor's books and collected the same as other taxes in the city, giving any person or persons so assessed the full benefit of objections as prescribed by section 2, article IX, of the city charter.

§ 4. Upon the filing of such petition, and giving the person or persons interested ten days' notice thereof, of the time and place of making the application herein provided for, the city council, in person or by attorney, may apply to the county judge aforesaid, either in term time or at chambers, as the day specified in the notices may happen to be, to appoint such commissioners for the purposes aforesaid; and upon notices given, as aforesaid, from time to time, or the appearance of parties without notice, the

same or other commissioners shall be appointed to act with reference to parties, as they are notified or appear as aforesaid, until action shall be had with reference to all the parties and matters named in such petition.

§ 5. NOTICE.—Notices of the filing petitions and making applications for the appointment of commissioners, in respect to lands owned, in whole or in part, by infants, shall be served on the guardian, or if they have no guardian, on the infants and persons with whom they reside; and with respect to lands owned, as aforesaid, by idiots, lunatics or distracted persons, on the conservator, if they have any; if not, then on the person under whose care or charge they may be found; and with respect to lands owned by *femmes covert*, on the husbands as well as the owner; and notices to non-residents of the county, and persons whose names are unknown, shall be published in some public newspaper published in the county, if any, or if not, in the nearest paper to such county, for three weeks in succession, before the day of making the application, aforesaid, and notices so served or published shall be sufficient to authorize the appointment and action of the commissioners as herein provided for.

Infant or female covert, etc.

§ 6. The service of notices or publication shall be proved by affidavits to be filed and constituted a part of the record of the proceedings; copies of the petition aforesaid, with a copy of the order of the judge attached, shall be delivered to the commissioners to guide them in their action, and show the extent of their authority.

Notice, proof of.

§ 7. The commissioners, after being sworn as aforesaid, shall, within five days after their appointment, proceed to discharge their duties, to view the premises, hear the allegations and testimony of parties interested, and, from time to time, as they shall make decisions with reference to lands incumbered in their appointment, to report in writing, as aforesaid, stating separately the damage or special benefits, as the case may be, to each lot or parcel of land to be viewed by them, giving a copy of each report to the parties interested, if requested.

Commissioners' oath and duties.

§ 8. Upon the making and filing of any report as aforesaid, any party interested may appeal from the decision of the commissioners to the circuit court of the county, as hereinafter provided. But if no appeal is taken, the decision, estimates and assessments as reported, shall be conclusive upon the parties; and the right and title of that part of each lot or parcel of land required as aforesaid, in respect to which no compensation is allowed or damages assessed, should vest in the city or corporation, with the right to enter upon and use and apply the same according to the prayer of the petition and right of the case; and the right and title to that part of each tract of land required, in respect to which compensation is allowed or damages assessed, shall

Appeals may be taken.

vest in the city aforesaid, upon the payment of the compensation and damages so fixed or assessed, with the right to enter upon and use and apply the same for the purposes stated in the petition.

Compensation
for damages, to
whom paid.

§ 9. PAYMENTS.—Payments of compensations and damages, estimated and assessed as aforesaid, may be made, first, to parties laboring under no disability who are entitled to the land; second, to guardians of infants, husbands or trustees of *femme coverts*; third, to conservators of insane persons; and a receipt for such payments shall operate as a confirmation of the action of the commissioners, and shall estop the parties in interest from all further claims or proceedings in the premises. Payments to parties residing in the state but not in the county, including infants who have no guardians and insane persons who have no conservator, shall be made by depositing the money with the clerk of the court in which the proceeding is had, and payments to parties residing out of the state and persons whose names are unknown shall be made by depositing the money in the city treasury; and the receipts of parties entitled to money deposited, as aforesaid, shall operate in like manner as receipts for money paid to parties as herein provided: *Provided*, that if any person shall refuse to receive money when tendered, payment may, in such case, be made by depositing the amount with the city treasurer aforesaid.

Appeal taken.

§ 10. APPEAL.—Parties desiring to appeal from decisions, estimates and assessments, or either, of commissioners, shall, within ten days after being notified of the filing of the report with the clerk, execute and file an appeal bond with said clerk, payable to the people of the state, for the use of all parties interested in the condition of the bond; in which bond the action or proceeding appealed from shall be recited, with conditions, in case the appeal is taken in behalf of the petitioner, for the due and speedy prosecution of the appeal, and that he or they will pay whatever may be required by any decision, order or judgment; and in case the appeal is taken by any other party, with condition that the appeal shall be prosecuted without delay, and, in case the decision, estimate or assessment, as the case may be, shall be affirmed or not increased, that the appellant will pay the costs of the appeal and of the subsequent proceedings therein, if adjudged so to do by the court. A bond, executed and filed by responsible securities, without the name or signature of the party appealing, shall be obligatory and sufficient, and it shall not be necessary to insert any penalty in any such bond, but the party or parties executing the same shall be liable, upon breach, to pay the full amount which any party interested in the condition is or may be entitled to in the premises.

Trials by appeal

§ 11. TRIAL BY APPEAL.—Appeals prosecuted under the provisions of this act shall be docketed by the clerk next

after the people's causes, and shall be tried without delay as soon as reached on the docket, unless continued for good cause or by consent.

§ 12. JUDGMENTS.—Upon verdicts rendered by juries, judgments shall be entered, declaring that upon the payment of compensation and damages, or either, as the case may be, that the right and title to the same for which the compensation is to be made, or on account of which damages are allowed, shall vest in the corporation petitioning as aforesaid, with the right to enter upon, use and apply the same for the purposes stated in the petition; or if the verdict is that no compensation shall be made in money, or damages be allowed in the premises, the like judgment shall be entered, and verdicts and judgments entered as aforesaid shall be final and conclusive between the parties.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council shall have power to cause any street, alley or other highway to be graded, leveled, paved or planked, and keep the same in repair and alter and change the same. *Second.*—To cause side and crosswalks, main drains and sewers, and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same. *Third.*—To grade, improve, protect and ornament any public square or other public ground now or hereafter laid out. *Fourth.*—Whenever the city council shall determine to grade, level or improve any street, alley, highway, or plank, pave, flag, grade or level or improve any sidewalk, or to relay or repair any such street, alley, highway or sidewalk, or any ditches, drains, water-ways or sewers to be made or repaired, they shall assess to each lot the special benefits it will derive from such improvement, charging such benefits upon the lots so benefited; the residue of the cost of such improvement to be paid out of the general funds of the city, or be paid by a uniform and equal taxation throughout the city, to be levied and collected for that purpose the same as any other taxes. A suit may be also maintained against the owner of such lot for the amount of such assessment, in an action of assumpsit, and recovery had therefor.

§ 2. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or her use. And in case the same shall not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such

nuisances, if known, or any person whose duty it may be to remove or abate the same.

Owners to keep
grounds clean.

§ 3. The city council shall have power to compel the owner of lots or grounds fronting or adjoining any private or public alley, to keep the same clear, and, if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

Assessment
lists, form of.

SECTION 1. The city council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such orders and give such regulations in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

Return of as-
sessment lists.

§ 2. The annual lists shall be returned by the assessor on or before the first Monday in August, in each year; but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for the hearing of objections thereto; and the clerk shall give notice of the time and place of such hearing, by publication in the paper publishing the city ordinances; and any person feeling himself aggrieved by the assessment of his property, may appeal at the time specified and make his objections. The city council shall have power to supply omissions in said assessment list, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or refer the same back to the assessor, with instructions to revise and correct the same.

Supply omis-
sions.

Collection of
tax.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed and an order confirming the same and directing the warrant to be issued for the collection of the same shall be entered by the clerk. The city council shall, thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which the taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division or ward of the city upon which the same are levied.

Taxes, a lien
on real estate.

§ 4. All taxes or assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for the assessment, and upon personal estate from and after the delivery of the warrant for the collection thereof, until

paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of the taxes on real and personal estate; and the real estate shall be liable for the taxes upon personal estate, in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is provided by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceeding, the same shall continue a lien upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings. Injunction.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be separately set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down. Duty of clerk
in preparing list

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal attached thereto, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days of the filing of the corrected lists, unless further time shall be given for this purpose by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after demand and refusal to pay the same: *Provided*, a notice published for ten days, by the collector, in the newspaper publishing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days shall be deemed a refusal. The assessor's lists shall in all cases be evidence on the part of the city corporation. Warrants to be
signed by mayor

§ 7. All taxes, general or special, shall be collected by the collector in the same manner and with the same authority as is now given by law to collectors of state and county taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liability in case of default or misconduct, shall be the same as is now provided by law: *Provided*, the city council shall have power to prescribe the powers, and liabilities of collectors by ordinance. May collect tax
by suit.

§ 8. In case of non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof at any time within ten years after the confirmation of the assessment by the city council. Before any such sale or order shall be made by the city council (which shall be entered at large in the journals or records kept by the clerk) directing the collector to How collected.

Non-payment
of taxes.

Sale of land.

sell, particularly describing the delinquent premises to be sold, and assessment for which the sale shall be made—a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale may be made.

Notice of sale
of premises.

§ 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises, by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of said sale, and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessments and interest, with the expenses of advertising.

Manner of con-
ducting sale.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, taken from the east side of the premises, for which any person will take the same and pay the taxes and assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other be filed in the office of the clerk; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the taxes or assessments, with the interest and the expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

Collector's fees.

Right of re-
demption of the
lands sold for
taxes.

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, executors and administrators, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment, in national currency, of double the amount for which the same was sold, and all taxes accruing subsequent to the time of sale, with interest.

Infant or fem-
me covert.

If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may [be] redeemed at any time within two years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate or proof of its loss,

direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor, or presiding officer of the city council, and countersigned by the clerk, conveying to the purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued. Abstract of deeds.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city council, shall be entitled to receive a deed for said premises in his own name, and with the same effect as though he had been the original purchaser. Deeds, how made.

§ 13. If, at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of the land or any goods or 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 at such sale. Bids at sale. Property may be struck off to the city.

§ 14. All deeds made to the purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence, in all suits and controversies in relation to the rights of the purchaser, his heirs or assignees, to the premises thereby conveyed, of the following facts: Tax deeds shall be prima facie evidence.

First—That the lot or land conveyed was subject to tax or assessment at the time the same was advertised for sale, and had been listed and assessed in the manner and time required by law. Advertisement.

Second—That the taxes or assessments had not been paid at any time before the sale of the same. Taxes not paid.

Third—That the land conveyed had not been redeemed from the sale at the date of the deed. Non-redemption.

And shall be conclusive evidence of the following facts:

First—That the land or lot was advertised for sale for the length of time and in the manner required by law. Was advertised.

Second—That the land was sold for taxes or assessments so stated in the deed. Sale of land.

Third—That the grantee in the deed was the purchaser. Deed.

Fourth—That the sale was conducted in the manner required by law. And in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming the title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes and assessments had been paid, that the said lands had never been listed for taxation or assessment, or that the same had been redeemed according to the act, and that such redemption was made for the benefit and use of the person having the right of redemption under the law of this state; but no Sales, manner of conducting.

person shall be permitted to question the title acquired by the said deed, without first showing that he, or she, or they, or the person under whom he, she or they claim title, had had title to the land at the time of sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the land have been paid by such person, or the persons under whom they claim title as aforesaid.

ARTICLE X.

FIRE DEPARTMENT.

Prevention and
extinguishment
of fires.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining the extent of such damages; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within fire limits, which they may deem dangerous to contiguous buildings, or in causing and promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

§ 2. The city council shall have power—

Chimneys, etc.

First.—To regulate the construction of chimneys and flues, so as to admit of chimney sweeps, or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.

Second.—To prevent and prohibit the dangerous construction and condition of chimneys, flues, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition, when considered dangerous.

Ashes.

Third.—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Wells, cisterns.

Fourth.—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to

construct and keep in repair wells and cisterns upon the premises.

Fifth.—To regulate and prevent the carrying on of Manufactories. works and manufactories dangerous in promoting or causing fires.

Sixth.—To regulate, prevent and prohibit the use of Fire works. fire-works and fire-arms.

Seventh.—To direct and prohibit the management of Combustibles. houses for the storing of gun-powder and other combustible and dangerous materials within the city, to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth.—To regulate and prescribe the manner and Walls, fences. order of the building of parapet and partition walls and of partition fences.

Ninth.—To compel the owners or occupants of houses Scuttles, etc. or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth.—To authorize the mayor, fire warden, or other officers of said city to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in [the] preservation of property exposed to danger thereat, and in preventing goods from being stolen. Regulate conduct of persons at fires.

Eleventh.—And, generally, to establish such regulations Extinguishment of fires. for the prevention and extinguishment of fires as the city council may deem expedient.

§ 3. The city council may procure fire engines and all Engines. other fire apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for the preserving and keeping the same; and shall have power:

First.—To organize fire, hook, hose, ax and ladder companies. Hook and ladder companies.

Second.—To appoint, during their pleasure, a competent Firemen. number of able, suitable and respectable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third.—To prescribe the duties of firemen, and to make Duty of firemen. rules and regulations for their government, and to impose reasonable penalties upon them for any violation of the same; and for incapacity, neglect of duty, or misconduct, to remove them.

Fourth.—The city council shall have power to appoint a Engineers. chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires;

and their powers and duties shall be prescribed and defined by the city council.

Exempt from
jury duty.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in the ordinance shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

Receipts and
expenditures.

SECTION 1. The city council shall, at least ten days before the annual election in each year, cause to be published, in the newspaper publishing the city ordinances, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of the disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective divisions or wards of the city, for making and repairing streets, highways and bridges, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Exempt from
road labor.

§ 2. The inhabitants of the city of Danville are hereby exempted from paying road, highway or bridge tax outside of the city limits.

Manner of re-
quiring and per-
forming road
labor

§ 3. The supervisor shall demand the services of all persons who are required to labor upon the streets and alleys of the city, at such time and place, and in such manner, as the city council may direct, or the supervisor may deem necessary. He shall deliver or cause to be delivered, or left at the usual place of abode or business of any person so required to labor, as aforesaid, a written or printed or partly written or partly printed notice, in such forms as the city council may prescribe; which notices shall be given at least five days previous to the day they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys; but a similar notice, published for ten days in the newspaper publishing the city ordinances, by the supervisor, or posted up in three of the most public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor, as aforesaid. Upon the neglect of any one to appear and labor, as aforesaid, or pay the tax, the collector shall collect from such persons the sum of five dollars, with his commission for the same added thereto.

Notice given.

Neglect to ap-
pear and labor.

§ 4. The city council shall have power to make, establish and declare the boundaries and names of the streets and alleys of the city. Boundaries of streets, etc.

§ 5. All fines, forfeitures and penalties collected for offenses committed within said city shall be paid into the treasury of said city by the officer collecting the same; and all fines and forfeitures collected of any citizen of said city, for any conviction in the circuit court, shall be paid over in like manner; and whenever it shall appear by the evidence that such offense was committed within the city, or by a citizen thereof, the judge or justice of the peace before whom the cause is tried shall certify that fact in the record, and the officer collecting the fine shall pay the same into the city treasury, and not to the school fund. Fines and penalties to go into city treasury.

§ 6. The city council shall have power to require that all additions hereafter made to said city, or all lands adjoining or within the same laid out into lots or blocks, shall be so laid out or platted as to correspond and conform to the regular blocks, streets and alleys, already laid out and established within the city. Additions to the city.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportions, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund. Street taxes shall be expended in the several wards or divisions where the persons paying the same may, respectively, reside. Expenditures.

§ 8. The supervisors, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable for indictment and fine in the same manner as supervisors, under the laws of the state. Penalty for supervisor.

§ 9. Neither the city council or mayor shall remit any fine or penalty, imposed upon any persons for violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission. Nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise. Remission of fines, etc.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified; and unless at such special meeting there shall be present as large a number of aldermen as was present when the vote was taken. Reconsideration of votes.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine or imprisonment, or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published three days in the newspaper publishing the city ordinances, and proofs of such publication by the affidavits of Publication of ordinances.

the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation and by-law in all courts and places.

Actions for recovery of penalty, etc.

§ 12. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt, for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence of it.

First process to be summons.

§ 13. In all prosecutions for a violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases.

Execution to issue on rendition of judgment.

§ 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels, or real estate, within the county of Vermilion, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or work-house, or city prison, for a period not exceeding six months in the year, in the discretion of the court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each dollar of such judgment and costs. All expenses incurred in any execution for the recovery of any fine, penalty or forfeiture, when collected shall be paid into the city treasury.

Competency of citizens in case where the city is a party.

§ 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Danville, in any action or proceeding in which said city may be a party in interest.

Old ordinances to be valid.

§ 16. All ordinances and resolutions now in force in the city of Danville, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the city council, after this act shall take effect; and all ordinances, regulations and resolutions, and all acts, proceedings, matters and things, of any and every name and nature whatever, done, or provided to be done, by the city council of the city of Danville, before this act shall take effect, are hereby made and declared to be valid.

Fines and penalties.

§ 17. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have heretofore accrued to the city at any time, shall be vested in and may be prosecuted by the corporation hereby created.

All property vested in corporation.

§ 18. All property, real, personal and mixed, belonging to the city of Danville, is hereby vested in the corporation created by this act; and the officers of the same now in office, shall, respectively, continue in the same, until superseded, in conformity to the provisions hereof, but shall be

governed by this act, which shall take effect from and after its passage.

§ 19. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places, without further proof.

Evidence and proof of ordinance.

§ 20. The style of all ordinances shall be, "*Be it ordained by the City Council of the City of Danville.*"

Style of ordinances.

§ 21. Any tract of land adjoining said city, which may be laid off into lots or blocks, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to the same, and form a part thereof, on consent of the city council being first had.

Annexation of territory.

§ 22. This act shall not invalidate any legal act done by the city council of the city of Danville, or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

This act shall not invalidate certain rights.

§ 23. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other power as conservators of the peace as the city council may prescribe.

Power to make arrests and to confine prisoner

§ 24. There shall be a digest of the ordinances of the city, which are of a public nature, published within three years after the passage of this act; a like digest within any period of three years thereafter.

Publication of digest of ordinances.

§ 25. The city council shall have power 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 in a summary manner.

Health regulations.

§ 26. Service of process upon railroads may be, by leaving a copy of the writ, summons, process or notice with any agent, servant or employee of such railroad found in the city, which service shall be at least five days before the return day of such writ, summons or process or notice.

Process on railroads, manner of serving.

§ 27. No addition shall be laid out so as to form or become a part of the city, without consent of the city council being first obtained.

Additions to city, how made.

§ 28. All damages, costs and expense attending the laying out of any public grounds, squares, or the ornamentation of the same, the opening, extending, widening, straightening or grading any street, highway or alley, or the planking, paving, grading or improving any sidewalk, or the making of any sewers, drains, ditches or water-

Expenses, how paid.

courses, over and above the special benefits assessed against property by reason of such improvements, shall be paid out of the city treasury, or be provided for by taxation of all the property liable to taxation within the city limits.

Bonds to be executed and signed by mayor.

§ 29. Bonds of the city shall be executed by the mayor signing the same, and the city clerk countersigning the same, to which shall be affixed the seal of the city. The clerk shall keep a register of all the bonds issued by the city, specifying the date, the amount, the number, the rate of interest, for what purpose issued, and to whom; when the interest and principal are payable, and when paid or refunded. A memorandum of the fact shall be made, and such paid or refunded bonds shall be destroyed by burning, at a meeting of the city council, and a record of the fact entered on the minutes of such meeting.

General laws.

§ 30. All general laws or parts of laws of this state, now in force or hereafter enacted, in reference to cities or incorporated towns, that are not local in their nature, shall be in full force and effect in the city of Danville aforesaid.

City not required to give bond.

§ 31. Whenever the city, either by the city council or city attorney, shall desire to appeal from the decision of the court, it shall not be necessary for the city to give bond, but the proper officer shall file a transcript without such bond.

When act to take effect.

§ 32. This act shall be deemed a public act, and noticed by all courts as such without pleading; and no vote of the people of said city of Danville shall be required to make this act operative, but the same shall take effect and be in force from its passage.

APPROVED April 1, 1869.

In force Feb. 23, 1869. AN ACT to amend an act entitled "An act granting a new charter to the city of Decatur, and to reduce the several acts incorporating said city into one act."

Act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of article one of an act entitled "An act granting a new charter to the city of Decatur, and to reduce the several acts incorporating said city into one act," approved February 21, 1867, be and the same is hereby so amended, that the southeast quarter of the northeast quarter and the west half of the southeast quarter and the northeast quarter of the southeast quarter of section fourteen, town 16 north, range two east of the third principal meridian, now included within the boundaries of the said city of Decatur, shall be excluded therefrom.

Section 1, art. 2, amended.

§ 2. That section one of article two, of said act, be so amended as to read as follows: "The municipal government

trary notwithstanding. The city council of said city shall of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city collector, a city register, and city supervisor, who shall be appointed by the city council; also, a city assessor, a city marshal, a city treasurer, and a city surveyor and engineer, who shall be elected at the time and in the manner of the election of mayor and aldermen. There shall, also, be appointed, by the city council, such servants and agents of the corporation as may be provided by ordinance, whose duties shall be prescribed by the city council. The duties and powers of said officers shall remain the same as prescribed in said act."

§ 3. That section six of article two, of said act, be so amended as to read as follows: "Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order special elections, within ten days after the vacancy shall occur: *Provided*, that no special election shall be held to fill a vacancy, if the duration of the unexpired term, to be provided for, shall be less than three months. Any vacancy occurring in any other office shall be filled by appointment of the city council."

Section 6, art.
2, amended.

§ 4. That section seven of article two, of said act, be amended, by striking out the words "held under this act," where the same occurs in the first paragraph of said section, immediately after the word "election," and inserting in lieu thereof the words, "held under the laws of this state regulating general elections."

Section 7, art.
2, amended.

§ 5. That the thirteenth subdivision of section four of article five, of said act, be amended by inserting after the words "insurance brokers," the words "insurance and real estate agents."

Subdivision of
act amended.

§ 6. Subdivision three of section one of article six, of said act, is hereby so amended as, after the word "located," to read as follows: "No local improvement, under this subdivision, shall be ordered in any division, unless a majority of the aldermen thereof shall vote in favor of the same. The aggregate of taxes levied in any one year, under this subdivision, shall not exceed five mills to the dollar on the property assessed. The revenue arising from such market or other improvement shall be applied to liquidating the cost thereof; and taxes shall be levied and collected to make up the deficiency."

Section 1, art.
6, amended.

§ 7. The cost of the construction of sidewalks in said city, including the cost of making and collecting the assessments therefor, may be assessed upon the real estate benefited by such walks, in proportion, as near as may be, to the benefits accruing to such real estate therefrom—anything in this act or the act amended by this act, to the con-

Construction of
sidewalks.

have power, by ordinance, to prescribe the manner of making such assessments, and provide for the collection thereof: *Provided, however*, that the amount assessed by virtue hereof shall, in no case, exceed the benefits accruing to such real estate from the construction of such sidewalks.

Violations,
how punished.

§ 8. In all prosecutions for any violation of any ordinance, by-law or other regulation of said city, imposing a penalty, fine or forfeiture, the police magistrate or circuit court of Macon county, on the defendant being convicted, shall enter as part of the judgment in the cause, that the defendant stand committed until the judgment and costs are paid. Execution shall issue on such judgment forthwith, and, on the defendant turning out, on such execution, goods and chattels or real estate, in the county of Macon, sufficient to satisfy the same, the operation of said order of commitment shall be suspended until the levy made on such property shall be disposed of. If there be a balance due on said execution, after the net proceeds of sale of said property shall have been credited thereon, the said order of commitment shall be again in force, and, unless the defendant shall, on request of the officer holding such execution, or an alias execution for such balance, turn out other goods and chattels or real estate, said officer, holding such execution, shall take such defendant into custody, and bring him before the police magistrate or court rendering said judgment, and such police magistrate or court shall, thereupon, make such further order in said cause as is provided in section fifteen of article twelve, of said act. Appeals may be taken from judgments rendered by police magistrates of said city, in any cause, to the circuit court of Macon county, by the city or the defendant: *Provided*, such appeal be taken within five days after the rendition of such judgment, and the appellant entering into bond, as required in appeals from justices of the peace to the circuit court, under the laws of this state.

Ordinances,
how proved.

§ 9. All ordinances of the city, when printed and published by authority of the city council, shall be received in evidence in all courts and places, without further proof; and a certificate, under the hand of the city register, and the seal of the city, setting forth that any ordinance or ordinances offered in evidence have been so printed and published, shall be taken as *prima facie* evidence of that fact. When the ordinances of the city shall be printed in book or pamphlet form, such book or pamphlet, with a certificate of the city register, with the seal of the city attached, setting forth that the ordinances contained in such book or pamphlet have been published by authority of the city council, shall be received in evidence in all courts and places, without further proof.

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

APPROVED February 23, 1869.

AN ACT to legalize and confirm certain acts of the city council of the city of Decatur. In force April 19, 1869.

WHEREAS, the city of Decatur did, on the 28th day of January, A. D. 1868, purchase 3,934 shares of capital stock in the Indiana and Illinois Central Railway Company, and obtain title thereto, by assignment and transfer thereof on the books of the said company—the object of said purchase by the said city having been to aid in the construction of said railway by the donation of said stock to any party or parties executing a satisfactory contract to complete the said railway—a vote of the electors of said city having been previously taken under the provisions of “An act supplemental to an act entitled ‘an act to provide for a general system of railroad incorporations,’” approved November 6, 1849; and whereas, on the 11th day of January, A. D. 1869, no satisfactory contract for the completion of said railway having been made, the said city council deeming such action necessary as would better secure to the said city the money invested in said stock, in case of ultimate failure to complete said railway, did, by a resolution, on the said 11th day of January, A. D. 1869, invite proposals for the purchase of said stock; and whereas the said city council, at its meeting, held on the fifth day of February, A. D. 1869, decided, by a resolution, to accept the proposition for the purchase of said stock made by John K. Warren; and whereas the said John K. Warren, having fully and satisfactory complied, on his part, as the purchaser of said stock, with the terms of said proposition, the said city council, by a resolution adopted at its meeting held on the tenth day of February, A. D. 1869, authorized the mayor and city register of said city, under the corporate seal thereof, to transfer the said 3,934 shares of capital stock in the said company to the said John K. Warren; and whereas doubts have arisen as to the full power of the city in the premises and of the technical regularity of said proceedings; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the acts of the said city council of the city of Decatur, aforesaid, in the purchase and in the sale of the said 3,934 shares of capital stock in the Indiana and Illinois Central Railway Company, and the proceedings, in all things, pertaining*

Ratification of
purchase of
railroad stock.

thereto, be and the same are hereby ratified and confirmed, and shall be deemed and held, in all courts and places, legal, valid and effectual.

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

APPROVED April 19, 1869.

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In force March 26, 1869. AN ACT to amend an act entitled "An act incorporating the city of Dixon," approved Feb. 19, A. D. 1859, and the several acts amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of said city of Dixon shall have power and authority to levy and collect, annually, a tax not exceeding two (2) per cent., for general revenue purposes, upon the assessed value of any and all the real and personal property included in said city limits.

Levy tax for revenue purposes. Fund floating debt. § 2. The said city council is hereby authorized and empowered to fund the present floating debt of said city, and to issue, in payment therefor, the bonds of said city, bearing interest at a rate not exceeding six (6) per cent., and payable out of the general revenue of the city, in one, two and three years.

Construction of bridges. § 3. The said city council is hereby authorized to keep, maintain and construct any and all necessary bridges across Rock river, within the limits of said city, and to levy and collect toll for crossing the same; and no bridge shall be erected or ferry kept, within said limits, except by the consent of said council. This section shall extend to the bridges now constructed across said river; the right to maintain which said bridges and to collect toll for the use of the same is hereby granted, authorized and recognized. All necessary ordinances may be enacted by the city council, for the care and preservation of any and all such bridges, and the collection of toll; and any ordinance heretofore enacted, or that may by said council be hereafter enacted, in the execution of the powers herein granted or recognized, shall be as effectual, for all purposes, as if the said bridges already erected had been built by virtue of express authority, to the full extent to which such authority might have been given.

Prohibition to create indebtedness. § 4. The said city council is hereby prohibited from creating any indebtedness, in the course of any municipal year, to an amount exceeding the annual revenue of the then current year.

Elections. § 5. The city council shall have power to provide, by ordinance, the mode of holding any and all elections for

city officers, or for city purposes, and may provide and declare that the provisions of "An act for the registry of electors and to prevent fraudulent voting," in force February 15; A. D. 1865, shall not apply to elections in said city, for city officers, or for any city purpose.

§ 6. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten, or discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted, without the consent, in writing, of all persons owning lands or lots adjoining said street, alley or highway. They shall cause all alleys, streets and highways, or public squares or grounds, laid out by them, to be surveyed and described; and such survey and description to be recorded in a book to be kept by the city clerk, showing accurately and particularly, the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares. Public grounds.

§ 7. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, and the amount of compensation to owners of property proposed to be taken cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing, in the newspaper publishing the city ordinances, a notice, specifying the proposed improvement, and directed to "The owners of all property specified in this notice;" which publication shall be made during two successive weeks, and shall specify the time at which commissioners will be named, as hereinafter provided for. At the time so designated, the council shall appoint three disinterested freeholders, voters in said city, as commissioners, to ascertain and assess the damages and compensation due each owner of any such real estate. Streets, alleys,
and highways.

§ 8. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, and shall then give at least five days' notice, to all persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessment; which notice shall be given by publication at least once in said newspaper. They shall, at the time fixed, view the premises, and hear any evidence that may be offered, and may adjourn from day to day. Appointment of
commissioners.

§ 9. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before making their assessment, shall first estimate and determine the whole value of such building, aside from the value of the land, and the actual injury to the owner by having such building taken, and, secondly, the value of such building to remove. Buildings taken,
value to be
estimated.

Notice to owner

§ 10. At least five days' notice, in writing, of such estimate, shall be given to the owner of the property. If a resident of the city, such notice may be given personally or left at his usual place of abode. If a non-resident, or unknown, then such notice shall be given by a publication of the same in the corporation newspaper. Such notice shall specify the buildings and the award, and shall be signed by the commissioners. It shall, also, require the person interested to appear by a day therein named, or give notice to the city clerk of their election either to accept the award of the commissioners and allow such building to be taken with the land condemned and appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the council may direct.

When owner
refuses to take
valuation.

§ 11. If the owner shall refuse to take the building at its appraised value to remove, or fail to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to sell such building, at public auction, for cash or on credit, giving five days' public notice of the time, place and terms of such sale, by advertisement in at least three public places in said city; and the proceeds of such sale shall be paid to the owner of such property, or deposited to his use.

§ 12. The commissioners shall thereupon proceed to make their assessment of value and damages, as hereinafter provided.

Valuation.

§ 13. In all assessments and appraisals made by such commissioners, they shall allow to the owner of the land taken the actual value thereof; and they shall, also, determine what damages, if any, shall be allowed to such owner for injury to the remainder of the lot from which any portion shall be taken, after making due allowance therefrom for any benefit which the owner may derive, in increased value of the remainder of such lot, by means of such improvement. In the estimate of damages to the land, the commissioners shall include the value of the building, (if the property of the owner of the land,) as estimated by them, as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the estimated value to remove, in that case they shall only include the difference between such value and the whole estimated value of the building.

Return of as-
sessments.

§ 14. When any such appraisal and assessment shall be completed, the commissioners shall sign and return the same to the city clerk within twenty days thereafter. The said clerk shall, thereupon, give notice, by publication in the corporation newspaper, that the same has been returned, and on a day to be specified in said notice, (and to be not less than ten days after the date thereof,) will be confirmed by the city council, unless objection shall be made by some

person interested. Objections, may be heard before the council, and the hearing may be adjourned from day to day. The council may confirm or annul the assessment and appraisal, or refer the same back to the commissioners. If confirmed, an order of confirmation shall be entered. If annulled, all the proceedings shall be void. If referred back to the same or other commissioners, they shall proceed to make their assessment and appraisal and return the same in like manner, and like notices shall be given, as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the council shall perform like duties and have like powers, in relation to any subsequent determination, as are herein given in relation to the first.

§ 15. The city council shall have power to remove commissioners, and from time to time to appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

Removal of
commissioners.

§ 16. Land condemned under the provisions hereof shall not be appropriated until the compensation awarded therefor shall have been paid or tendered to the owner [thereof,] or in case he cannot be found in the city, shall have been deposited to his credit.

Payment for
lands.

§ 17. Any person interested may appeal from any final order of the city council for opening, widening, altering, or straightening any street, alley or other highway or public ground, to the circuit court of Lee county, by notice, in writing, to the mayor, at any time before the expiration of twenty days after the passage of such final order, and by executing bond to the city of Dixon; in which bond the order appealed from shall be recited, with condition that the appeal shall be prosecuted without delay; and in case the appraisal and assessment shall be affirmed and not increased, that the appellant will pay the costs of the appeal and of the subsequent proceedings, if adjudged so to do by the court; which bond shall be in the penal sum of two hundred dollars, and shall be signed by some responsible security, to be approved by the clerk of said court, and shall be filed by said clerk before the expiration of the said twenty days. And such appeals, and the trials thereof, shall, in all other respects, be regulated by the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, A. D. 1852.

Appeals taken.

§ 18. When any known owner, or other person having an interest in any real estate, residing in said city or elsewhere, as to which any proceedings shall be commenced under the provisions hereof, shall be an infant, lunatic, insane or *non compos mentis*, the judge of the circuit court of Lee county, or the judge of the county court of said county, may, upon the application of said city, appoint a guardian

Owner a minor
or lunatic.

for such person, taking security from such guardian for the faithful execution of his duties; and all notices and summons required by this act shall be served upon such guardian; and the said commissioners or the court, upon appeal, may proceed to act as if such disability did not exist.

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

APPROVED March 26, 1869.

In force March
4, 1869.

AN ACT to amend the charter of the city of Du Quoin.

SECTION 1. *As it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Du Quoin, in the county of Perry, and state of Illinois, shall be entitled to elect one police magistrate, in addition to the one provided for in the act incorporating said city. Said additional police magistrate shall be elected at the next annual election of said city, and shall have the same jurisdiction, hold his office, be commissioned and qualified, as is now required for the election and qualification of police magistrates of said city and of this amendment to said city charter.

§ 2. The city marshal shall be elected at the regular meeting of the city council following the annual city election, and shall hold the office for one year and until his successor is elected by the city council and duly qualified, as is now required by the city charter; and, by virtue of his office, he shall be a constable of Perry county, with power to serve process, and do all other acts that a constable may lawfully do, and receive the same fees, where not otherwise provided by law, as are allowed by law to other constables. The city council may, in their discretion, allow the city marshal such other compensation as they may think proper, and, for neglect, inefficiency or other good cause, remove said officer, on a two-thirds vote of the city council; and in case of a vacancy in said office, by death or otherwise, the city council may appoint a city marshal to fill said vacancy.

§ 3. The city attorney shall be allowed the sum of three dollars for each person convicted of violating an ordinance of the city; the police magistrate, one dollar costs, in addition to their fees as justice of the peace, for each conviction, before either of them, for violating an ordinance of the city. The city marshal shall be allowed the sum of one dollar, in addition to his cost as constable, for each conviction for violating an ordinance. Said fees to be taxed against the person convicted of violating an ordinance of the city, and are to be collected as other costs are collected. In all civil suits,

before either of the police magistrates, where the plaintiff's demand is over [one] hundred dollars, the police magistrate shall be allowed one dollar, to be taxed against the unsuccessful party, in addition to his other fees as a justice of the peace, in such suits.

§ 4. The street commissioner shall be elected by the city council, at its first regular meeting after the annual city election, and he shall hold his office for the term of one year and until his successor is elected by the city council and duly qualified. The street commissioner shall receive such compensation as the city council may deem proper. And for a neglect, inefficiency, or other good cause, the city council may remove the street commissioner, by a two-thirds vote of said council. And in case of a vacancy in said office of street commissioner, by death or otherwise, the city council may elect a street commissioner, to fill said vacancy. Election of street commissioner.

§ 5. The city council is hereby vested with power and authority to tax, regulate and license insurance agents, within the city limits. The city council shall have further power and authority to levy a tax, not exceeding one per centum, per annum. And it shall be the duty of the city assessor to assess all real estate and personal property, not exempted by law, and held on the first day of April of each year, first deducting amount of indebtedness of each person or corporation out of his, her or their personal property subject to taxation. And the city council shall have further power, to tax, for city revenue, all tracts or parcels of land within the city boundaries, without regard to extent or amount in any body or tract. Requirements of insurance agents.

§ 6. All parts and portions of an act entitled "An act to incorporate the city of Centralia," approved Feb. 18, A. D. 1859, and "An act to incorporate the city of Du Quoin," approved Feb. 10, 1865, inconsistent with this act, are hereby repealed. This act shall take effect and be in force from and after its passage. Conflicting acts repealed.

APPROVED March 4, 1869.

AN ACT to reduce the charter of East St. Louis and the several acts in force March 26, 1869, amendatory thereto into one act, and to revise the same.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the city of East St. Louis, in the county of St. Clair, in the state of Illinois, be and they are hereby constituted and continued a body corporate and politic, by Body corporate and politic.

Name and style. the name and style of the "City of East St. Louis," and by that name shall have perpetual succession, and may have and use a common seal, which they may alter and change at pleasure.

Boundaries. § 2. All that district of country inclosed by the following boundaries, viz : Commencing at the most easterly corner of the platted town of East St. Louis, (reference being had to the plat of said town, on record in the recorder's office of the county of St. Clair, aforesaid) ; thence along the boundary of said town, south-westwardly, and its straight continuation to the centre of the old bed of Cahokia creek ; thence on a line due west to the state line ; thence northwardly, along said state line, to a point due west from the most northerly corner of survey No. 626, (McCarty tract) ; thence due east to said corner ; thence, in a straight line, to the place of beginning, shall be comprehended in the city of East St. Louis.

Additions to the city. § 3. Any tract of land adjoining the city of East St. Louis, laid off into city or town lots, a plat of which being duly recorded in the recorder's office of St. Clair county, shall be and form a part of the city of East St. Louis : *Provided*, the city council shall, by ordinance, so declare.

Corporate powers. § 4. The inhabitants of said city, by the name and style aforesaid, shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatsoever ; to acquire, receive and hold property, real and personal, within the city ; to acquire, receive and hold property, real and personal, beyond and without the city, for burial grounds, or for other public purposes, for the use of the inhabitants of the said city ; to sell, lease, convey, or dispose of property for the benefit of the city : *Provided*, such property was not condemned, granted or dedicated for some specific purpose ; and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

ARTICLE II.

Government. SECTION 1. The city government shall be vested in a city council and mayor.

Mayor and city council. § 2. The city council shall consist of the mayor, and two councilmen from each ward, one to be chosen by the qualified voters thereof, for two years, at each annual election.

Qualification of members. § 3. No person shall be a member of the city council, unless, at the time of his election, he shall have resided twelve months within the city, and shall be, at the time, twenty-five years of age, a freeholder of the city, a citizen of the United States, and a resident of the ward from which he is elected.

§ 4. If any councilman shall, after his election, remove from the ward from which he is elected, or cease to be a freeholder in said city, or become disqualified, his office shall thereby become vacated. Office vacated.

§ 5. The city council shall judge of the qualification, and of the election and returns of their own members, and shall determine all contested elections. Contested elections.

§ 6. A majority of the councilmen 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.

§ 7. The city council shall have power to determine the rule of its proceedings, in conformity with the usual practices of like deliberative bodies; punish its members for disorderly conduct, and, with the concurrence of two-thirds of the councilmen elected, expel a member. Rules of proceedings.

§ 8. 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. Record of proceedings.

§ 9. No councilman shall receive more than one hundred dollars per annum for his services, nor shall he be appointed to any city office, nor shall he be directly or indirectly interested in any contracts with the city. Compensation.

§ 10. There shall be not exceeding six stated sessions or meetings of the city council in any one year, at regular intervals, to be held between the rising and the setting of the sun, but the mayor or any two aldermen may call special meetings. Meetings.

ARTICLE III.

SECTION 1. The city council shall have power to levy and collect an annual tax, not exceeding one per centum, per annum, upon all property, real and personal, within the jurisdiction of the city, upon the assessed value thereof, in such manner as may be prescribed by ordinance, not inconsistent with the constitution of this state; and the city council may adopt, as near as may be, the mode and manner prescribed by general law for the assessment and collection of the state and county taxes; and the assessor and collector of said city shall have the same power as the assessor and collector, under the general law of this state. Levy and collection of taxes.

§ 2. The city council shall have power to appoint, annually, an attorney, clerk, treasurer, auditor, assessor, collector, marshal, engineer or surveyor, street inspectors, fire warden, harbor master, a board of health, inspectors of weights and measures, weighers, gaugers, inspectors, keepers of the calaboose and workhouse, and such other officers and agents as they shall deem necessary for the proper Appointment of officers.

execution of the powers conferred upon them, and to authorize and regulate the appointment of deputies of such offices as may be deemed necessary.

Give bond and security.

§ 3. The city council shall require of all persons appointed to any office of trust in said city, bonds, with sufficient penalty and security, and also shall require all officers to take an oath for the faithful discharge of their duties; fix and regulate their compensation, and provide for their removal from office, and prescribe their duties and powers, and to fill vacancies.

Appropriations.

Borrow money.

§ 4. The city council shall have power to appropriate money and provide for the payment of the debt and expenses of the city; to borrow on the credit of the city a sum of money not exceeding one hundred thousand dollars (\$100,000); to issue bonds, scrip or certificates of indebtedness therefor, in such amounts and bearing such interest, and payable at such times and places and in such manner as the city council may deem will make such bonds, scrip or certificates most valuable and salable, and best for the interests of the city; but no bond, scrip or certificate shall exceed in amount one thousand dollars (\$1,000), nor bear a greater interest than ten per cent. per annum. With the moneys so borrowed the city council shall first liquidate and discharge all the legal indebtedness of the said city, and the balance, if any, of the amount so borrowed, shall be equitably expended by the council in general improvements that shall be for the general benefit of the city.

Payment of legal indebtedness

Notice of sale of bonds.

When the several assessments of such bonds, scrip or certificates shall be decided upon by said city council, and the negotiation and sale thereof authorized by ordinance, the city treasurer shall cause a notice to be published in the corporation newspaper of East St. Louis, and in two of the leading daily newspapers of the city of St. Louis, Missouri, and shall continue such publication for at least thirty days before disposing of such bonds, scrip or certificates of indebtedness below their par value. Such advertisements shall set forth a description of said bonds, scrip or certificates, and the time and place when and where he will receive bids and proposals for the purchase of the same. All bids or proposals to purchase such bonds or scrip shall be made to the city treasurer, and he shall submit the same to the city council at a regular meeting, and if the council decide to accept any such bids, and whenever such bonds, scrip or certificates of indebtedness are disposed of, if for less than their par value, they shall, in all cases, be awarded to the highest bidder or bidders, after competition has been invited as above provided.

Contagious diseases.

§ 5. The city council shall have power, by ordinance—*First*.—To make regulations to prevent the introduction of contagious diseases into the city; to establish quarantine

and make quarantine laws for that purpose, and enforce the same within five miles of the city.

Second.—To establish hospitals and make regulations for the government of the same. Hospitals, etc.

Third.—To make regulations to insure the general health, safety and comfort of the inhabitants; to declare what shall be a nuisance, and to prevent and abate the same in any lawful manner they shall deem proper. General health.

Fourth.—To provide the city with water; to erect sinks and build cisterns, wells and reservoirs and lay water pipes; to erect hydrants and pumps in the streets for the convenience of the inhabitants and for the extinguishment of fires. Wells, cisterns, etc.

Fifth.—To lay out, open, alter, widen, extend, establish and to grade, fill up, pave, sewer or otherwise improve and to keep in repair, and to establish and alter the grades of streets, avenues, lanes, alleys and other public highways and places. Repair streets.

Sixth.—To provide for lighting the streets and erecting lamp posts. Lighting streets

Seventh.—To divide the city into wards, alter the boundaries thereof and create additional wards as occasion may require. In these changes regard shall be had to the number of inhabitants, so that each ward shall contain, as near as may be, the same number of inhabitants. Wards.

Eighth.—To erect market houses, to establish and authorize private markets and market places, and provide for the government and regulation thereof. Markets and market houses.

Ninth.—To provide for the erection of all needful buildings for the city. Public buildings

Tenth.—To provide for inclosing, improving, protecting and regulating public grounds belonging to the city. Public grounds.

Eleventh.—To improve and preserve the navigation of the Mississippi river within the jurisdiction of the city. Improve navigation of river.

Twelfth.—To erect, establish, repair and regulate public wharves, docks and landings; to regulate the erection, establishment and repairs of private wharves and landings, and the rates of wharfage thereat, and to prevent and remove encroachments and obstructions thereon. Wharfage.

Thirteenth.—To establish, erect, construct, regulate and keep in repair bridges, culverts, drains, sewers, sidewalks and crosswalks, and to regulate the construction and use of the same, and to abate and prevent any obstruction or encroachment in or upon the same, or injury thereto; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons or corporations; to have exclusive control and power over the streets, alleys and highways of the city, and to prevent any injury thereto; and to abate and remove any obstructions or encroachments thereon. Bridges and sidewalks.

- Cemeteries. *Fourteenth.*—To regulate the burial of the dead ; to establish and regulate one or more cemeteries ; to regulate the registration of births and deaths ; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.
- Extinguishment of fires. *Fifteenth.*—To provide for the prevention and the extinguishment of fires, and to organize and establish fire companies.
- Wooden buildings. *Sixteenth.*—To regulate or prohibit the erection of wooden buildings in any part of the city.
- Chimneys and flues. *Seventeenth.*—To regulate the building of chimneys and the construction of flues in buildings.
- Combustibles. *Eighteenth.*—To regulate the storage of gunpowder, coal oil and other combustible or explosive materials.
- Walls, fences. *Nineteenth.*—To regulate and order parapet walls and partition fences.
- Weights and measures. *Twentieth.*—To establish standard weights and measures to be used in the city in all cases not otherwise provided by law.
- Butchers. *Twenty-first.*—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.
- Lumber. *Twenty-second.*—To regulate and provide for inspecting and measuring lumber, shingles, laths, timber, posts, staves, headings and all kinds of building materials and mechanical works.
- Forage and fuel. *Twenty-third.*—To provide for and regulate the inspection and weighing of hay, straw, lime and stone-coal, and the place and manner of selling the same.
- Wood and coal. *Twenty-fourth.*—To regulate the measurement of firewood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.
- Beef, pork and flour. *Twenty-fifth.*—To provide for and regulate the inspection of pork, beef, fresh meat, fish, poultry, butter, lard, flour, salt meat and other provisions ; to regulate and provide for the inspection of whisky and other spirituous liquors, wines, all kinds of beer, soda water and all other beverages usually retailed at dram shops and groceries, and for the inspection of coal oil and burning fluids of all kinds and descriptions ; to provide for and regulate the inspection of wheat, corn, oats, barley and other kinds of grain : *Provided*, this section shall not be so construed as to require the inspection of articles herein named which are to be shipped beyond the limits of this state, except at the request of the owner thereof or his agent.
- Unwholesome vegetables, etc. *Twenty-sixth.*—To regulate and prohibit the sale of green and unwholesome vegetables and fruits during the prevalence of cholera or other epidemic, or during the unhealthy season of the year.

Twenty-seventh.—To prevent and prohibit the sale of unwholesome meat, fish, poultry, provisions and all kinds and all articles of food. Unwholesome meats, fish, etc.

Twenty-eighth.—To regulate the size and quality of bricks to be used or sold in the city. Bricks.

Twenty-ninth.—To prevent, restrain and punish forestalling and regrating, and any and every kind of fraudulent device and practice. Forestalling and regrating.

Thirtieth.—To prevent and restrain loud, unbecoming or indecent language, or other disorderly or indecent conduct in said city. Unusual noises.

Thirty-first.—To prohibit, prevent and suppress horse-racing, immoderate riding or driving in streets, and authorize persons to stop others immoderately riding or driving, as aforesaid. Horse-racing and fast driving.

Thirty-second.—To prohibit abuse of animals, by over loading or otherwise, and to punish the same; to compel persons to fasten their horses and other animals, attached to vehicles or otherwise, whilst standing or remaining on the streets or other public places or uninclosed grounds in the city. Abuse animals.

Thirty-third.—To restrain and regulate the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalties incurred, and to impose penalties on the owners thereof, for the violation of any ordinances in relation thereto. Running at large of animals.

Thirty-fourth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes. Vagrants.

Thirty-fifth.—To regulate, restrain, license, tax and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners and keepers thereof. Dogs at large.

Thirty-sixth.—To provide for taking an enumeration of the inhabitants of the city, from time to time. Enumeration.

Thirty-seventh.—To pay the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance made in pursuance thereof. Fees.

Thirty-eighth.—To restrain, prohibit and suppress tippling houses, dance houses, dram shops, beer houses, beer gardens, lotteries, gambling, bawdy and other disorderly houses, and all playing of cards, dice, and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used in gaming. Tippling houses.

Thirty-ninth.—To regulate and prevent the carrying on of manufactories, works or trades, dangerous in promoting or causing fires, or injurious to the health, safety or comfort of the inhabitants of the city. Manufactories.

Fortieth.—To regulate and prohibit the blowing of steam whistles, and the use of fire-arms and fire-works, or any other device tending to annoy persons and frighten horses or Annoying practices.

teams; to restrain and prohibit the ringing of bells, blowing of horns, and the making of any other noise, and all practices and devices tending to collect persons in the streets or public places, for the purpose of business or amusement or otherwise.

Railroad tracks and crossings.

Forty-first.—To control the laying and construction of railroad tracks, bridges, turn-outs and switches, in the streets and alleys of the city, and the location of depot grounds; to require railroad companies to construct and keep in repair suitable crossings at the intersections of streets, and alleys, ditches, sewers, and culverts; to direct and regulate the speed of locomotive engines and cars, connected or detached, within the boundaries of the city; and to prohibit and restrain railroad companies from doing warehouse or storage business.

Physician to report contagious diseases.

Forty-second.—To require every person practicing physic in the city, who shall have a patient laboring under any malignant, infectious or pestilential disease, to forthwith make report thereof, in writing, to the board of health.

Preserve cleanliness in the city

Forty-third.—To cause to be cleansed any yards, cellars, private drains, sinks and privies, and to direct and regulate their construction, and levy assessments therefor, in case of the failure of the owner or owners so to do, after due notice thereof being given.

Inn-keepers, brokers, etc.

Forty-fourth.—To license, tax and regulate inn-keepers, agents for insurance companies, brokers, bankers, merchants, commission merchants, warehousemen, persons selling by sample, and auctioneers, and to impose duties on the sale of goods at auction.

Peddlers, etc.

Forty-fifth.—To license, tax, regulate, prohibit and suppress hawkers, peddlers, hucksters, pawn-brokers, grocery keepers, dram-shop keepers, keepers of beer gardens, keepers of ordinaries, eating houses, saloons, theatrical or other exhibitions, circuses, menageries, shows, and all other kinds and places of amusement.

Porters, etc.

Forty-sixth.—To license, tax, regulate and suppress hackmen, draymen, cabmen, omnibus drivers, baggage-wagon drivers, porters, runners of stages, railroads, boats and public houses, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation.

Wharf-boats.

Forty-seventh.—To license, tax and regulate wharf-boats at the public landings, and regulate the charges thereat.

Billiards, etc.

Forty-eighth.—To license, tax and regulate billiard tables, roulette tables, bagatelle tables, pigeon-hole tables, shooting galleries, ten-pin alleys and ball alleys, and all other similar devices and amusements.

Liquors.

Forty-ninth.—To license, restrain, regulate and prohibit, within the city, and within one mile of the limits thereof, the selling or giving away, or bringing within the said limits for others, of any intoxicating or malt liquors, wines or beer.

Fiftieth.—To license, tax and regulate and control wag- Wagons, etc.
ons and other vehicles carrying loads in the city; to pre-
scribe the width and tire of the same, the weight of loads
to be carried, and the rates of carriage.

Fifty-first.—To license, tax and regulate omnibuses, car- Carriages, etc.
riages, hacks, cabs, baggage-wagons, and other vehicles
conveying persons or property in the city, and prescribe
the rates to be charged by the owners or drivers thereof.

Fifty-second.—To establish and regulate public pounds. Pounds.

Fifty-third.—To regulate, tax and license ferry-boats. Ferry-boats.

Fifty-fourth.—To prevent and suppress any riot, riotous Prevent riot-
affray, noise, disturbance of the peace or disorderly assem- ous conduct.
bly in any private or public place in the city.

Fifty-fifth.—To compel the owner, occupant, or persons Offensive estab-
using any grocery, cellar, soap factory, tannery, or of any lishments.
stable, barn, pen, privy, sewer, stock pen or stock yards,
coal yard, tallow chandlery, slaughter house, packing house,
pork house, or other unwholesome, nauseous house or place,
to cleanse, remove or abate the same: *Provided*, that
whenever it is intended to put to other uses any mound or
piece of ground now or heretofore used as a burial place,
within said city, the council shall provide a suitable burial
place without the limits of said city, and shall cause the
remains of such dead, buried in such mound or piece of
ground, (as may not be removed by friends,) to be removed
to such new burial place, and decently interred therein, at
the expense of the city, before such old burial place shall
be allowed to be used for other purposes, or desecrated.

Fifty-sixth.—To regulate the weight and quality of bread Bread.
to be sold in the city.

Fifty-seventh.—To regulate and prevent persons swim- Bathing limited
ming in any water within the jurisdiction of the city.

Fifty-eighth.—To levy and collect a special tax on all Special tax for
property specially benefited by filling up, grading, paving, improvements.
macadamizing, repairing or otherwise improving any street,
avenue or alley, or building any sewer, drain, gutter, cross-
walk or sidewalk, or by taking private property for any
public use, in proportion, as nearly as may be, to the spe-
cial benefits resulting to each separate lot, piece or parcel
of land.

Fifty-ninth.—To authorize and direct the taking up and Destitute chil-
providing for the safe keeping and education, for such period dren.
of time as may be deemed expedient, of all children who
are destitute of proper care, wandering about the streets,
committing mischief, and growing up in mendicancy, igno-
rance and idleness.

Sixtieth.—To authorize the proper officers of the city to Issue licenses,
issue licenses, and direct the manner of issuing and regis-
tering the same, and to regulate the fees and charges to be
paid therefor: *Provided*, no license shall be issued for less
than one dollar, nor for a longer time than one year; and

no license for the sale of intoxicating or malt liquors at retail shall be granted for less than at the rate of one hundred dollars for one year.

House of correction.

Sixty-first.—To establish a work house or house of correction, make all necessary regulations therefor, and to appoint all necessary keepers and assistants. In such work house, or house of correction, may be confined all vagrants, stragglers, idlers, and all disorderly persons, who may be properly committed thereto by any proper officer; and any person who shall fail to pay any fine, forfeiture, penalty or costs, legally imposed by any court having jurisdiction, for any violation of any of the provisions of this act, or any ordinance of the city council made in accordance therewith, or any person [who] shall justly be found guilty, in any court in said city, of any offense punishable by fine or imprisonment in the county jail, by the laws of the state, may be committed to such work house, or house of correction, subject to labor and imprisonment.

Shade trees.

Sixty-second.—To regulate the planting of shade or ornamental trees in the streets or public grounds or parks, and to prevent any injury thereto.

Number houses.

Sixty-third.—To regulate and prescribe the manner of numbering houses and places of business.

Sidewalks, etc. kept clean.

Sixty-fourth.—To compel all persons to keep the sidewalks and gutters in front of their premises free from snow, ice, dirt, filth and rubbish.

Concealed weapons.

Sixty-fifth.—To prohibit persons from carrying concealed weapons.

Pass, amend and repeal ordinances.

Sixty-sixth.—To make, pass, publish, amend and repeal all ordinances, rules and sanitary regulations, not contrary to the constitution and laws of the United States or of this state, and the provisions of this act, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary and proper to carry into effect the powers vested by this act in the said city, or any department or officer thereof, elected by the people, or appointed by the mayor or council; to enforce the observance of all such rules, ordinances and sanitary regulations, and to punish the violation thereof by fines, forfeitures and penalties; and any person upon whom any fine, forfeiture or penalty is imposed shall stand committed until payment of the same, and costs, and, in default thereof, may be imprisoned in the county jail, city prison or work house or house of correction, or required to labor on the streets, or other public works of the city, for such time and in such manner as may be provided by ordinance.

Vacate streets.

Sixty-seventh.—To vacate or discontinue any street, highway or alley, or any part thereof, for public use; but no street, highway or alley shall be vacated without the consent of the owners of at least two-thirds of the property fronting on the portion of the street, highway or alley so vacated.

Sixty-eighth.—To assess and collect, as a special tax Special tax may be levied. against the real estate chargeable therewith, the expenses incurred in the abatement of any nuisance, by sale of the premises, as in other cases of special assessments; or such expenses may be added to the general assessment roll, and collected with the general tax; and all expenses incurred in the abatement of any nuisance may also be recovered from the owner or occupant of the premises upon which such nuisance is abated, or from the author of such nuisance, or the person whose duty it may be to abate the same, in a suit as for money paid and laid out to his or her use, and at his or her request, before any justice of the peace of St. Clair county, if the amount does not exceed his jurisdiction; and in all other cases, in any court having jurisdiction.

ARTICLE IV.

SECTION 1. The chief executive officer of the city shall Mayor. be a mayor, who shall be elected by the qualified voters of the city, and hold his office for two years, and until his successor shall be elected and qualified, but shall not be eligible for the next succeeding term.

§ 2. No person shall be eligible to the office of mayor who shall not possess the qualifications of councilmen, Qualification for office. regarding age, citizenship, period of residence in the city, and his being a freeholder of the city.

§ 3. Whenever the mayor shall remove from the city, Vacancy in office of mayor. his office shall become vacant.

§ 4. He shall, before entering upon the duties of his Oath. office, in addition to the usual oath, swear or affirm "that he will devote so much of his time to the duties of his office, as an efficient and faithful discharge of them may require."

§ 5. The mayor shall receive for his services such salary as may be fixed by ordinance—not less than five hundred nor more than one thousand dollars per annum. Salary of mayor

§ 6. The mayor or any two councilmen may call special Special meeting meetings of the council, in such a manner as may be provided by ordinance.

§ 7. The mayor shall at all times be active and vigilant Duty 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 prosecuted and punished; he shall, from time to time, communicate to the city council information, and recommend all such measures as in his opinion may lead to the improvement of the finances, health, security, comfort and ornament of the city.

§ 8. In the case of vacancy in the office of mayor, or his being unable to perform the duties of his office by reason of a temporary absence or sickness, the council shall Acting mayor. appoint one of its number, by ballot, to preside over their

meetings, whose official designation shall be "Acting Mayor," and the councilman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election.

Ordinances to be approved by mayor.

§ 9. All ordinances and resolutions shall, before they take effect, be placed in the office of the mayor, and if he shall approve thereof, he shall sign the same; and such as he shall not approve of, he shall return to the city council, with his objections thereto. Upon which return, the vote by which such ordinance or resolution was passed, shall be reconsidered; and if, after such reconsideration, a majority of all members elected shall agree, (by the ayes and noes, which shall be entered upon the journal,) to pass the same, it shall go into effect; and if the mayor shall neglect to approve, or object to or retain any such ordinances or resolutions for a longer period than five days after the same shall be placed in his office, as aforesaid, the same shall go into effect.

Requirements of officers.

§ 10. The mayor shall have power, whenever he may deem it necessary, to require of any one of the officers of the city, elected or appointed, an exhibit of all his books and papers; and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof; and the city treasurer and board of police shall be required to make a full and detailed statement of their receipts and expenditures to the city council, three weeks before the annual election. The mayor shall preside at all meetings of the city council, and shall have a casting vote in case of a tie, and no other. In case of the non-attendance of the mayor at any meeting, the city council shall appoint one of their number chairman, who shall preside at that meeting.

Presiding officer.

ARTICLE V.

Petitions for opening streets, alleys, etc.

SECTION 1. Whenever it shall become necessary or expedient, or whenever the owner of two-thirds of the number of feet fronting on any street, sidewalk or alley shall petition the city council to grade, fill up, pave, repair or otherwise improve any such street, alley or sidewalk, or to make any sewer or drain, the city council shall pass an ordinance to that effect, which ordinance shall set forth the particular locality where such improvements or repairs are to be made, and the nature of the same; and all lots and real estate benefited by making such improvements or repairs, shall be liable to assessment, as hereinafter provided.

Benefits [and injury.

§ 2. In all cases where the owner or occupant of any lot or tract of land benefited by improvements or repairs, heretofore ordered to be made by the city council, shall have failed to make the same, in compliance with the order

or ordinance of the city council, and the city has made or shall make such improvements or repairs; and in all cases hereafter, where the city shall make such improvements or repairs, an assessment shall be levied and collected in the following manner: On all lots and real estate deemed benefited thereby, in proportion, as nearly as may be, to the benefits resulting thereto; and all assessments so made shall be a lien on said lots or real estate.

§ 3. It shall be the duty of the city engineer, in all cases where assessments are to be made, under this article, to proceed as soon as practicable, after any such repairs or improvements shall have been made and completed, to ascertain and estimate the amount of benefit accruing to each lot or tract of ground liable to assessment, by reason of such improvements or repairs being made, as aforesaid, and make out a list of the same; which assessment may be in the following form: "Assessment roll of a special tax, made and levied on the——day of——, containing a description of real estate in the city of East St. Louis, state of Illinois, deemed benefited by (naming kind of improvements and where done) in said city, and the sums of money severally assessed against such lot or part of a lot by the city engineer, in proportion, as near as may be, to the benefits resulting thereto." Said assessment roll shall contain suitable columns, in which shall be entered the names of the owners, when known, a description of the property deemed benefited, and the amount of benefits assessed against each lot or part of a lot, and such other matters as may be necessary.

Duties of the
city engineer.

Assessment roll

§ 4. As soon as said assessment roll is completed, the city engineer shall deliver the same to the city clerk, with the following affidavit attached thereto: "I do solemnly swear that the foregoing assessment roll contains a true and fair assessment of special tax made and levied on all lots or tracts of ground deemed benefited by the improvements or repairs above named, in proportion, as nearly as may be, to the benefits resulting thereto, and that the same is made and levied according to the respective rights of the owners thereof, and as required by law, to the best of my knowledge and belief." To be subscribed and sworn to by the city engineer.

Certificate of
assessment.

§ 5. The city clerk shall cause a notice of the filing of such assessment, and that the same remains in his office for public inspection, that appeals may be taken from the same to the city council, and of the time when the city council will meet as such board of appeals, to be published in some newspaper, published in the city, at least two weeks, the first publication to be at least twenty days before the meeting of the city council as such board of appeals, which notice may be in the following form:

Publication of
notice by clerk.

SPECIAL ASSESSMENT NOTICE.

Form of special
assessment no-
tice.

STATE OF ILLINOIS, }
City of East St. Louis. } ss.

"CITY CLERK'S OFFICE, ———, 18—.

"Public notice is hereby given to all persons interested, that a special assessment has been made and filed in this office by the city engineer for public inspection, against the real state deemed benefited by (naming kind of improvements and where done) in said city for the amount of such benefits.

"All persons feeling themselves aggrieved by such assessment, must file their objections, in writing, against the same three days before the meeting of the council to consider the same, on the ——— day of ———, at — o'clock, as the city council will meet in the city council room for the purpose of hearing such objections, and will revise and correct said assessment.

..... *City Clerk."*

Appeal taken.

§ 6. All appeals taken from such assessments shall be to the city council, and shall be in writing, and shall specify the matter or thing complained of, and the reason of the appeal.

Objections.

§ 7. At the time named in such notice, the city council shall meet and consider the objections to said assessment, if any, and shall revise and correct the same in such manner as they shall deem equitable and right; and when so revised and corrected, shall make an order confirming the said assessment, and the city clerk shall record the said assessment and order of confirmation in a well bound book, to be kept for that purpose, and which shall be a public record.

Confirmation
of special as-
sessment.

§ 8. Within ten days after such assessment shall have been confirmed by the city council, the city clerk shall, if no appeal is taken, make out and deliver to the collector of city taxes a copy of such assessment, with a warrant attached, for the collection of the same, which shall be issued under the corporate seal, signed by the mayor and attested by the city clerk, and may be in the following form:

Form of notice
by the mayor.

STATE OF ILLINOIS, }
City of East St. Louis. } ss.

"The people of the state of Illinois to the collector of said city, greeting:

"Whereas, the city council of said city of East St. Louis did, on the ——— day of ———, 18—, confirm the foregoing assessment roll of a special tax, duly made and filed in the city clerk's office, by the city engineer, against the real estate therein described, deemed benefited by the improvements therein named.

"Now, therefore, you are hereby commanded to make, levy and collect of the respective owners of the real estate above described, the several sums of money assessed there-

on, for which each may be liable, as aforesaid, and make due return in what manner you have proceeded to execute this warrant, within thirty days from the date hereof.

"Witness my hand, and the seal of said city, this — day of —, 18—.

....." *Mayor.*

Attest:, *City Clerk.*"

§ 9. The collector shall, thereupon, proceed to collect the sums of money assessed against such lots and parts of lots, of the owners thereof, and if payment is not made, he shall levy on and sell the goods and chattels of all owners so failing to pay said assessments, in the same manner as constables levy upon and sell property under execution; and he shall have and exercise all the power, in the collection of special assessments, given to him for the collection of the general taxes. Duties of city collector.

§ 10. At the expiration of thirty days he shall make out a list of all lots or tracts of land on which such assessments remain due and unpaid, adding all costs, and file a correct copy thereof in the city clerk's office. Delinquent list of real estate.

§ 11. In all cases where such assessment shall remain due and unpaid, the collector shall proceed to obtain judgment in any court having jurisdiction against said delinquent lands, as provided by statute, and for that purpose he shall cause said delinquent list to be published in some newspaper published in the city, with the following notice, as near as may be, attached: Publication of delinquent list.

STATE OF ILLINOIS, }
City of East St. Louis, } ss.

"Public notice is hereby given to all persons interested, that the foregoing is a list of lots and tracts of land situated in the city of East St. Louis, state of Illinois, upon which a special tax is due said city for making the improvements therein named, against the real estate above described; that said special tax remains due and unpaid, and that unless said tax, together with all costs, now due, shall be paid before the — day of —, 18—, application will be made by me to the county court of St. Clair county, state of Illinois, (or other court having jurisdiction, naming the court,) on the — day of —, 18—, at the term of said year, for judgment against said lot or tracts of land, respectively, for the amount of said assessment and costs, in order that the same may be sold to satisfy said judgment and costs, in pursuance of the statute in such case made and provided. Form of notice.

....." *Collector.*"

Said delinquent list shall be published three successive weeks, and the first publication shall be at least thirty days before the time at which such application will be made for judgment. Applications for judgment.

Duties of the collector.

§ 12. The collector shall file a copy of said delinquent list, and the printed advertisement of the same, properly certified, attached thereto, with the clerk of the court of said county, or other court having jurisdiction, at least five days previous to the commencement of the term at which application for judgment is to be made.

Court may order sale of real estate.

§ 13. On the day mentioned in the collector's notice, in section 11 of this article, which may be during either a special or regular term of the county court of said county, or other court having jurisdiction, the collector shall apply to said court for judgment against all lots or real estate, upon which such assessments and costs remain unpaid; and said court, upon such application being made, shall render judgment against such lots or real estate, for the amount of said assessments due and unpaid, and costs; and shall issue its precept or order to the sheriff of said county, commanding him to sell said lots or real estate, or so much thereof as may be necessary to pay said judgment and costs, in the same manner and with a like effect as if sold upon execution at law; and all such sales shall be made at the city of East St. Louis, at the same time and place as by law provided, for the sale of delinquent lands for general city taxes.

Suit may be maintained.

§ 14. A suit may also be maintained against the owner of the premises against which such assessment is made, as for money paid and laid out to his or her use, or at his or her request.

ARTICLE VI.

City officers.

SECTION 1. The officers of said city shall consist of a mayor, city treasurer, city collector, marshal, city engineer, city clerk, city attorney, and two aldermen from each ward.

Annual election

The annual election shall be held on the first Tuesday in April in each year, at which time there shall be elected one alderman from each ward to succeed the member whose term expires, so that one alderman shall be elected from every ward, annually. The mayor shall be elected by the qualified voters of said city, at the annual election to be held in the year 1869, and biennially thereafter. All the other city officers shall be elected by the city council, annually, on the second Tuesday of April, or as soon thereafter during said month as may be practicable: *Provided*, that the term of office of all the present aldermen of said city shall expire on the first Tuesday in April, 1869, or when their successors shall be duly elected and qualified; and at the first meeting of the city council held after the first annual election under this act, 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, as aforesaid.

§ 2. All elections shall be commenced at 6 o'clock, A. Polls.
M., and close at 7 o'clock, P. M., and otherwise be held,
conducted, and returns thereof made, as nearly as may be,
as is now or may be provided by the general election laws.

§ 3. All persons who are entitled to vote for state offi- Qualifications
cers, and who shall, in addition thereto, have been residents of voters.
of said city for at least three months, and of the ward where-
in they may offer their votes at least ten days next pre-
ceding an election, shall be entitled to vote at such election.

§ 4. All vacancies of elective officers shall be filled by Vacancies, how
election, as provided by ordinance. filled.

§ 5. No election shall be held in any building where No election in
intoxicating or malt liquors are vended by retail. bar-rooms, etc.

§ 6. If two or more persons shall receive an equal num- Tie vote.
ber of votes for any office, the judges of said election shall
decide the same by lot, in the presence of the city council.

§ 7. Any office, where the officer elected or appointed Failure of offi-
shall fail to qualify in conformity with the provisions of cer to qualify.
this act, within ten days after receiving notice of his elec-
tion, shall be filled by a new election or appointment, as
the case may be.

ARTICLE VII.

SECTION 1. All officers elected or appointed by the Oath of office.
mayor or council under this act, before entering upon the
duties of their respective offices, shall make and subscribe,
and file with the city clerk, the following oath, viz: "I
do solemnly swear (or affirm) that I will support the consti-
tution of the United States and of this state, and will well
and truly perform the duties of my office to the best of my
ability."

§ 2. No person shall be eligible to any office in said Qualifications
city, who is now or may hereafter be a defaulter to said city of officeholders.
or to the state of Illinois, or to any other city or county
thereof; and every person shall be considered a defaulter
who has refused or neglected, or may hereafter refuse or
neglect, for thirty days after demand made, to account for
and pay over to the party authorized to receive the same,
any public money which may come into his possession by
virtue of his office; and if any person holding any such
office or place within the city shall become a defaulter
while in office, the office or place shall, thereupon, become
vacant.

§ 3. If any person, having been an officer of the city, Surrender of
shall not, within ten days after notification and request, property, etc.,
deliver to his successor in office all the property, books, to successor.
papers, and effects of every description in his possession,
belonging to the city or appertaining to said office, he shall
forfeit and pay, for the use of the city, one hundred dollars

besides all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of this state.

Commission of officers

§ 4. The mayor and councilmen, and all officers appointed to any office by the mayor or council, shall be commissioned by warrants, under the corporate seal, signed by the chief executive officer and city clerk.

Willful violations, how punished.

§ 5. In case any officer elected or appointed under this charter, or any ordinance made in pursuance thereof, shall, at any time, be guilty of any palpable omission of duty, or shall willfully 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 St. Clair county, or any other court having jurisdiction, and on conviction he shall be fined not more than two hundred dollars nor less than fifty; 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.

Remission of fines.

§ 6. Neither the mayor nor city council shall remit any fine, forfeiture or penalty, imposed upon any person for the violation of the laws or ordinances of said city, or release from imprisonment, unless two-thirds of all councilmen elected shall vote for such remission or release; nor without the recommendation of the court having imposed the fine, or the attorney of the city recommends the same.

Reconsideration of vote.

§ 7. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the councilmen be so notified, and unless at such special meeting there be present as large a number of councilmen as when the vote was taken.

General duties and powers of council.

§ 8. The city council shall have the power to adopt a plan for the laying out and platting of the streets and alleys of all additions which may be made to the city or of subdivisions of lands lying within the city, so as to establish regularity and uniformity in the streets and highways of the city; and to require that all additions and subdivisions which may be so laid out and platted shall conform to such plan of streets and highways; and no map or plat of any addition to said city, or of any subdivision of lands lying within the same, shall be entitled to record in the recorder's office of St. Clair county unless it conforms to such plan and has been approved by the city council: *Provided*, that the owner or owners of land and lots bounded by such streets and highways of the city may re-plat and subdivide the same into lots to suit their own convenience, subject, however, to the provision aforesaid.

Surveys, and records of.

§ 9. The city council shall have power to cause the whole or any part of the city to be re-platted, and the blocks, streets, alleys and highways thereof to be re-numbered, re-

named or otherwise designated on such new plats, so as to secure regularity and order, and avoid repetition in naming or designating the same; and such plat, upon being approved by the city council, shall be recorded in the recorder's office of St. Clair county; and from the time of filing the same for record, said plat shall have the same force and effect as original plats when duly made and recorded, as now provided by law: *Provided*, that the lines of blocks, streets and alleys, as now established, shall not be changed or varied in such new plat.

§ 10. The inhabitants of the city are hereby exempt from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits. Exempt from road labor.

§ 11. All fines, penalties or forfeitures of recognizances collected in any court whatever, for any offense committed within the city, either under any ordinance of said city or under any law of the state, and all money collected for license, issued under any ordinance of the city, shall inure to said city and be paid into the city treasury by the officers collecting the same. Fines and forfeitures, how applied.

§ 12. One-half of all money received into the city treasury from dram shop licenses collected, shall be paid over, at least quarterly, to the treasurer of school township number two north, range ten west, in St. Clair county, Illinois, by him to be apportioned to the several schools taught in said city, under the general school laws of this state, in the same mode and manner as interest on township school fund is now required to be apportioned, and credited to the respective school districts; shall be liable to the order of the respective boards of school directors, as other funds for the support of the said schools in said city, respectively. Disposition of moneys.

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

§ 14. The style of the ordinances shall be: "*Be it ordained by the City Council of the City of East St. Louis.*" Style of ordinances.

§ 15. All actions brought to recover any fine, forfeiture or penalty incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such fine, forfeiture or penalty, stating the section of this act, or the by-law or ordinance under which the fine, forfeiture or penalty is claimed, and to give the special matter in evidence under it. The first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases; but no process shall be necessary when the offender is arrested without warrant. All actions and suits vested in corporation.

and brought before the court, but an entry of the cause, place and time of arrest shall be made upon the docket of the court, and trial had in the same manner as if process had been issued.

Appeal taken.

§ 16. The city may appeal in all cases arising under the charter and ordinances of the city without giving security; and the city clerk, in cases of appeals by the city, shall execute bonds, under the corporate seal, without sureties, and a resolution or ordinance of the city council authorizing the same shall be sufficient authority therefor. Nor shall the city, in any case, be required to file bond or security for costs, nor shall the city be required to pay docket fees in cases instituted by the city in the East St. Louis city court.

Interest may be charged on delinquent tax.

§ 17. In all cases when any tax or special assessment shall become delinquent and remain unpaid, ten per cent. may be added and collected with the costs occasioned by the non-payment of such tax or assessment.

Swine and goats

§ 18. Swine and goats shall not be allowed to run at large in the city, and the owner or keeper of any swine or goats found running at large shall be liable to a fine of not less than three nor more than one hundred dollars, to be recovered upon the complaint of any person, in the same manner as fines and penalties under the city ordinances; and such swine and goats may be taken up, impounded and sold to satisfy the costs and charges for impounding and selling the same.

Duties of the city engineer.

§ 19. The city engineer of the city of East St. Louis shall possess the same powers in making surveys and plats within the city as is given by law to the county surveyor, and the like effect and validity shall be given to his acts and to all plats and surveys made by such engineer as are or may be given by law to the acts and plats of the county surveyor.

May contract with railroad companies.

§ 20. The city council is hereby authorized to make any contract or arrangement with any street or horse railroad company, for the use of any street, highway or alley for any length of time not exceeding twenty-five years, and for such compensation as may be agreed upon, deemed proper and beneficial to the interests of the city: *Provided*, the consent, in writing, of the owners of three-fourths of the property, per lineal foot, fronting on such streets, etc., be first obtained.

Ward elections.

§ 21. The city council shall have power to provide for the election of councilmen from new wards, and to fill vacancies occasioned by the formation of the same; and to do all things necessary to secure the proper representation in the city council where the boundaries of old wards are changed or additional wards created.

Registry of indebtedness.

§ 22. A registry shall be kept of all bonds, scrip or certificates of indebtedness issued, showing a full exhibit

of all material facts in relation thereto; and the city council shall levy and collect a tax, not exceeding three mills on the dollar, upon each annual assessment made for general purposes, for the purpose of paying the interest on such bonds, scrip or certificates of indebtedness, and to provide a sinking fund to liquidate the same.

§ 23. The city council shall cause to be published, annually, at least ten days preceding the general election, 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. Receipts and expenditures.

§ 24. All ordinances and resolutions of a public nature passed by the city council, shall, within one month after they have been passed, be promulgated by being published at least once in some newspaper published in said city, and shall not be in force until they have been published as aforesaid; and proof of such publication may be made by the certificate of the printer or publisher of such newspaper. Publication of ordinances.

§ 25. Appeals shall be allowed in all cases arising under this act or any ordinance made in pursuance thereof, and from any order of the city council confirming any special assessment for local improvements, or report of commissioners in any condemnation, in the manner now provided by law, except as otherwise prescribed in this section. Appeals shall be taken from the city court, in all cases brought for the recovery of any fine, penalty or forfeiture, within five days after the rendition of judgment, by filing an appeal bond with the judge of said court, in the usual form, to be approved by him, and if execution or a comital shall have issued, the same shall be recalled. Appeals shall be taken from the order of the city council confirming any special assessment for local improvements, or report of commissioners in any condemnation, within five days from the making of such order, by filing an appeal bond in the clerk's office of the court to which such appeal is to be taken, to be approved by such clerk, whereupon a *supersedeas* shall issue as in other cases. Appeals to city court.

ARTICLE VIII.

SECTION 1. The city court of East St. Louis now established is hereby continued, and shall have a seal, which seal may be altered or changed by the city council. Continuation of city court.

§ 2. The present judge of said court shall continue in office during the time for which he was appointed by the governor of the state of Illinois, and thereafter the judge of said court shall be appointed by such governor, by and with the advice and consent of the senate, and shall hold his office for four years, and until his successor is commissioned and qualified. Judge of city court.

Eligibility of judge.

§ 3. No person shall be eligible to the office of judge of said court unless he is, at the time of his appointment, a citizen of the United States, a freeholder of said city, twenty-five years of age, and has resided in the county of St. Clair and the city of East St. Louis one year next preceding his appointment.

Judge commissioned by governor.

§ 4. The judge of said court shall be commissioned by the governor, and qualify as a justice of the peace, and enter into an official bond in the sum of three thousand dollars.

Powers of judge

§ 5. He shall have the power to issue marriage licenses; and all marriage licenses issued by him shall have the same force and effect as though issued by the clerk of the county court of St. Clair county; and all laws applicable to the clerk of the county court, in regard to marriage licenses, shall apply to the judge of the city court of East St. Louis.

Further powers and duties of the judge.

§ 6. He shall have and exercise, within the limits of the city, authority to hear and determine all complaints, suits and matters in the actions of assumpsit, debt, trespass on the case, trover, replevin, trespass, attachment, distress for rent, and in trials of the right of personal property, under the statutes, in all cases where the demand, claims, damages, fine or penalty, or value of the subject matter of suit, does not exceed eight hundred dollars; and he shall have exclusive jurisdiction in all cases arising under the city charter or any by-law or ordinance made in pursuance thereof. He may adopt a series of rules regulating the practice in said court, not inconsistent with the general laws of the state regulating practice.

Change venue.

§ 7. Changes of venue may be taken from said court to the nearest justice of the peace, and in all cases where justices of the peace have jurisdiction to hear and determine the same, and in all other cases, except cases arising under the city charter, or any by-law or ordinance made in pursuance thereof, to the circuit court of said St. Clair county; and when a change of venue shall be taken to the circuit court application shall be made, and such change of venue shall be taken in the same manner as prescribed for taking changes of venue in the circuit courts of this state.

Time of holding city court.

§ 8. Said judge shall hold a session of his court on every Monday, and shall keep the same open from day to day, if necessary, (Sundays excepted) until all the business before him is disposed of. He shall have power to fine and imprison for contempts of his court when in session. He shall be entitled to receive the same fees as the circuit clerk of St. Clair county receives for similar services, and in addition thereto may receive such salary from said city as the city council may direct.

Effect of judgments rendered in city courts.

§ 9. Judgments rendered by the judge of said court shall have the same effect as judgments rendered by justices of the peace, transcripts of which may be filed with and recorded by the circuit clerk of St. Clair county in the same

manner as from justices of the peace, and such transcript shall have the same force and effect against and shall be a lien upon real estate, in the same manner and to the same extent that transcripts of justices of the peace have or may have of said county, except judgments rendered in cases arising under any by-law or ordinance of said city.

§ 10. The practice in and writs and process of said court shall conform, as near as practicable, to the practice before and writs and process issued by justices of the peace. Rule of practice in city court

§ 11. Appeals may be taken from the decision of said judge to the circuit court of St. Clair county in the same manner as appeals are taken from justices of the peace. Appeal taken to circuit court.

§ 12. In the event that said judge shall be removed from office, or the said office otherwise become vacant, or should he be absent from the city, or sick, or unable to attend to the duties of his office, the council shall be and is hereby authorized to appoint one of the justices of the peace, of said city to preside in the place and instead of said city judge, in all cases concerning violations of ordinances of said city, during his absence, or until such a time as his successor shall be duly appointed in manner as provided by law. Removal from office.

§ 13. The city marshal and his deputies shall be the executive officers of the city court, but the marshal, before entering upon the duties of his office, shall qualify and be commissioned as county constables are, except that instead of one thousand dollars, he shall enter into an official bond of five thousand dollars, and shall be entitled to receive the same fees for serving process and writs of said court as the sheriff of St. Clair county is by law entitled to for serving process and writs issued by the circuit court of St. Clair county; and he may, in addition thereto, receive such salary from said city as the city council may direct. He and his deputy, or deputies, shall have the same power and authority to execute all process, issuing from said court, as the sheriff of St. Clair county has to execute similar process issuing from the circuit court. Duties of city Marshal.

§ 14. The city judge shall keep a fee-book, in which he shall enter, or cause to be entered, all fees received by him, which book shall be open to public inspection at all reasonable hours. Fee book of the judge to be open to inspection.

§ 15. This court shall be holden at such place in the city of East St. Louis as shall be provided by the city council of said city. Place of holding court.

ARTICLE IX.

SECTION 1. The corporate authorities of said city shall have power to acquire private property, for public use, by purchase, gift, grant, dedication or condemnation, either within or without the limits of the city; and whenever pri- Powers of the city council.

vate property shall be required for the purpose of laying out, opening, establishing, altering, widening or extending any street, highway, avenue or alley, public ground, park or public square, cemetery, burial ground, wharf, landing, or as a site for any market house, hospital, station house, city prison, calaboose, work house, house of correction, house of refuge, asylum, city hall, fire engine house, or for any other public building, necessary for the inhabitants of the city, the same may be condemned and taken for such use; and the county court of St. Clair county, or the presiding judge thereof, in vacation, shall appoint three disinterested freeholders of the city as commissioners to assess the compensation due the persons whose property is taken, and all benefits against such property as shall be benefited by such condemnation or proposed improvements.

Taking private
property for
public use.

§ 2. Whenever it shall be deemed expedient to acquire private property for public use in any case when condemnation is or may be authorized, the city council shall pass an ordinance setting forth the nature of the improvement contemplated, the purpose for which such condemnation is had, and that the property required for such purpose be condemned; and they shall cause a plat to be made showing the location of such improvement, the ground or property proposed to be taken, and such other facts as may be necessary

Notice given
by publication.

§ 3. As soon as such plat is made, it shall be deposited in the city clerk's office for public inspection, and thereupon the city clerk shall give notice, by publication in the corporation newspaper, of the proposed condemnation, the nature of the improvement, the ground required or property to be taken, that a plat of the same is deposited in the city clerk's office for public inspection, and that the county court of St. Clair county, or the presiding judge thereof, in vacation, will, on a day to be named therein, appoint three commissioners to assess the benefits and damages, which notice shall be published for at least two weeks immediately preceding such day so named; and if directed to all persons interested, it shall not be necessary to have personal service of the same on the parties interested.

Appointment of
commissioners.

§ 4. At the time mentioned in said notice, the said court, or the presiding judge thereof, in vacation, shall appoint the commissioners provided for in the first section of this article; and parties interested shall have the right to be present and object to the appointment of any person who may be disqualified to act as one of such commissioners, and such commissioners, upon being appointed, shall be required to make oath that they will diligently inquire into and make a true and just assessment of all benefits and damages in the matter before him.

Commissioners
to give notice.

§ 5. It shall be the duty of the commissioners, upon being appointed and qualified, as aforesaid, to give notice

of the time and place when they will proceed to assess the benefits and damages in the matter of such condemnation ; and if personal service is had, five days shall be sufficient ; but if such notice is published in the official newspaper of the city, at least two weeks immediately prior to the sitting of commissioners, and is addressed to all persons interested, it shall be deemed equivalent to personal service, and sufficient for all purposes.

§ 6. Said commissioners shall have power, and it shall be their duty, when requested by parties interested, to subpoena witnesses and administer oaths to persons brought before them to testify ; they shall view and examine the property to be condemned, and the location of the proposed improvement, and hear and consider all testimony adduced, pertinent to the matter before them. They shall take into consideration the benefits resulting from such improvement to the residue of each tract or parcel of property not taken, and award such damages only as exceed the amount of such benefits. In cases where all of a tract or parcel of property is taken, they shall ascertain the value thereof, and award such value as damages ; and in cases where a part of a tract or a parcel of property is taken, they shall ascertain the value of the portion taken, and set off against such value all benefits resulting from such improvement to the owner of the residue thereof, and assess the sum so ascertained as benefits or damages, as the case may be ; and in all cases where any tract or parcel of land is benefited by such improvement, or taking of property, they shall assess such benefits against said tract or parcel of land. They may assess the value of any building separate from the ground, if required ; [and if] in such cases it shall be deemed beneficial to the owner or the city, they may adjourn their meeting, from time to time, if necessary, until all the benefits and damages are ascertained, and upon the completion of their inquiry they shall make a report thereof, in writing, signed by at least two of the commissioners, to the city council, and file the same in the city clerk's office, as soon as practicable.

Commissioners,
duty of.

Damages.

§ 7. The city council shall, at their first meeting after such report is filed, proceed to examine the same, and if approved by them, they shall make an order of confirmation, and if not approved they shall make an order setting such report aside, or the city council may refer such report to a committee, or defer action on the same until they shall be fully advised in the premises.

Assessments,
confirmation of.

§ 8. It shall be the duty of the city council, as soon as may be, after the confirmation of such report, to appropriate and collect sufficient money to pay all damages awarded under any condemnation proceedings, and when the same shall have been paid over by the city treasurer to the party or parties entitled to receive the same, or when the city

Payments.

treasurer has given notice, in the official paper of said city, for a period of ten days, that the money is in the city treasury ready to be paid to such persons as shall be entitled to receive the same, then, or in either case, the city authorities of said city are hereby authorized to enter upon, take possession of, and appropriate the property condemned for the uses and purposes for which they were so condemned; and all parties interested may take an appeal to the circuit court of St. Clair county, and no appeal or other proceeding shall, in any case, prevent or delay the use or appropriation of the property condemned, if the corporation shall file a bond in a sufficient sum with the circuit clerk of St. Clair county, to be approved by him, conditioned for the payment of all damages which may be awarded on the final determination of such appeal or other proceedings, to the party prosecuting the same.

Warrants to collector to be received for.

§ 9. In all cases where benefits shall be assessed against any lot or real estate deemed benefited by taking property for public use, the city clerk shall make out and deliver to the collector of said city, a warrant for the collection thereof, in the usual form, returnable, as may be provided by ordinance; and the collector shall have power, in case of the non-payment of such assessment, to levy upon any personal property belonging to the owner of the lot or real estate against which such assessment is made, and sell the same for the satisfaction of such assessment and costs, as at constable sale, or he may proceed to obtain judgment against said lot or real estate, for the sale thereof, as provided by general law in cases of special assessment.

Assessments, a lien upon lots.

§ 10. All assessments levied under this article, shall be a lien upon the lot or land upon which they shall be made, from the time of filing the same in the city clerk's office until paid.

Collection of assessments.

§ 11. The said city is hereby authorized and empowered, (as an additional remedy) to sue for and recover from the owner or owners of any property assessed under the provisions of this act, in an action of assumpsit, the amount of any assessment, together with the interest at the rate of ten per cent. per annum, from the time the same was due and payable, and also costs of suit, and such judgment shall bear interest at the rate of ten per cent. per annum; and in case of non-residents an attachment may be issued as in cases of creditor and debtor.

Prior ordinances to be in force

§ 12. All ordinances, orders or resolutions passed by the city council of said city, now in force, shall be and the same are hereby continued in force, so far as they may not conflict or be inconsistent with the provisions of this act, and shall have the same force and effect as before the passage of this act.

Conflicting acts repealed.

§ 13. All acts and parts of acts contrary to or inconsistent with the provisions of this act, are hereby repealed.

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

APPROVED March 26, 1869.

AN ACT to amend an act entitled "An act to establish a police force for the city of East St. Louis," approved Feb. 22, 1867. In force March 27, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The pay of ordinary policemen shall be seventy-five dollars per month. The officers of the force shall be paid monthly, and their pay shall be as follows: The captain shall receive not exceeding twelve hundred dollars per annum, and the lieutenant, not exceeding one thousand dollars per annum. Police.

§ 2. That the provisions of section fifteen (15) of the act to which this act is amendatory shall apply to the mayor, and to each and every member of the city council of said city, and to every person employed under or by him or them. Act amended.

§ 3. That the certificates of indebtedness issued by said police commissioners, as authorized by the (16) sixteenth section of said original act, for the maintenance of the police force by said act established, shall be received, at their par value, by the city council and by all officers, agents and employees of said city, who may be employed, authorized or empowered to collect or receive any money or dues of any kind owing to said city, in payment of all taxes, licenses, fines, forfeitures, penalties, special taxes, special assessments, and all other dues, of every description and nature whatsoever, which now are or may hereafter become due and owing to said city. And any and all ordinances of said city, now in force or which may hereafter be passed, instructing, authorizing or allowing any officer, agent or employee of said city to refuse to grant any license or to refuse his receipt, in the usual form, for any and all money or dues owing to said city, the amount of which may be tendered in such certificates of indebtedness, shall be null and void and of no effect; and no discrimination shall be made in such cases between such certificates and legal tender currency or other lawful money of the United States. A uniform and impartial rule for granting or refusing to grant applications for licenses shall be adopted and adhered to by said city council; which rule shall affect similar cases in all parts of the city alike: *Provided*, that nothing in this section contained shall be so construed as to prevent the authorities of said city from refusing to grant licenses to improper persons. Certificates.

Jurisdiction of
police commis-
sioners.

§ 4. That the police commissioners and the officers and policemen appointed by them, under the act to which this act is amendatory, shall be considered, held and treated as public officers; and any willful obstruction, resistance or opposition to said officers, in the discharge of the duties imposed upon them by this act and the act to which it is amendatory, shall be punished in the manner prescribed in the (92d) ninety-second section of the thirty-third (33d) chapter of the Revised Statutes of 1845, entitled "Criminal Jurisprudence."

Turnkey.

§ 5. Said police commissioners shall have power, and are hereby authorized, to appoint a turnkey or keeper for each police station which may be established by them, and to remove him at pleasure, and to pay him for his services, not exceeding forty dollars per month.

Certificates valid

§ 6. The certificates of indebtedness heretofore issued by said police commissioners, under the act to which this act is amendatory, shall be and the same are hereby declared to be legal, valid and binding upon said city, and receivable, at par, for all purposes mentioned in section three (3) of this act; and they, and all other like certificates which may be hereafter issued by said police commissioners, shall be exchangeable, at par, on demand of the holder, when presented in amounts exceeding the sum of twenty dollars, for any bonds or other evidences of indebtedness which said city may hereafter issue for funding the city indebtedness or for any general purposes.

Powers of the
commissioners.

§ 7. Said police commissioners shall, also, have the power, and it shall be their duty, to abate all nuisances, and remove or cause to be removed, all obstructions, of whatever description and nature, to the free passage of teams and pedestrians over any and all public highways, streets, lanes and alleys, of said city, in every part thereof.

Conflicting
acts repealed.

§ 8. All acts and parts of acts inconsistent with this act are hereby repealed; and this act and the act to which it is amendatory are hereby declared to be public acts; and this act shall take effect and be in force from and after its passage.

When act to
take effect.

APPROVED March 27, 1862.

In force March
6, 1862.

AN ACT to amend an act entitled "An act to incorporate the city of Freeport," approved February 14, 1855, and the several acts amendatory thereof.

Improvement
of streets, lanes
and alleys.

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 Freeport shall have the power, from time to time, upon petition of one-half of the owners*

of the property which may be specially assessed to pay the expenses occasioned thereby, or without such petition, by the unanimous vote of said city council, to cause any street, alley or highway within said city, or any portion thereof, to be graded, regraded, filled, leveled, paved, macadamized or planked, and kept in repair; to cause side and crosswalks, main drains, sewers, gutters, aqueducts and private drains, or portions thereof, to be constructed, laid, relaid, cleansed or repaired, and to regulate the same; to grade, improve, protect and ornament any public square or other public ground within said city.

§ 2. The city council shall have power to cause to be assessed and collected from each lot or tract of real estate in said city, specially benefited by any improvement mentioned in the foregoing section, its proportionate part of the costs and expenses thereof, not exceeding and proportioned to the special benefits upon such lot or tract thereby conferred, and the remainder of such costs and expenses may be paid out of the general funds, or the city council may, in their discretion, levy a special tax upon all the taxable property of said city, not exceeding, in any one year, the rate of one-half per cent., to defray the remainder, or the whole or any part remaining unpaid, of such cost and expenses.

Collection of taxes.

§ 3. Before ordering any improvement mentioned in the foregoing section, where the costs and expenses, or any part thereof, shall be specially assessed, the city council shall cause an estimate to be made and reported to them, of the cost and expenses of such improvement; and upon their approval of such estimate, they shall proceed to consider the propriety of making such improvement. And if they shall decide the same necessary and advisable, or desired by a majority of the owners of the property deemed by them liable to be specially assessed therefor, the city council shall order such improvement to be made, and shall appoint three reputable freeholders of said city as commissioners to ascertain and assess, upon the real estate of said city specially benefited by such improvement, the amount of estimated cost and expenses, or so much thereof as shall equal the special benefits thereby occasioned to said real estate, so that each tract or lot shall be assessed and pay such part of said costs and expenses as will be proportioned to and not exceed the special benefits it will receive from such improvement.

Expenses for improvements.

§ 4. The commissioners shall be duly sworn faithfully and impartially to execute their duties to the best of their ability; and before proceeding to make any assessment, shall cause a notice of the time and place of their meeting to make such assessment to be published, by one insertion in the corporation newspaper, at least six days previous to the day of meeting.

Commissioners.

Time and place
of meeting.

§ 5. The commissioners shall meet at the time and place mentioned in said notice, and proceed to make such assessment, and may continue in session, and adjourn, if necessary, from time to time, until the same is completed. They shall determine the boundaries of the territory or portion of the city contiguous to or in the neighborhood of the proposed improvement, within which they deem that the real estate, or a part thereof, will be specially benefited by making such improvement, and their estimate of the value of each lot or tract of real estate deemed by them specially benefited, and the amount of the special benefits that will accrue to it from such improvement, and assess to each lot or tract of real estate deemed by them to be specially benefited, the amount of special benefits such improvements will confer thereon, in case the estimated cost and expenses of such improvement shall equal or exceed the total amount of such special benefits; and in case the whole amount of special benefits conferred by such improvement shall exceed such estimate of the cost and expenses, then said commissioners shall assess upon each of such lots or tracts deemed by them to be specially benefited, its pro rata share of such estimated cost and expenses, in proportion, as near as may be, that the special benefits it receives bears to the whole amount of special benefits conferred by said improvement.

Benefits.

Parties aggrieved may be heard

§ 6. Any person interested may appear before said commissioners and be heard upon any of the matters to be by them decided; and said commissioners shall cause to be prepared and sign, an assessment, briefly describing the real estate in respect to which such assessment is made, the value thereof, the special benefits occasioned by the improvement, and the assessment made by them thereon, and file the same with the city clerk within forty days after their appointment.

Notice by publication.

§ 7. The clerk shall cause notice to be given by two publications in the corporation newspaper, that said assessment has been completed and filed in his office, and that the city council will meet at some time, not less than ten days after the first publication of such notice, at their usual place of meeting, to hear objections, if any are made, to the confirmation of such assessment.

Meeting of the council to hear objections.

§ 8. The city council, at the meeting named in said notice, shall proceed to consider such report and assessment, and hear all objections thereto which may have been filed, in writing, with the city clerk, or they may adjourn such consideration and hearing, from time to time, as they may deem advisable; and shall have power to revise and correct, amend or confirm such assessment, or set the same aside and direct a new assessment to be made, by the same or other commissioners. When confirmed, the assessment shall be final and conclusive on all parties interested: *Pro-*

vided, that if any assessment shall be set aside by order of any court, or the collection thereof stayed by injunction, or on application to the county court, as hereinafter provided, judgment against any of the real estate assessed shall be denied, by reason of any illegality or informality in making such assessment, or in the confirmation thereof, the city council may cause a new assessment to be made.

§ 9. Upon the confirmation of any assessment, the amount assessed against each lot or tract of real estate shall be a lien thereon, from the date of the confirmation, and the city council shall order the same to be paid within such time as they may prescribe, not less than thirty days thereafter, and a warrant to be issued, directed to the city collector, authorizing him to collect and receive from the owners of the real estate assessed, the sums severally assessed against the same. And the city council shall have power to prescribe, by ordinance or otherwise, the time, form and manner in which such warrant shall be issued and returned. Confirmation.

§ 10. If the warrant for the collection of any such assessment shall have been returned wholly or in part uncollected or unpaid, as to any of the real estate assessed, the city council shall order the city collector to apply, in the name of the city, to the county court of Stephenson county, for judgment against such lot or lots, tract or tracts of real estate, for the amount so returned unpaid and costs, and an order for the sale thereof. A list of the lots or tracts of real estate so remaining delinquent, shall be prepared and published by said collector, together with notice of such intended application, in the manner, as near as may be, required by the provisions of the statute of this state upon applications for judgment and sale of lands for delinquent city taxes. When warrant returned and tax uncollected.

§ 11. Upon the hearing of such application, such warrant and return, or a certified copy thereof, shall be *prima facie* evidence that the sums returned and claimed to be unpaid are severally due from such lots or tracts of real estate, and that all the proceedings, prior to the issue of such warrant, have been regular and legal. Upon obtaining judgment thereon, a precept for the sale of such lots or tracts of land shall be issued by said court to the city collector, who, together with the county clerk, shall proceed to offer and sell the real estate against which judgment shall have been rendered, in the manner, as near as may be, required by the statute for the sale of real estate for delinquent taxes. A record of such sale shall be kept, and certificates of purchase shall be issued to the purchaser, signed by the county clerk and countersigned by the city collector, in the manner required, and with like effect and right of redemption, or deed to purchaser if not redeemed, as in cases of purchase of real estate at tax sale. Sale of real estate for taxes.

Costs to be
allowed for de-
linquent tax
lots.

§ 12. For preparing and publishing such delinquent list and notice, entering judgment, and making and recording sale, costs shall be allowed and taxed against said delinquent lots or tracts, the same as are allowed and taxed by the statute in like cases of judgment and sale of lands or lots for delinquent taxes. The city collector shall report to the council all payments made to him prior to such sale, and a list of the lots or tracts, or parts thereof, sold, the time of sale and name of purchaser of each lot or tract, which list shall be filed or recorded with the city clerk.

Vacancy in
office of com-
missioner.

§ 13. If any vacancy happen in the office of commissioner 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.

In case of ir-
regularity of
proceedings.

§ 14. In case that any assessment made under the provisions of this act, or heretofore made under the provisions of any of the acts to which this is an amendment, shall be or has been, by reason of any irregularity or illegality in any of the proceedings, or for other cause, set aside, stayed by injunction, or if an application to the county court, judgment upon such assessment against any lot or real estate assessed shall be or has heretofore been refused, so that such assessment, or any part thereof, remains uncollected and unpaid, it shall be lawful for the city council to proceed to appoint commissioners, and cause the costs and expenses incurred in making such improvement to be reassessed, in the manner prescribed by the provisions of this act, and by the ordinances passed by said council in pursuance hereof.

Provisions of
act amended.

§ 15. The provisions of an act entitled "An act to amend an act entitled 'an act to incorporate the city of Freeport,' in force February 14, 1855, and the several acts amendatory thereto," approved March 9, 1867, are hereby so amended that in no case shall the commissioners be required to assess upon any lots or tracts of real estate a greater sum than the special benefits over and above the damages, if any, occasioned thereto by such improvement, but shall be ordered and proceed to assess upon each lot or tract of real estate specially benefited, so much of the whole amount to be paid for damages and expenses occasioned by such improvement, as will be proportioned to and not exceed the special benefits, over and above the damages such lots or tracts will receive from such improvements. The remainder of such damages and expenses, if any, shall be paid out of the general funds, or collected, as provided in section two of this act.

Excess of tax
refunded.

§ 16. In case the amount assessed against any lot or tract, by any former assessment for the same improvement, shall have been paid, such payment shall be allowed as a credit, upon the collector's warrant, to such lot or tract upon such new assessment. And in case such payment shall exceed the amount of special benefits thereto, assessed upon

such reassessment, such excess shall be refunded to the party having paid the same.

§ 17. Commissioners appointed under this act may be sworn into office by the city clerk. The city clerk shall have power to administer any oath required to be taken by this act, or by any of the several acts to which this is an amendment, or by the ordinances passed in pursuance thereof. Commissioners appointed under this act shall be allowed such sum as the city council shall determine, not exceeding three dollars per day, each, for actual services, which, together with all other expenses necessarily incurred in making any assessment, made in pursuance of this act, shall be deemed part of the expenses of the improvement, and included therein. The city attorney shall prepare such papers and make such examinations as they may deem requisite. Power of city clerk.
Duty of attorney.

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

APPROVED March 6, 1869.

AN ACT to amend an act entitled "An act to charter the city of Fulton." In force March 9, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to charter the city of Fulton," approved February 14th, 1859, be and the same is hereby amended, so as to read as follows, to wit: Amendment of charter.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. That the inhabitants of the city of Fulton, in the county of Whiteside, state of Illinois, and of all the territory embraced within the boundaries mentioned in the following section, be and are hereby constituted a body politic and corporate, by the name and style of the "City of Fulton," and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure. Style and corporate powers.

§ 2. The city of Fulton shall embrace all the territory within the following limits, to wit: Commencing at the north east corner of section thirty-three (33), township twenty-two (22), range three (3) east of the fourth principal meridian, in Whiteside county; thence west, by the north line of said section, to the center of the channel of the Mississippi river; thence, up the center of the channel of said river, to a point opposite the mouth of the Boundaries.

Cat-tail slough, so called; thence, up the center of said slough, to the east line of section twenty-one (21); thence due east to the east line of the Western Union railroad; thence south westerly, with the east line of said railroad, to where it intersects the east line of section twenty-eight (28), in the township and range aforesaid; thence south, along the east line of said section twenty-eight (28), to the point of beginning.

Corporate powers.

§ 3. The inhabitants of said city, 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 whatever; to purchase, receive and hold property, both real and personal, in said city, and to purchase, receive and hold property both real and personal, beyond the city, for burial grounds, and 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 can.

Division of city into wards.

§ 4. The present acting city council of said city shall, within thirty days from the passage of this act, divide said city into three wards, as nearly equal in population as practicable, particularly describing the boundaries of each; and shall appoint three judges of election in each ward, to act as such, in all cases, until their successors shall be appointed; shall fix the time and place for holding the first election in each ward for mayor and aldermen, and shall give at least ten days' notice, in a newspaper printed within said city, or by posting up written or printed notices in four public places within the boundaries of said corporation, of the time and place of holding such election; and the judges herein provided for shall make full returns of the result of said election to said acting city council, as hereinafter provided.

ARTICLE 11.

OF THE CITY COUNCIL.

City council.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be elected by the qualified voters for two years.

Qualification of aldermen.

§ 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.

Removal from the ward.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall be thereby vacated.

§ 5. At the first meeting of the city council, the aldermen shall be divided into two classes, in the manner prescribed in section seven of article four of this act; 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.

Aldermen divided in classes,

§ 6. The city council shall judge of the qualifications, election and returns of their own members, and shall determine all contested elections under this act.

Qualifications for officers.

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

Quorum to do business.

§ 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. It shall be the duty of said city council to record the returns mentioned in section four of article one in said journal, and said record thereof shall be *prima facie* evidence of the truth of the matter therein stated.

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 to hold other office.

§ 11. All vacancies that may occur in the board of aldermen shall be filled by special or general election, as may be ordered by the city council.

Vacancies, how filled.

§ 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.

Oath of office.

§ 13. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the same to the city council, who shall determine the same by lot.

Tie vote, how decided.

§ 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.

Stated meetings

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

SECTION 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of

Mayor to preside at all meetings.

the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Eligibility of mayor.

§ 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 not be twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

Vacancy in office of mayor.

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

The vote, how determined.

§ 4. When two or more persons shall have an equal number of votes for mayor, the city council shall proceed to determine, by lot, which of said persons shall be mayor.

Contested election of mayor.

§ 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 occur in the office of mayor, it shall be filled by election, the same as provided for vacancies occurring in the board of aldermen.

ARTICLE IV.

OF ELECTIONS.

Election of city officers.

SECTION 1. The first election for mayor and aldermen shall be held, pursuant to notice to be given, as provided in section four of article one, and returns thereof made by said judges of election to the present acting city council, who shall declare the result, and cause an abstract of the returns to be entered upon the city record; and, forever thereafter, on the first Monday in April, 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: *Provided*, that ten days' previous notice shall be given of such election, by order of the city council, as directed in section four of article one, for the first election.

Qualifications of 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 the city thirty days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall [cast] their votes in the ward in which they shall respectively reside, and in no other.

Challenged voter to take oath.

§ 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 a voter.

Duties of judges of election.

§ 4. The judges of election shall make returns of the election to the city council, within forty-eight hours after the canvass of the votes shall be completed.

§ 5. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping the poll list, canvassing the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or hereafter may be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections, and fix the places of holding the same in each ward, and to appoint the judges thereof. The voting shall be by ballot; and the judges and clerks of election shall take the same oath and shall possess the same power and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted, in the manner required by law, and the returns shall be returned to the city clerk within two days after the election; and thereupon the city council shall inspect and canvass the same and declare the result of the election. The person having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of either their election or appointment; and unless such persons shall, respectively, qualify within ten days thereafter, the office shall become vacant.

Manner of
conducting elec-
tions.

§ 6. No person entitled to vote at any election held under this act shall be arrested on civil process, within said city, upon the day on which said election is held; and all persons illegally voting at any election, under this act, shall be punishable under the laws of this state.

No arrests on
election day.

§ 7. Whenever there shall be more than one vacancy in the office of alderman of any ward, to be filled at any general or special election in such ward, the candidate receiving the highest number of votes for such office shall be declared elected for the longest term, and the candidate having the next highest number of votes, for the shortest term; and in case of a tie between the two highest, the terms of service to which the successful candidates shall be respectively entitled shall be determined by the casting of lots in the presence of the council. If, from any cause, there shall not be a quorum of aldermen in office, the clerk shall appoint the time and place of holding a special election to supply all vacancies in the board, and to appoint judges thereof, if necessary.

When more
than one vacan-
cy occurs in a
ward.

§ 8. No person shall be eligible to any office, either by election or appointment, under this act, who is a defaulter to said city; and if any person holding any office or place shall become a defaulter while in office, the office shall thereupon become vacant.

No defaulter
to hold office.

§ 9. No election shall be held in any grocery, grogshop, or other place where intoxicating liquors are sold, or kept for sale, by retail.

§ 10. When the returns of any election for mayor shall have been canvassed by the city council, the city clerk shall

Abstract of
vote for mayor.

forthwith forward an abstract, showing the number of votes received by each person for mayor, to the governor of this state, and certify the same under the seal of the city.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

Levy and collection of taxes.

SECTION 1. The city council shall have power and authority to levy and collect a tax, not exceeding one-half of one per cent., annually, for all revenue purposes. All taxes for revenue shall be levied upon and according to the assessed value of the property, real and personal, included in said corporation, as assessed by the township assessor of the town of Fulton, for each year, respectively.

Rate of taxation.

§ 2. The said city council shall have power, and it shall be their duty, before the first day of September of each year, to determine, by ordinance, the rate per cent. upon the assessed value of the property assessed by said town assessor, within the limits of said corporation, for which a tax shall be levied for the current year. A copy of said ordinance, together with an alphabetical list of the resident tax payers of the city, shall be filed with the county clerk of the county of Whiteside, whose duty it shall be to extend such tax upon the books of the collector for the town of Fulton, in a separate column, to be provided for that purpose, in the same manner that he is now required to carry out and extend the district school tax against the name of each tax-payer, whether resident or non-resident, and against each lot or tract of land in said city; and said city tax shall be collected, in every respect, and the collection thereof be 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. Every court in Whiteside county shall have the same power to render judgment against lots and lands within said city, for taxes due said city for city purposes, as for the time being it may have to render judgment for county and state taxes; and such judgment shall have the like force and effect as if rendered for delinquent county or state taxes. For his services in carrying out, adding and extending said tax in the books of the collector, said county clerk shall receive one-half cent for each lot or tract, and one-half cent on each person's name assessed for personal property—to be paid out of said city tax, when 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 taxes by him collected—the fees of the collector to be paid out of the taxes, when collected.

Courts to have power to render judgment against lots and lands.

Fees of county clerk.

§ 3. The city council shall have power to appoint a clerk, treasurer, marshal, surveyor, commissioner of streets, 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.

Power to appoint officers.

§ 4. The city council shall have power to require of all officers elected or appointed in pursuance of this charter, bonds, with [such] penalty and security for the faithful performance of their respective duties as may be deemed expedient; and also to require all officers elected or 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 rate of interest than ten per cent. per annum, and that no sum or sums of money, exceeding in the aggregate one thousand dollars, 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.

Officers to give bonds and security.

§ 5. The city council shall have exclusive power, within the city, by ordinance, to license, restrain, prohibit or suppress the sale of liquors, wines, ales and lager beer, or any intoxicating liquors, of whatsoever description.

Sale of liquors.

§ 6. To appropriate money, and provide for the payment of the debts and expenses of the city.

Debts and expenses of the city.

§ 7. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same within three miles of the city.

Contagious diseases.

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

To establish hospitals.

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

General health.

§ 10. To provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

Wells, hydrants and cisterns.

§ 11. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and repair streets, avenues, lanes and alleys, and other public highways.

Power to improve streets.

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

Erect bridges.

§ 13. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

Divide city into wards.

- Lighting streets § 14. To provide for lighting the streets and erecting lamp-posts.
- Night watches. § 15. To establish, support and regulate night watches.
- Markets and market houses. § 16. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.
- Needful buildings. § 17. To provide all needful buildings for the use of the city.
- Improving public grounds. § 18. To provide for the inclosing, improving and regulating all public grounds belonging to the city.
- Wharves and docks. § 19. To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves, and the rates of wharfage thereat.
- Auctioneers and peddlers. § 20. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.
- Carriages, carts and drays. § 21. 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 and portorage. § 22. To license and regulate porters, and fix the rates of portorage.
- Shows and exhibitions. § 23. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- Gambling and bawdy houses. § 24. To restrain, prohibit and suppress gambling houses and bawdy houses, and other disorderly houses.
- Chimneys, etc. § 25. To regulate the fixing of chimneys and the flues thereof.
- Gunpowder, pitch and tar. § 26. To regulate the storage of gunpowder, tar, pitch, rosin, benzine, kerosene, and other combustible materials.
- Parapet walls and fences. § 27. To regulate and order parapet walls and partition fences.
- Standard weights and measures. § 28. 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.
- Inspection of lumber. § 29. To provide for the inspection and measuring of lumber and building materials, and for the measuring of all kinds of mechanical work.
- Inspection of hay and stone coal. § 30. 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.
- Beef, pork and flour. § 31. 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.
- Price of bread. § 32. To regulate the weight, quality and price of bread to be used and sold within the city.
- Size of bricks. § 33. To regulate the size of brick to be sold or used in the city.
- Enumeration of inhabitants. § 34. To provide for the taking of 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. Election of officers.

§ 36. To fix the compensation, by fees, commissions or otherwise, of all city officers, and regulate the fees of witnesses and others, for services rendered under this act or any ordinance. Compensation and fees of officers.

§ 37. To organize, establish and 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. Regulate the police of the city

§ 38. The city council shall have exclusive power, within the city, by ordinance, to license, restrain or prohibit and suppress billiard tables, bowling alleys, and all devices for gambling. Billiard tables and bowling alleys.

§ 39. To regulate the running at large [of] horses, cattle, hogs, geese, and other animals and fowls, and to regulate the speed at which horses or other animals may be driven or rode within the city. Running at large of horses and cattle.

§ 40. To require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair suitable crossings at the intersections of streets, and alleys, and sewers, and ditches, and culverts, when the city council shall deem necessary; to prohibit said railroad companies from leaving cars standing across streets; to direct and prohibit the use and regulate the speed of locomotive engines, within the inhabited portions of the city. Regulate the speed of railroads.

§ 41. To remove all obstructions from sidewalks, and to provide for the construction and repair of all sidewalks and curb-stones, and for the cleaning of the same and of gutters. Remove obstructions from sidewalks.

§ 42. To prevent the incumbering of the street, lanes, squares and alleys of said city, by the standing of teams, drays and other vehicles, or the erection or removal of buildings, or the piling of lumber or other materials therein; to protect shade trees; to compel persons to fasten horses, mules or other animals, attached to vehicles, while standing upon any street, alley or uninclosed lot in said city; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining of the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties on the owner or owners of any such animal for the violation of any ordinance in relation thereto. Incumbering of streets, lanes and alleys.

§ 43. To erect and establish a bridewell, or house of correction, pass all necessary ordinances for the regulation thereof, and appoint keepers and assistants. In the said bridewell shall be confined all vagrants, stragglers, idle and disorderly persons; and all persons sentenced by any court or magistrate in and for said city for any assault and bat- Bridewell and house of correction.

tery, petit larceny or other misdemeanor punishable by imprisonment in any county jail, shall be kept therein, subject to labor; and, also, persons detained for examination for criminal offenses.

To remove
houses of ill
fame.

§ 44. The city council shall have power, by ordinance, to suppress, abate and restrain houses of ill-fame or bawdy houses, within the corporate bounds of said city, and to impose fines and penalties upon any person or persons keeping, remaining at, or found in the same.

To regulate
ferries.

§ 45. The city council shall have the exclusive power, within the city, to regulate the running of all ferries running to or from the said city, and shall receive into the treasury of said city the money received annually for license, as fixed by the board of supervisors of Whiteside county: *Provided*, said regulations shall not be inconsistent with the provisions of the charters of said ferry companies.

Power to pass
laws for govern-
ment of the city

§ 46. 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 nor of this State.

Style of ordi-
nances.

§ 47. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the City of Fulton.*"

Publication of
ordinances.

§ 48. All ordinances passed by the city council shall be published within twenty days after they shall have been passed, in some newspaper published in said city, or by posting the same in five public places, and shall not be in force, except as aforesaid, until they shall have been published or posted as aforesaid.

Evidence of
validity of ordi-
nances.

§ 49. 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 the courts and places, without further proof.

Violations
deemed a mis-
demeanor.

§ 50. The violation of any ordinance, under this act, shall be deemed a misdemeanor, and for violation thereof, on the application of the mayor or any other officer of said city to any justice of the peace or police justice of the peace, residing in said city, such justice of the peace or police justice shall forthwith issue a warrant, in the name of the people of the state of Illinois, against such person or persons, for such violation of any ordinance, directed to any constable of Whiteside county, or to the marshal of said city, commanding such officer to forthwith bring such person or persons before such justice of the peace or police justice, who shall hear said complaint and impose such fine or fines upon the person or persons complained of as shall have been provided by ordinance, and shall forthwith issue an execution therefor against the goods and chattels of said person or persons; and the person or persons against whom

said fine or fines shall be adjudged by such justice shall be committed to confinement in the city bridewell, until such fine or fines and costs are paid; and this provision shall be a part of the judgment of said justice.

ARTICLE VI.

OF THE EXECUTIVE POWER.

SECTION 1. The mayor shall preside at all meetings of the city council, and, in case of a tie and in no other, shall have a casting vote. In case of the 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, but who shall not thereby lose his right to vote upon any question. Presiding officer

§ 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 any 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 health, security, comfort and ornament of the city. Active and vigilant in enforcing laws.

§ 4. He is hereby authorized to call on every male inhabitant of the 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 every person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars. Inhabitants to aid in enforcing laws.

§ 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. Exhibit of 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. General powers.

§ 7. He shall be commissioned by the governor as mayor of the city, and, as such, shall be a conservator of the peace in said city, and shall have power and authority to administer oaths, to perform the marriage ceremony, to take depositions, the acknowledgment of deeds, mortgages on realty, and all other instruments of writing, and certify the same, under the seal of the city; which shall be good and valid in law; and he shall receive the same fees for such services as are allowed to the county clerk for similar services. Governor to commission the mayor.

§ 8. Every ordinance or resolution, which shall have been passed by the city council, shall, before they become Approval of ordinances by mayor.

a law, be presented to the mayor for his approval. If he approve, he shall sign the same ; if not, he shall return it, with his objections, to the board ; which objections shall be entered upon the journal, at large, and such ordinance or resolution be reconsidered. If, after such reconsideration, a majority of all the members elected to the board shall agree to pass the same, it shall become a law. In all such cases, the vote shall be taken by yeas and nays and entered on the journal of the board.

When mayor neglects to approve.

§ 9. If any ordinance shall not be returned by the mayor to the city clerk within five days, Sundays excepted, after it shall have been presented to him for his approval, the same shall become a law, in the same manner as if he had approved and signed the same.

When mayor guilty of malconduct.

§ 10. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Whiteside 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.

ARTICLE VII.

OF ASSESSMENTS FOR PUBLIC IMPROVEMENTS.

Improvement of streets.

SECTION 1. The city council shall have power, from time to time, to cause any street, lane, alley or highway, in said city of Fulton, to be filled, graded, leveled, paved, walled, curbed, graveled, planked, macadamized, sidewalked, and keep the same in repair, and to cause any lot in said city to be filled up ; main drains, private drains and aqueducts, to be constructed, laid and relaid, cleansed, and regulate the same ; and to grade, improve, protect and ornament any public grounds, now or hereafter, laid out in said city.

Costs and expenses to be assessed.

§ 2. The costs and expenses of making any improvements mentioned in the foregoing section, shall be assessed upon the real estate and personal property in said city, according to, and be paid for, by equal and uniform taxation, less the special benefits each lot, sub-lot, piece or parcel of land, on either side of the street or part of street, alley, lane or highway, fronting or abutting on the contemplated improvement, will derive by such improvement.

Grading, paving and macadamizing.

§ 3. Whenever any improvement is ordered to be made by the city council of said city, for the filling, grading, paving, walling, curbing, graveling, macadamizing, planking, sidewalking, or any other improvement mentioned and enumerated in section one of this article, said city council shall cause a correct estimate of the costs of any such im-

provement to be made, by some person or persons skilled in such improvements, to be selected by said city council, and entered at large on the journal of said corporation, therein specifying the place where said improvements are to be made, the kind and cost of the same, and number of the lots and parts of lots and blocks or pieces of land abutting thereon, and shall publish the same, for two successive weeks, in a newspaper published in Whiteside county, to be designated by said city council on the journal of its proceedings.

§ 4. The special benefits which each lot, sub-lot, piece or parcel of land, fronting or abutting on either side of the streets or parts of streets, alley, lane or highway, in said city, will derive, by reason of any such improvement, shall be ascertained and assessed, as follows, to-wit: The city council shall, from time to time, as occasion may require, by ballot, elect three respectable freeholders of said city commissioners to make such assessments. Said commissioners, before they proceed to make such assessment or assessments, shall be sworn faithfully and impartially to execute their duties in making said assessment to the best of their ability; and, in making such assessment, said commissioners shall assess, in dollars and cents, to and on each lot, sub-lot, piece or parcel of land, on either side of the street or part of street to be improved, fronting or abutting on the contemplated improvement, the special benefits each lot, sub-lot or tract will derive from such improvements. Said commissioners, before entering upon their duties in making such assessments, 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 in such improvements and in lots and land abutting or fronting thereon; in which notice they shall describe the lots, sub-lots, pieces or parcels of land abutting or fronting on the contemplated improvement, and may adjourn from day to day. The lots, sub-lots, pieces or parcels of land upon which said commissioners shall assess special benefits which each lot, sub-lot, parcel or tract of land abutting or fronting on such improvement will derive by such improvement, shall be described in an assessment roll, to be made by said commissioners, with the actual amount by said commissioners assessed on each lot, sub-lot, parcel or tract of land, as aforesaid, in dollars and cents, set opposite thereof, and also the value of such lot, sub-lot or tract of land; and when said commissioners shall complete said special assessment, they shall each sign said assessment roll, and deliver it to the city clerk within forty days from their appointment. Upon the filing of said assessment roll with said city clerk, the city council shall, by order, to be entered on the journal of their proceedings, fix the time for hearing objections to said assessment. The city clerk shall thereupon cause a notice to

Commissioner
to make assess-
ments.

Objections.

Appeals taken.

be published in a newspaper printed in said city, six days previous to the time so fixed, to all persons interested in said assessment, of the completion thereof and the filing of said assessment roll; and at the time fixed for hearing objections to said assessment, said city council shall confirm said assessment of said commissioners or reject the same; and any person who shall feel aggrieved by such assessment and the confirmation thereof, such person may appeal therefrom to the circuit court of Whiteside county, Illinois, in the same time and manner as appeals are taken in cases from justices of the peace to said court, which shall be tried in a summary manner, without pleading; and if said assessment shall not be decreased, such appealing party shall pay all costs occasioned by such appeal; and if such special benefit, assessed and confirmed, as aforesaid, shall not be paid within thirty days after the confirmation thereof, then said city council shall apply to the circuit court of Whiteside county, Illinois, for a judgment against said lot, sub-lot, piece, parcel or tract of land in said city, upon which such assessment of special benefits have been assessed, for the amount of such special assessment and costs, and for an order to sell the same therefor.

Application for judgment.

§ 5. The application for a judgment, as specified in the last above section, shall be by petition, and shall contain a copy of the assessment roll, as made by the said commissioners appointed to make said assessment. Such petition shall be filed with the clerk of said court at least ten days before the term of court to which such application is made; shall be docketed on the common law side of the court; and said court shall have full power and authority to render judgment against any such premises, as above specified, for the amount of such special assessments and costs of such proceedings.

Judgment not given until notice published.

§ 6. It shall not be lawful for said court to render said judgment or judgments against said premises, unless said city council shall first have given twenty days' notice to all persons interested therein, by published notice, made in some newspaper published in Whiteside county, Illinois, of its intended application for such judgment and order of sale; which notice shall contain a copy of the assessment roll of said commissioners.

Sale of premises.

§ 7. The sale of any such premises for special assessments against which judgment is rendered, as provided for in this article, shall be made by the marshal of said city, at the front door of the court house of Whiteside county, between ten o'clock A. M. and six o'clock P. M., of the day of sale. The city marshal shall give notice of the time, place and terms of such sale, by public notice thereof in some newspaper published in said county for three successive weeks before such sale. Only so much of said premises shall be sold as shall be sufficient to pay such judgment

and costs; which shall be taken off the east side of said premises; and upon such sale by said city marshal and the payment of the purchase money, said city marshal shall give to the purchaser of said premises a certificate of his or her purchase. Said premises may be redeemed from such sale, upon payment of double the amount of such purchase money, with costs, within one year after the date of such sale. Said money shall be paid to the clerk of said court, for the use of the holder of the certificate of such purchase, and, in default of redemption, shall be entitled to a deed therefor; which shall be made by the mayor, under the seal of the corporation. *It is further provided*, that if an appeal is pending in said court from the assessment of damages or against any portion of the premises for which a petition is filed, praying for judgment and order of sale, then that portion of the application for judgment shall be continued until said appeal is determined; and, upon final decision of any such appealed case, said court shall proceed to final judgment and order of sale against said premises contained in said appeal, in the manner aforesaid.

§ 8. *It is further provided*, that the residue of the costs of making and constructing any of the improvements provided for in this article, over and above the special benefits which each lot, sub-lot, piece or parcel of land will derive by such improvement abutting thereon, shall be paid, according to uniform taxation, upon all real and personal property in said city. The residue of the costs of said improvements shall be filed by the city council with the clerk of the county court of Whiteside county, Illinois, on or before the first Monday of September, of each year, after any such assessment is made; and the clerk of the county court shall extend such assessment against all of said property in said city, according to the valuation thereof, on the books of the collector for the town of Fulton, in a separate column, to be provided for that purpose; and said assessment, so extended, shall be collected in every respect and enforced in like manner and with like remedies as the state and county taxes are collected, and shall be paid over to the treasurer of said city at the same time that the county revenue is required to be paid over to said county. Every court in Whiteside county, Illinois, shall have the same power to render judgment against said lots, sub-lots, pieces or parcels of land lying and being in said city, upon which said assessment is made by said city council for said improvement, for the time being, that it may have to render judgments against such premises for county and state taxes; and such judgment shall have like privileges and effect as if it was rendered for delinquent county and state taxes. The clerk of said county court shall have the same fees as provided for such services in section two of article five of this act.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Exempt from
road labor out-
side city.

SECTION 1. The inhabitants of the city of Fulton 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: *Provided, however*, that the city council may cause a portion of the labor upon roads by said inhabitants to be expended upon roads leading from said city and without the corporation limits, but within township twenty-two (22) north, of range three (3) east of the fourth principal meridian, not exceeding one-half of such labor, and may, also, cause a portion of the road tax, not exceeding one-half, to be so expended during any year.

Street labor.

§ 2. The city council shall have power to require every male inhabitant in said city, over twenty-one years of age, to labor on the streets, lanes, avenues, alleys, and other highways, to keep the same in repair, not exceeding three days in each year; and every person failing to perform such labor, when duly notified by the commissioner of streets, shall forfeit and pay the sum of one dollar per day for each of said days.

Vagrants.

§ 3. The city council shall have power to restrain and punish, by fine or imprisonment, any vagrant, mendicant, or any person able to work and not having wherewith to maintain themselves, who shall be found loitering about public places where liquors are sold, or leading an idle, immoral or profligate course of life, or any person who shall frequent gambling houses or rooms or other disreputable or suspicious places in said city.

Receipts and
expenditures.

§ 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.

Suits in corporate name.

§ 5. 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 Fulton.

Officers commissioned by
city.

§ 6. All officers elected or appointed under this act, except mayor and aldermen, shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and by the city clerk.

Power to arrest.

§ 7. The mayor, aldermen, city marshal, policemen, and such other officers as may be authorized by any ordinance, shall have power to arrest, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of the city relating to the peace and quiet of said city, commit for examination, and, if found necessary, to detain such person in custody over night or the Sabbath or until he or she can be

brought before a magistrate; and in such case the magistrate before whom such person is brought shall have power to try the person so offending without process and render judgment as in other cases.

§ 8. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of the city of Fulton, in any action or proceeding in which said city is a party in interest. Incompetent judges and witnesses.

§ 9. 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 Whiteside county, except as hereinbefore excepted; and every such appeal shall be granted in the same manner and with like effect as appeals are taken and granted by justices of the peace to the circuit court, under the laws of this state. Appeals.

§ 10. 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. Validity of act.

§ 11. The city marshal, or any other officer authorized to execute writs or any other process issued under the provisions of this act, shall have power to execute the same anywhere within the limits of Whiteside county; and shall be allowed the same fees for traveling as are allowed to constables in similar cases. City marshal.

§ 12. The mayor and aldermen shall be entitled to such compensation for their services 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. Compensation.

§ 13. The city council may, at any time hereafter, provide for the future election by the inhabitants of said city of such city officers as they may deem advisable to have so elected. Elections.

§ 14. All fines and penalties recoverable by indictment or action for any offenses committed within the limits of the city, and 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. Fines, paid to city treasury.

§ 15. All real estate and personal property within the limits of said city of Fulton, Whiteside 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. Property subject to taxation.

§ 16. The organization of the city of Fulton, under and by virtue of the act entitled "An act to charter the city of Fulton," approved Feb. 14, 1859, and all the official acts of the city council or mayor of said city, or either of them, since said incorporation, and not inconsistent with the powers conferred in said act, be and the same are hereby legalized and confirmed, and continued in force, unless incon- Former acts confirmed.

sistent with the provisions of this act, or until repealed by the city council of said city.

Construction
of act.

§ 17. No provision of this act shall be so construed as to repeal the act entitled "An act authorizing the city of Fulton to levy a tax to pay certain indebtedness," in force Feb. 16, 1865.

Acts repealed.

§ 18. All parts of the act entitled "An act to charter the city of Fulton," approved and in force Feb. 14, 1859, so far as the same conflicts with this act, be and the same are hereby repealed.

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

APPROVED March 9, 1869.

In force March 10, 1869. AN ACT to amend an act entitled "An act incorporating the city of Galesburg, in Knox county," approved Feb. 14, 1857.

Appeals when
city is a party.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all appeals from the police magistrate or justices of the peace of the city of Galesburg, in the county of Knox, and state of Illinois, in cases where the city is a party thereto, shall be had in the manner now provided by law for appeals from justices of the peace: *Provided,* that either party may, at the time of the trial of such cause, take the testimony of any witness or witnesses in writing and obtain thereto the certificate of the police magistrate or justice of the peace before whom such trial was had, that the same is a full, complete and fair statement of the testimony of such witness or witnesses; that then the testimony of such witness or witnesses, so taken and certified to, shall be received and read in evidence on the trial of such cause, in the circuit court.

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

APPROVED March 10, 1869.

In force March 10, 1869.

AN ACT to amend the charter of the city of Galesburg.

General elec-
tion.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual general election provided for in said charter, be hereafter held on the first Tuesday in April.

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

APPROVED March 10, 1869.

AN ACT to amend the charter of the city of Henry, and define the powers of its council. In force when adopted by legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The city council shall have on power to make, contract or render the city liable for any debt or debts, the aggregate of which shall at any time exceed one thousand dollars; and they are hereby expressly prohibited from so doing or permitting the same to be done, directly or indirectly, by the officers or agents of said city, until authorized by the legal voters thereof, at a general or special election, of which at least ten days' notice shall have been given by the clerk, posted up in three public places in the city, stating the propositions to be voted upon, and the purposes for which such debt or debts is to be contracted or created; and in no case shall the city be held or bound to pay interest at a greater rate than ten per cent. per annum; and all contracts, agreements and orders, not in accordance with the provisions of this act, shall be null and void. Authority to be derived from the people.

§ 2. The mayor shall be elected for the term of and hold his office for two years and until his successor shall be duly elected and qualified. Term of office of mayor.

§ 3. The city council shall have power to annually levy and collect taxes, for ordinary city purposes, upon all the property within the limits of the city, both real and personal, not exceeding one per cent. upon the assessed value thereof. Power to levy and collect taxes.

§ 4. The city council shall have power to grade, build, construct and lay down sidewalks, upon the streets of said city, or may cause the same to be done. And said council is hereby authorized to assess, or cause to be assessed, the benefits of such improvements on sidewalks, or any part thereof, upon the adjoining real estate, which shall in no case equal or exceed the cost thereof; and are further authorized to provide for and enforce the collection of such assessments, levies or special taxes, by ordinance, in any way or manner not in conflict with the constitution or laws of the United States or of this state. Street improvements.

§ 5. This act shall be submitted to the people of said city, for their approval or rejection, at the next annual election for city officers; and if a majority of the legal voters of said city, voting at said election, vote for amendment to city charter, then this act shall be in force, otherwise the same shall be null and void. Act submitted to the people.

APPROVED March 31, 1869.

In force June 19, 1869. AN ACT to amend the charter of Hillsboro, in the county of Montgomery.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Hillsboro, in the county of Montgomery and state of Illinois, be and they are hereby constituted a body corporate and politic, by the name and style of "The City of Hillsboro," 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 corporation shall be as follows, to-wit: Beginning at the center of section one (1), township eight (8) north, range four (4) west of the third principal meridian; thence north one-fourth of a mile, thence west to Shoal creek, thence southwesterly, with the meanderings of said creek, until it strikes a line running north and south through the center of section two (2); thence south to the south line of section eleven (11), thence east three-fourths of one mile, thence north one-half mile, thence east one-fourth of one mile, thence north to the place of beginning.

§ 3. Whenever any tract of land adjoining the city of Hillsboro shall be laid out in town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the city of Hillsboro.

§ 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 whatsoever; to purchase, receive and hold property, real or personal, in said city; to purchase, receive and hold property, both real and personal, beyond the boundaries of the city, for burial grounds and for other public purposes, for the use of the inhabitants and of said city; to sell, lease and convey or dispose of property, real and personal, for the benefit and to improve and protect said property, and to do all other things in relation thereto as natural persons.

§ 5. All that part of said city lying west of the railroad, north of a line drawn east, and west through the center of Seward street and ——— street, shall constitute the first ward; all that part of said city lying west of the railroad and south of the south boundary of the first ward, and north of a line drawn east and west through the center of the alley between Holmes' addition and Glenn's mill, shall constitute the second ward; all that part of said city lying south and west of the railroad, and south of the south boundary of the second ward, shall constitute the third ward; and all that part of said city lying east of the railroad shall constitute the fourth ward.

ARTICLE II.

SECTION 1. The officers of the city of Hillsboro shall consist of one mayor, and two aldermen from each ward, a police magistrate, a clerk, a marshal and collector, assessor and treasurer, a street commissioner, a city attorney, and such other officers as the city council may deem necessary.

Mayor and aldermen.

§ 2. The mayor, aldermen, clerk, assessor and treasurer, marshal and collector, street commissioner and city attorney, shall be elected by the people at their regular annual election; the police magistrate shall be elected at the first annual election and every four years thereafter, and all other officers shall be appointed by the city council, in such manner and for such times as they may provide by ordinance.

Elections.

§ 3. The mayor, clerk, assessor and treasurer, marshal and collector, street commissioner and city attorney, shall hold their offices for one year and until their successors are elected and qualified. The aldermen shall hold their offices for the term of two years: *Provided*, that at the first general election the aldermen elected shall be divided into two classes, by lot; the seats of those of the first class shall be vacated at the end of the first year, and the seats of the second class shall be vacated at the end of the second year, so that one-half of the board shall be elected annually. The police magistrate shall hold his office for four years.

Term of office.

Proviso.

§ 4. If any of the officers elective, provided for herein, shall remove from the city during the term for which they have been elected, the office of the person so removing shall become vacant; and if any alderman shall remove from the ward in which he may have been elected, during the term for which he was elected, his office shall become vacant.

Removal from city office becomes vacant.

§ 5. No person shall be eligible to any of the offices elective by the people, unless he shall, at the same time, be a legal voter in said city, and shall have resided therein at least one year previous to the time of his election, and shall be a tax payer therein; and no one shall be eligible for mayor or alderman who is not a freeholder in said city.

Eligibility to any office.

§ 6. The city council shall judge of the qualifications of its own officers, and also of the election returns, and shall determine all contested elections.

Qualifications for office.

§ 7. A majority of the city council shall form a quorum to do business, but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as they may prescribe by ordinance or by-law.

Quorum to do business.

§ 8. The city council shall have the power to prescribe the rule of its proceedings, punish its members for disorderly conduct or any violations of its rules, and, with the concurrence of two-thirds of the members elected, to expel a member.

Rule of proceedings.

Journal 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.

Aldermen not to hold other offices.

§ 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.

Oath of office.

§ 11. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath to support the constitution of the United States and of the state of Illinois, together with the additional oath prescribed by the constitution of this state, for officers; and, also, that they will well and truly perform the duties of their respective offices, according to law and the best of their skill and ability.

Vote when tie.

§ 12. Whenever there shall be a tie in the election of mayor, alderman or police magistrate, or other elective officers, the judges of election shall certify the same to the mayor, who shall determine the same, by lot, in such way as shall be provided by ordinance.

Rules and by-laws.

§ 13. The city council shall have full power to make all needful ordinances and by-laws to govern themselves, and define the duties of the officers to be appointed by them, and to carry into effect all the powers herein granted.

Contested election.

§ 14. Whenever the office of mayor shall be contested the city council shall determine the same, in such manner as shall be prescribed by ordinance or by-law.

Exempt from jury duty.

§ 15. The mayor and aldermen shall be exempt from jury duty, and road and street labor, during their term of office, and shall receive no other pay or emoluments for their services.

Officers' salaries.

§ 16. The common council shall, by ordinance, provide for the fees and salaries of the clerk, assessor and treasurer, marshal and collector, and street commissioner, and, by ordinance, define the duties of the officers of the city above named.

City attorney.

§ 17. The city attorney shall, subject to the direction of the common council, conduct all the law business of the city, and, when requested, shall furnish written opinions upon all subjects submitted to him by the mayor or common council. He shall also draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city. The police magistrate and justices of the peace, and courts of record, shall have power to tax and collect a fee of five dollars, as a part of the costs, in all cases where judgment is rendered in favor of said city for a violation of any ordinance or ordinances of said city; which shall be a full compensation, to said attorney, for services rendered said city in the prosecution of all suits; and the common council may, by ordinance, allow

such fees, for other services rendered by said attorney, as they may deem proper—or, in lieu of such fees last mentioned, may allow a salary not exceeding fifty dollars per annum.

ARTICLE III.

SECTION 1. All free white male inhabitants, over the age of twenty-one years, who shall have resided in the city thirty days previous to any election, and who shall have the qualifications of voters at general elections in the state, for state and county officers, shall be entitled to vote at such election: *Provided*, that said voters shall be entitled to vote, only, in the ward or election district where they actually reside, and in no other, and that no vote shall be received at any such election unless the person offering such vote shall have been an actual resident of such ward where the same is offered at least five days next preceding such election. Qualifications of voters.

§ 2. The first election for officers of said city shall be held on the first Monday of April, A. D. 1869, at such places as may be designated by the president and trustees of the town of Hillsboro, and on the first Monday of March annually thereafter. Election of officers.

§ 3. It shall be the duty of the president and trustees of the town of Hillsboro to order the first election of said city, above provided for, and shall cause notices of such election to be posted in three public places, at least ten days previous to the day of such election. Trustees to order election.

§ 4. The board of aldermen elected at such election shall be successors to the president and trustees of the town of Hillsboro, and shall receive from the said president and trustees all the books, papers, moneys, and other property, of every kind and description whatever, belonging to said town, and receipt for the same. Successors to trustees.

ARTICLE IV.

SECTION 1. The common council shall have power, within the city, by ordinance— Power to levy and collect a tax

First.—To levy and collect, annually, taxes not exceeding six (6) mills to the dollar on the assessed value of all personal and real estate and other property within the city, to defray the general and contingent expenses of the city, not herein provided for, which taxes shall constitute the general fund.

Second.—To levy and collect taxes, not exceeding one and one-half mills to the dollar, per annum, on all property subject to taxation, within the limits of the city, to meet the interest accruing on the debt of the city; and the common council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provi-

sion for levying a tax sufficient to meet the payment of the interest accruing thereon, when payable.

Street labor

§ 2. To require and it is hereby made the duty of every able bodied male resident of the city, over the age of twenty one years and under the age of fifty years, to labor three days in each year upon the streets and alleys; but every person may, at his option, pay at the rate of one dollar and fifty cents per day for each and every day he shall be so bound to labor: *Provided*, that the same shall be paid on or before the first day of the three days upon which he may be notified to labor by the street commissioner. In default of payment as aforesaid the sum of five dollars may be collected, and no offset shall be allowed in any suit brought to recover the same. Street taxes shall be expended in the several wards where the persons paying the same shall severally reside.

General powers

§ 3. That the common council may, by ordinance, provide for the assessment and collection of the taxes the assessment of which is provided for in this act, and for the sale of property subject to taxation; and the taxes on personal property may be collected in the same manner as provided for the collection of taxes for state and county purposes, and the city collector shall have the same power and authority as the sheriff now has under the revenue laws of the state; and the said city shall have a lien on the personal property so assessed for taxation from the time the collector's books are placed in the hands of said collector; and said common council shall have power to provide, by ordinance, for the sale of real estate under judgment of the county court; and it is hereby made the duty of said court to enter a judgment against such lands and town lots in the same way and manner as provided under the revenue laws of the state; and all notices and proceedings in relation to such tax sales, and the redemption thereof, shall conform, as near as may be, to the revenue laws of the state. And the said common council, if they think proper so to do, [may] by order entered on their journals, adopt from year to year the annual assessment made of the property within the limits of said corporation by the county assessor, and cause the same to be collected by the county collector, in the same mode and manner as state and county taxes are collected.

State tax extended to city.

§ 4. If the common council of said city shall determine to adopt the assessment made by authority of the state and county, they shall give to the clerk of the county court, or other officer whose duty it is to extend the tax, by existing laws, notice of their intention so to do; which notice shall be a copy of their record, setting forth the rate of taxation, and also a list of the names of all persons within said corporation subject to taxation; and upon receipt of such notice by the clerk, or other officer, the said tax shall be ex-

tended and collected, and its collection enforced in the same manner as other revenue; and in case of sale of property by the collector for non-payment of taxes, the same shall be subject to redemption as provided by law where land is sold for state and county taxes; and if not redeemed from such sale, a deed or deeds will be made to the purchaser, by the collector, for the same, as land sold for state and county taxes—anything in the act incorporating to the contrary notwithstanding. The clerk and collector shall be allowed the same compensation, for services under this act, as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance, as provided by the act incorporating said city.

ARTICLE V.

SECTION 1. That the said city of Hillsboro shall have power to take and hold property, real and personal, for the purpose of establishing and keeping in repair buildings, grounds, library, philosophical or other apparatus to be used for school purposes, not exceeding in value fifty thousand dollars, where both males and females may be taught an English and classical education; and the board of trustees of Hillsboro academy, incorporated by an act approved June 21, A. D. 1852, entitled "An act to amend the charter of Hillsboro Academy," are hereby authorized to convey to said city of Hillsboro the building, lands, lots, and other property belonging to said board of trustees of Hillsboro Academy, so as to convey the said property and all the right of the stockholders therein and thereto to said city of Hillsboro, and said city of Hillsboro is hereby authorized to accept the same; and said city council shall and it is hereby made their duty to annually levy and collect a tax on all property, real, personal and mixed, subject to taxation under the laws of this state, within the limits of said city of Hillsboro, not to exceed one mill on the dollar, which shall constitute a fund for the erection and repair of the buildings and grounds of said academy, and for the purchase of a library, chemical, philosophical and other apparatus, and to furnish said institution, and to pay the interest and the debts contracted for the same; and said city council may borrow money and issue bonds therefor, the same as other bonds may be issued by said city: *Provided*, ^{Power to repair and build buildings.} however, that said city shall at no time borrow money or issue bonds for an amount, to be outstanding at any time, exceeding five times the amount of revenue arising by virtue of and under this section, and no bonds shall be issued bearing a greater interest than ten per cent., and such

bonds shall be issued as the "City of Hillsboro Academy Bonds."

Election of trustees.

§ 2. There shall be elected by the qualified voters of the city of Hillsboro, at their first election for city officers, three trustees, who shall be divided into three classes—the first to hold his office for one year, the second for two years, and the third for three years—the said classes to be determined by lot; and at each annual election thereafter there shall be elected one trustee, who shall hold his office for three years and until his successor is elected and qualified.

Trustees to regulate course of studies.

§ 3. The trustees above provided for shall have authority, from time to time, to prescribe and regulate the course of study pursued in said academy; to fix the rate of tuition and other academic expenses; to appoint instructors, and such other officers and agents as may be necessary in managing said academy—to define their duties and fix their salaries; to erect necessary additional buildings; to make rules for the general regulation of the conduct of the pupils, and such rules and by-laws as they deem necessary for the government of said academy, and may expel a student or students for disorderly conduct; and may lease the said land, lot, buildings and appurtenances of said academy, to be used for school purposes: *Provided, however*, the same shall not be leased for a longer period than five years; and the lessee shall enter into bond with good and approved security, to the city of Hillsboro, conditioned to use the same for the purpose of an academy only, and to use reasonable care in the protection of the buildings, grounds and appurtenances, and such lease to be executed in the name of the city of Hillsboro, and signed by the trustees.

Report of trustees.

§ 4. The said trustees shall report, in writing, annually, the condition of said school grounds, buildings and appurtenances and expenditures, and for what expended, and shall suggest what repairs and improvements are necessary and should be made; and all money expended on the same shall be expended under the supervision of said trustees.

Trustees not to receive compensation.

§ 5. The said trustees shall not be entitled to any pay or emolument whatever, directly or indirectly, for their services, and shall not, directly or indirectly, be interested in any contract for the repair or improvement of said building; and all contracts made by them shall be made for and in behalf of the said city of Hillsboro; and shall not, by any contract, bind said city for a greater amount, at any one time, than five times the annual revenue to be collected under this article; and all money arising under the leasing of the said academy shall be paid to the treasurer, and be held as a part of the academy funds; and it is hereby made the duty of said city treasurer to keep a separate account of the funds collected and paid out by virtue of this article.

§ 6. If the trustees and common council, as herein provided, shall fail to levy and collect and expend the tax as provided in this article, any person or persons who are taxpayers within said city, may, by application to the circuit court for a writ of mandamus, compel, on sufficient cause being shown, the said tax to be levied, collected and expended in the repair of said buildings, grounds and appurtenances.

Failure to collect or expend tax.

ARTICLE VI.

SECTION 1. The mayor and aldermen shall constitute the common council of said city. The council shall meet at such times and places as they by resolution or ordinance prescribe. The mayor, when present, shall preside at all meetings of the common council, and shall have a casting vote in all cases of a tie vote in said council, and shall have a veto power. In his absence, any one of the aldermen may be appointed to preside. A majority of the members elected as aldermen shall constitute a quorum; and when the mayor shall veto any ordinance, the same may become a law, if two-thirds of the aldermen vote therefor.

Mayor and aldermen to constitute common council.

§ 2. No member of the common council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury or paid by or directed to be paid by any act or ordinance of the common council, or to be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council.

No compensation to council.

§ 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings of the common council, by written notices to each of the members of said council, served personally or left at their places of abode. Petitions and remonstrances may be presented to the common council, and the common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have power to compel the attendance of its absent members, and any of the officers of the city.

Meeting of the council.

§ 4. The common council shall have the management, disposition and control of the finances and of all the property, real and personal and mixed, belonging to the corporation, except the academy, which shall be under the control of the trustees and the common council; and shall likewise have power, within the jurisdiction or limits of the city, by ordinance—

Control of finances.

First.—To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Forestalling.

Gam'ng and
fraudulent de-
vices.

Second.—To restrain and prohibit all descriptions of games and fraudulent devices and all playing of dice, cards and other games of chance, with or without betting.

Prohibit sale
of ardent spirits.

Third.—To license, regulate and prohibit the selling and giving away of ardent spirits by any shop-keeper, trader or grocer, to be drunk in any shop, store or grocery, out house, yard or other place, within the city, except by those duly licensed.

Prohibit giv-
ing liquor to
children.

Fourth.—To prohibit the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parents, guardian, master or mistress.

Tavern keep-
ers and ordina-
ries.

Fifth.—To license, regulate and restrain or prohibit, if they shall deem advisable, tavern keepers, grocers and keepers of ordinaries or victualing or other houses or places, in selling or giving away wines and other liquors, whether ardent, vinous or fermented.

Billiard tables
and ten pin al-
leys.

Sixth.—To license, tax, regulate, suppress and prohibit billiard tables, nine or ten pin alleys or ball alleys.

Hackmen,
draymen and
carters.

Seventh.—To license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen and all others, who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Auctioneers
and distillers.

Eighth.—To license, tax and regulate auctioneers, distillers, brewers and pawnbrokers, and to impose duties upon the sale of goods at auction.

Peddlers, etc.

Ninth.—To license, tax, regulate and suppress hawkers and peddlers.

Exhibitions.

Tenth.—To regulate, license, suppress and prohibit all common showmen, shows of every kind, concerts or other musical entertainments, by itinerants, persons or companies; exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions or amusements.

Mayor to is-
sue license.

Eleventh.—To authorize the mayor or other proper officer of the city to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year, and not less than three months, nor more than five hundred dollars shall be required to be paid for any license under this act; and the fee for issuing any such license shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or retail, or by inn-keepers or others, as aforesaid, shall be granted for a less sum than fifty dollars. Bond shall be taken for the granting of such license, for the due observance of the ordinances or the regulations of the common council.

Prevent riot-
ous conduct.

Twelfth.—To prevent any riot or noise, disturbance or disorderly assemblage.

Thirteenth.—To restrain and suppress disorderly houses, gambling houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, and ball alleys, and authorize the destruction and demolition of all instruments and devices used for the purpose of gaming. Houses of ill-fame.

Fourteenth.—To compel the owner or owners of any grocery, cellar, tallow chandler shop, soap factory, tannery, distillery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse or remove the same, or abate it, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city. Sidewalks, etc. kept clean.

Fifteenth.—To direct the location and management of and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of and regulate, restrain, abate and prohibit within the city, distilleries, slaughter houses, establishments for rendering or steaming tallow, offal and such other substances as can or may be rendered, and establishments or places where any nauseous or offensive or unwholesome business may be carried on. Breweries etc.

Sixteenth.—To establish and regulate markets and other public buildings, and provide for their erection, determine their location, and authorize their erection in the streets or avenues, or upon the public grounds of the city. Markets.

Seventeenth.—To regulate and license butchers, and to revoke their licenses for misconduct in the course of trade or business; and to regulate, license and restrain the sale of fresh meats and vegetables within the city, and restrain and punish the forestalling of poultry, fruit and eggs. Butchers.

Eighteenth.—To direct and prohibit the location and management of houses for the storing of gunpowder and other combustible and dangerous material, and the use of candles and lights in barns, stables and outhouses. Combustibles.

Twentieth.—To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; and to punish and prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in the streets or alleys, or any place within the limits of the corporation. Horse-racing and fast driving.

Twenty-first.—To prevent the incumbering or obstructing of sidewalks, streets, lanes, alleys, avenues, public grounds with carriages, carts, sleighs, sleds, wagons, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or materials whatever. Obstruction of sidewalks.

Twenty-second.—To restrain and punish vagrants, mendicants, street beggars and prostitutes and public indecency. Vagrants, etc.

Twenty-third.—To restrain and regulate or prohibit the running at large of cattle, horses, swine, sheep, geese, goats,

or other animals, and to authorize the impounding and sale of the same, for the penalty incurred, and the costs of the proceedings; and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

Running at large of dogs. *Twenty-fourth.*—To prevent and regulate the running at large of dogs, and to authorize the destruction of the same, when at large contrary to ordinance

Rolling of hoops, etc. *Twenty-fifth.*—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses.

Prevent contagious diseases. *Twenty-sixth.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city, and not exceeding five miles beyond the city bounds.

To have exclusive power over streets. *Twenty-seventh.*—To have exclusive power over the streets and alleys, and to remove and abate any obstructions and encroachments therein.

To clean sidewalks. *Twenty-eighth.*—To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

Ringling of bells, etc. *Twenty-ninth.*—To prevent the ringling of bells, the firing of guns, pistols and cannon, blowing of horns and bugles, beating of drums, crying of goods, and other noises, and performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise.

Nuisances. *Thirtieth.*—To abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Runners of stages, etc. *Thirty-first.*—To license, regulate and restrain runners for stages, hacks, omnibuses, cars and public houses.

Regulate the burial of dead. *Thirty-second.*—To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others, for any default in relation thereto.

Inspection of lumber, etc. *Thirty-third.*—To regulate the measuring of wood, lumber, shingles, timber, posts, staves, hoop-poles and heading, and all building materials, and to appoint one or more inspectors.

Weighing and storing hay. *Thirty-fourth.*—To regulate the weighing, and place and manner of storing and selling hay.

Weighing and selling coal. *Thirty-fifth.*—To regulate the weighing and selling of coal, and the place and manner of selling the same.

Beef, pork and flour. *Thirty-sixth.*—To regulate the inspection of flour, meal, pork, beef, poultry and other provisions, and salt, to be sold in barrels, hogsheads, and other packages.

Thirty-seventh.—To regulate the inspection of whisky and other liquors to be sold in barrels and other vessels. Liquors.

Thirty-eighth.—To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees. Weighers, etc.

Thirty-ninth.—To establish, make and regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water. Wells, cisterns.

Fortieth.—To establish and regulate public pounds. Pounds.

Forty-first.—To erect lamps, and regulate the lighting thereof, and, from time to time, create, alter and extend lamp district. Lighting streets

Forty-second.—To erect and establish bridewells or houses of correction, pass all the necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the bridewell or house of correction may be confined all vagrants, stragglers, idle or disorderly persons, who may be committed thereto by the mayor or any alderman, justice of the peace, police magistrate or other conservator of the peace; and all persons sentenced by any criminal court or magistrate, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in the county jail, may be kept therein, subject to labor or solitary confinement, or may be required to work on the streets of said city. House of correction.

Forty-third.—To require every merchant, retailer, trader and dealer in merchandise or other property of any description, which is sold by measure or weight, to cause their weights or measures to be sealed by the city sealer, and to be subject to his inspection. The standard of which weights and measures shall be conformable to those established by law. Weights and measures.

Forty-fourth.—To exclusively control, regulate, repair, amend and clean the streets and alleys, sidewalks and crosswalks, and other public grounds, and open, widen, straighten and vacate streets and alleys; and put drains and sewers therein, and prevent the incumbering the streets in any manner, and protect the same from encroachment or injury. Streets and sidewalks.

Forty-fourth.—To direct and regulate the planting, protecting and preserving of ornamental trees or shrubbery in the streets or public grounds. Shade trees.

Forty-fifth.—To borrow money, not exceeding five thousand dollars in any one year, and pledge the revenues of the city for its payment, and issue bonds therefor. Borrow money

Forty-sixth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be assessed and collected in the same manner of sidewalk assessments. Drains, etc.

Forty-seventh.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

Nuisances.

Forty-eighth.—To abate all nuisances, which, in their opinion, are or may be injurious to the public health, comfort and convenience, in any manner they may deem expedient.

General health.

Forty-ninth.—To do all acts, and make all regulations, which they may deem necessary or expedient for the preservation of health and the suppression of disease.

Fiftieth.—The police magistrate of said city, and all justices of the peace residing therein, shall have jurisdiction in Montgomery county, in all action in which justices of the peace in the state of Illinois have jurisdiction. The jurisdiction above conferred upon the police magistrate and justices of the peace residing within said city, shall apply as well to cases arising for a violation of the ordinances of said city, as to other cases: *Provided*, that any fine imposed for the violation of an ordinance of said city, shall be subject to appeal in the same way as appeals are now provided by the laws of the state.

Police.

Fifty-first.—To create and regulate the police of the city, and to appoint a chief of police for said city, with such assistant police as may be necessary; and that said chief of police and assistants have original concurrent jurisdiction with the city constable to execute writs or other process issued by the police magistrate or justices of the peace within said city, in all cases of criminal complaint, or cases where said city is a party; also, to execute process issued by any justice of the peace in criminal cases, or in cases where said city is a party to the suit, and shall be entitled to the same fees as other constables in like cases. 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.

Fire limits.

Fifty-second.—The said common council shall have power to create limits within which no other but fire proof or brick buildings shall be built.

Conservators
of the peace.

Fifty-third.—All constables, policemen and police magistrates, are hereby declared to be conservators of the peace, and they shall have power and authority to arrest or cause to be arrested all persons who shall break any ordinance of said city, and if necessary, detain such persons in custody over night, or during the Sabbath day, or while any such person may be intoxicated, in the county jail or other safe place, to be selected by such peace officer; and shall have and exercise such other powers as the common council may prescribe for the preservation of the peace and good order.

Style of ordi-
nances.

Fifty-fourth.—The style of the ordinances of said city shall be, "*Be it ordained by the City Council of the City of Hillsboro.*"

Fifty-fifth.—All ordinances of said city, before they come in force, shall be published ten days, either by posting written or printed notices thereof in three public places in said city, or by one insertion in a newspaper published in said city. Publication of ordinances.

Fifty-sixth.—All ordinances of said city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all places without further proof. Ordinances signed, etc.

MISCELLANEOUS PROVISIONS.

SECTION 1. The police magistrate shall be governed, in all respects in relation to the rules of practice and proceedings before him, as other justices of the peace in the state, and, except in cases where any person shall be arrested by the police of said city for a violation of any of the ordinances thereof, and brought before the said police magistrate, or any justice of the peace residing in said city, in which case trial may be without complaint or process; but in all cases the defendant may require the charge against him reduced to writing and fully stating the offense charged. Rules and practice of police magistrates

§ 2. The city marshal, the police constables, and all constables of Montgomery county, are hereby authorized to execute all processes and orders issued or made by said police magistrate or justice of the peace, in any place within the county of Montgomery; and are further authorized and empowered to arrest, with or without process, any and all persons known to have violated any ordinance or by-law of said city, and take such person before the police magistrate or justice of the peace aforesaid to be tried for such violation. Jurisdiction of marshal and constable.

§ 3. The said common council shall, by ordinance, provide that the police magistrate or justices of the peace within said city, shall in all cases have power to provide for the imprisonment of offenders in the city or county jail, when such offenders shall fail or refuse to pay the fines or forfeitures which they may be adjudged to pay, or may require such offenders to work the same out upon the streets and alleys. Imprisonment 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 expended. Financial report

§ 5. The city treasurer, and marshal and collector, and such other officers as the common council may direct, shall, before entering upon the duties of their respective offices, give bond and security in such sum as the city council may direct, conditioned for the faithful performance of their duties, respectively, and that they will faithfully account for Officers to give bond and security.

and pay over all moneys that may come into their hands by virtue of their said office or offices.

Old ordinances valid. § 6. All ordinances and by-laws of the president and trustees of the town of Hillsboro, heretofore passed by them and not repealed, shall be and remain in full force until changed or repealed by the said city council.

Evidence of act. § 7. 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 repealed. § 8. All acts or parts of acts, coming within the provisions of this charter, or contrary or inconsistent with its provisions, are hereby repealed.

Suits vested in corporation. § 9. All suits, actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Hillsboro, shall be vested in and prosecuted by the corporation hereby created.

APPROVED March 30, 1869.

DEPARTMENT OF STATE, SPRINGFIELD, ILLINOIS,

September 10, 1869.

I, EDWARD RUMMEL, Secretary of State of the state of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws on file in this office, with the exception of the words printed in brackets, thus: [].

EDWARD RUMMEL,

Secretary of State.

I N D E X .

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